



AGENDA

Ordinary Council Meeting Tuesday, 11 October 2022

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 11 October 2022

Time: 5:30pm

**Location: Council Chambers Darrandirra
Level 1, Civic Centre
Harry Chan Avenue, Darwin**

Webcasting: [MS Teams Link to Webcast](#)

**Simone Saunders
Chief Executive Officer**

ORDINARY COUNCIL MEMBERS

The Right Worshipful, the Lord Mayor Kon Vatskalis (Chair)

Deputy Lord Mayor Vim Sharma

Councillor Paul Arnold

Councillor Jimmy Bouhoris

Councillor Kim Farrar

Councillor Sylvia Klonaris

Councillor Brian O'Gallagher

Councillor Mick Palmer

Councillor Peter Pangquee

Councillor Morgan Rickard

Councillor Ed Smelt

Councillor Amye Un

Councillor Rebecca Want de Rowe

OFFICERS

Chief Executive Officer, Simone Saunders

Acting General Manager Corporate, Chris Kelly

General Manager Community, Matt Grassmayr

General Manager Innovation, Alice Percy

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1 ACKNOWLEDGEMENT OF COUNTRY

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13 NOTICES OF MOTION**13.1 NOTICE OF MOTION - OBSOLETE FOOTPATH PROGRAM****Common No.:****Attachments:** Nil

I, Councillor Brian O'Gallagher, give notice that at the next Ordinary Council Meeting on 11 October 2022, I will move the following motion:-

MOTION

1. THAT Council note the genuine concerns of the community in relation to the removal of obsolete footpath program.
2. THAT Council suspends the 2022/23 obsolete footpath program and that risk assessments be undertaken on proposed sections of identified streets planned for removal in 2022/23 to determine serviceability and useability.
3. THAT Council refer to the 2023/24 budget process the ongoing obsolete footpath program and associated service delivery guidelines.

REASON:

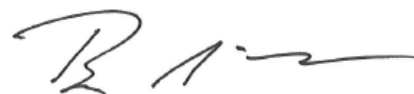
The community has expressed concerns to Elected Members in relation to the removal of certain sections of footpaths in accordance with the current obsolete footpath program.

There have been written comments submitted by residents that highlight concerns in relation to access, mobility and communication in relation to the program.

The current footpath policy was implemented over 8 years ago and I and other Councillors would like to suspend the program, subject to risk assessments being undertaken, and consider the program and guidelines as part of the 2023/24 budget process.

This suspension will facilitate the ability for Council to consider the obsolete footpath program in conjunction with City of Darwin strategy, financial and social implications.

Signed by me at Darwin this 6 October 2022



COUNCILLOR BRIAN O'GALLAGHER

ADMINISTRATION COMMENT

In this section information is provided by officers to facilitate decision-making:

- Facts and data
- Background context and historical information relating to the NOM
- What the next steps would be if the motion is passed, for example “a council report will be prepared and presented by 28 February 2023”

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or pricing has been obtained for this motion:

Public consultation requirements	Nil
External consultant advice	Nil
Legal advice / litigation	Insurance implications considered
Impacts to existing projects	Suspension of 2022/23 obsolete footpath program
Impact to FTE	Nil
Budget reallocation	Nil – refer to 2023/24 budget process
Capital investment	Nil
Officer time preparing the report requested in this motion	1 hour
Officer time in receiving and preparing this Administration Comment	Nil

14 ACTION REPORTS

14.1 RE-EXHIBITION OF PLANNING REFORM PHASE 2 - STAGE 1

Author: Executive Manager Growth & Economic Development
Manager City Planning
Planning Officer

Authoriser: Chief Executive Officer

Attachments:

1. Draft Response Letter PA2021/0254 [↓](#)
2. Previous Response Letter [↓](#)
3. Planning Scheme Amendment [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Re-exhibition of Planning Reform Phase 2 - Stage 1 be received and noted.
2. THAT Council endorse the response letter to the Planning Commission, as detailed in **Attachment 1** to this report.

PURPOSE

The purpose of this report is to inform Council that the Northern Territory Government has re-exhibited the Planning Reform - Phase 2, Stage 1 Consultation, and for Council to endorse City of Darwin's submission.

KEY ISSUES

- The Northern Territory Government (NTG) sought feedback on the Planning Scheme Amendment PA2021/0254 (Planning Reform Phase 2 – Stage 1) in February 2022.
- Submissions received during the consultation period identified areas where the proposal could be improved.
- The extent of these changes has resulted in the proposal being re-exhibited for further comments.
- Council's previous response letter is located at **Attachment 2**. These comments have been considered in the revised proposal.

DISCUSSION

The revised changes proposed with Planning Reform Phase 2 – Stage 1 include amendments to the following areas of the Northern Territory Planning Scheme 2020 (NTPS), refer **Attachment 3**:

- introduce an overlay to Part 3 to guide development of gateway locations in central Darwin, Palmerston and Alice Springs,
- amend components of Parts 3, 4 and 5 to implement revised assessment categories and development requirements, and
- amend Schedule 2.2 (General Definitions) to support the changes in Part 5.

The objective of the proposed changes are to:

- incorporate local design responses from area plans into location specific development requirements, to inform design and decision making more succinctly about developments in strategic locations,
- respond to the NT Planning Commission's Designing Better project to provide flexibility to respond to local context and climate and encourage best practice design solutions,
- increase the number of low-risk uses that can be interchanged in commercial zones without the need for a development permit, and
- move some uses to permitted or simpler assessment categories.

The following changes have been made to the proposed assessment categories:

- Dwelling-group in Zone LMR has been reverted back to the existing assessment categories of dwellings-group (2) being permitted without consent, and dwellings-group (3+) being merit assessable and requiring consent,
- Dwellings-multiple in Zone C has been reverted back to the existing assessment category of merit assessable, and
- the distinction in office has been reduced to 1 storey, and 2+ storeys, such that in Zone CB office (up to 1 storey above ground) is proposed to be permitted without consent, and 2 storeys or more above ground will remain as merit assessable. In Zone C, office (up to 1 storey above ground) continues to be proposed as permitted without consent, and 2 storeys or more above ground has been reverted back to the existing assessment category of merit assessable.

dwelling-group means a **dwelling** that is one of a group of two or more **dwellings** on the same **site** such that no **dwelling** is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a **dwelling** on a unit title with common property;

dwelling-multiple means a **dwelling** or **serviced apartment** that is wholly or partially vertically over or under another **dwelling** on a **site** and includes any **dwellings** above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

Some development requirements within Part 5 have been redrafted into a more prescriptive format to accommodate the new permitted uses previously exhibited. These changes will ensure that development requirements are easily interpreted by building certifiers and other practitioners who are responsible for determining whether planning provisions are met.

To balance this more prescriptive approach, greater guidance has been included in the administration clauses. This will provide the consent authority with more discretion when considering a development that does not meet the relevant requirements. The new administration clauses encourage performance-based outcomes when the prescriptive measure cannot be achieved.

Proposed development requirements originating from the Designing Better project have also been further refined. These alterations do not introduce any new policy initiatives, and instead focus on minor changes that have been identified through Development Assessment Services assessing recent development applications against the proposed requirements.

Minor changes which mostly relate to removing duplication between provisions have also been undertaken.

Subsequent planning reform stages will likely result in further amendments to the NTPS.

Key City of Darwin matters

Overall, the proposed amendments align with City of Darwin's strategic directions and are therefore supported. Below are key comments relating specifically to the proposed amendments:

Assessment Categories

The revised changes to the of levels of required assessment in the Zoning Matrix, including changes to specific assessment categories, reverting some land uses that were proposed to change from merit assessable to permissible, back to merit assessable are supported. This will retain City of Darwin's ability to collect Developer Contributions for developments.

Landscaping

City of Darwin's 2030 suite of Strategies recognise the importance of landscaping and canopy cover in cooling and greening our city. Increasing our urban forest will require not only organised efforts by Council to plant new street trees but also the protection of existing vegetation, and measures to encourage new landscaping, both on the verge and within private properties.

Council has previously supported the proposed new requirements for developments within Zone CB to provide a minimum landscape planting area. However, the 10 percent minimum is considered a low threshold. Further discuss on measures of increasing this minimum to 25% in Zone CB for Darwin have been raised in the response letter. Consideration would also be extended to an appropriate standard of landscaping, street trees and public infrastructure within the road verge.

Sightlines

Proposed clause 5.4.18 Fencing in Zones MR and HR includes provisions requiring sufficient sightlines for pedestrian safety. Cyclists (and other forms of active transport) are also users of adjoining paths and by their nature often travel faster than pedestrians increasing their need for clear sightlines. It is recommended that the proposed wording be extended to include cyclists.

Reducing the need for future parking in the city centre

Transport is one of the largest contributors to emissions and City of Darwin's 2030 Movement Strategy aims to deliver tangible improvements through changes in the built environment that make it easier for residents, visitors and the business sector to traverse Darwin in more sustainable ways. By improving streetscapes, infrastructure and connectivity while reducing the impact of transport on the environment, a more sustainable, safe, liveable and healthy future can be achieved.

This will be achieved by aligning transport investment and policy decisions with community aspirations of a cooler, greener, vibrant and more active city. This will require a shift away from the status quo of a car dominant city to a people first philosophy, including prioritising infrastructure that enables and encourages active transport modes.

The majority of changes occurring through the planning reform process are supported, including new and improved provisions for:

- End of trip facilities
- Sightline requirements
- Active frontages
- Vertical landscaping
- Minimum landscaping in zone CB

In addition to these changes, the following are also considered important in achieving a cooler, greener and more sustainable city:

- Protect and increase vegetation
- Reduced awning waivers
- Street trees and verge landscaping
- Electric vehicle charging points
- Energy efficiency

Street Trees

The provision of street trees adjoining new developments is strongly supported, but not a current requirement of the NTPS. Existing Clause 5.2.4.3: Reduction in Parking Requirements within Zone CB in Darwin provides an opportunity to include the provision of street trees and other public infrastructure adjacent the development site, in exchange for a reduction in car parking requirements. The overall reduction percentages are already generous, allowing for a readjustment of existing rates to include another category (without increasing the overall achievable percentage reduction), or potentially the inclusion of street trees under the vertical landscaping section.

Street trees and general upgrades to the public realm have the potential to encourage active transport and increase amenity surrounding a development, which is likely to reduce the long-term need for parking.

Awnings

Provisions to improve shading and weather protection, along with ground level activation are strongly supported as they also support pedestrians and other forms of active transport.

The planning reform process has introduced new provisions to strengthen requirements for awnings and shade in new developments, which in principle are strongly supported.

While awnings are common in the main core of the Darwin City Centre, they are often not included on developments outside of that area, despite existing requirements in the NTPS. This is partly due to the perceived difficulty in providing awnings for buildings that are setback from street frontages.

Alternative solutions that achieve a similar outcome should be encouraged. This may include free standing awnings that are counter levered from within the property, or the ability for the developer to provide street trees as an alternative to awnings.

Electric Vehicles

The drive to achieve net zero emissions will significantly increase the uptake of electric vehicles in coming years. The NTPS can help prepare Darwin for this by requiring electric vehicle charging points in all new commercial and residential developments. The ability to charge vehicles during day light hours will also increase the ability to use solar power, resulting in reduced emissions and demand on the power network.

Energy Efficiency

Planning has a role in facilitating new buildings and renovations that have net zero embodied carbon in the construction and materials and are ongoing net zero operational.

The building approval process provides minimum standards for energy efficiency, but these can be bolstered by developer incentives within planning controls. In most planning jurisdictions, development bonuses are easily offered because development potential is highly controlled and restricted. Opportunities for developer incentives for energy efficiency will be raised with the Northern Territory Government as a part of ongoing Planning Reform discussions.

Working Together

City of Darwin is actively working to improve the long-term sustainability of our city and the response letter includes an invitation for the Northern Territory Government to work collaboratively with us through ongoing partnerships that help achieve key actions in our strategic plans.

PREVIOUS COUNCIL RESOLUTION

At the 22 February 2022 meeting Council resolved:

14.6 PLANNING REFORM PHASE 2 - STAGE 1 REFORMS

RESOLUTION ORD001/22

Moved: Councillor Peter Pangquee

Seconded: Councillor Justine Glover

1. THAT the report entitled Planning Reform Phase 2 – Stage 1 Reforms be received and noted.
2. THAT Council endorse the draft response letter to the Planning Commission, in **Attachment 1** to this report, entitled Planning Reform Phase 2 – Stage 1 Reforms.

CARRIED 11/0

At the Ordinary meeting held on 26 November 2019, Council resolved:

RESOLUTION ORD581/19

Moved: Alderman Mick Palmer

Seconded: Alderman Robin Knox

1. THAT the report entitled Stage 3 Planning Reform be received and noted.
2. THAT Council endorse the submission to the Department of Infrastructure, Planning and Logistics, dated 29 November 2019, within Attachment 1 to the Report entitled: Stage 3 Planning Reform.

CARRIED 11/0

At the Ordinary meeting held on 11 September 2018, Council resolved:

15.2 Planning Reform Phase 1

Report No. 18CF0074 CR:hd (11/09/18) Common No. 3675141

(Pangquee/Arthur)

- A. THAT Report Number 18CF0074 CR:hd entitled Planning Reform Phase 1, be received and noted.
- B. THAT Council endorse the draft submission, dated 12 September 2018, to the Planning Commission, within **Attachment A** to Report Number 18CF0074 CR:hd entitled Planning Reform Phase 1.
- C. That Council invite the Department of Infrastructure, Planning and Logistics to conduct a workshop with Elected Members to ensure Elected Members can provide direct feedback on the Directions Paper and Planning Reform Phase 1 and further collaborate on any changes to the planning controls for the Northern Territory.

DECISION NO.22\1085

(11/09/18)

Carried all

At the meeting held on 12 December 2017, Council resolved:

15.4 Building Confidence Through Better Planning for the Northern Territory, Review, Reframe, Renew Discussion Paper

Report No. 17CF0037 DB:hd (12/12/17) Common No. 3675141

(Cullen/Niblock)

- A. THAT Report Number 17CF0037 DB:hd entitled Building Confidence Through Better Planning for the Northern Territory, Review, Reframe, Renew Discussion Paper, be received and noted.
- B. THAT Council endorse the draft submission, dated 15 December 2017, to the Planning Commission, within **Attachment A** to Report Number 17CF0037 DB:hd entitled Building Confidence Through Better Planning for the Northern Territory, Review, Reframe, Renew Discussion Paper.
- C. That Council invite the Department of Infrastructure, Planning and Logistics to conduct a workshop with Elected Members to ensure Elected Members can provide direct feedback on the Building Confidence Through Better Planning for the Northern Territory, Review, Reframe, Renew Discussion Paper and further collaborate on any changes to the planning controls for the Northern Territory

DECISION NO.22\0318

(12/12/17)

Carried

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.2 Roles and Relationships
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Budget/Funding: Potential loss in contributions
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: <i>Planning Act 1999</i> Policy: Northern Territory Planning Scheme 2020
CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Discuss Tactics: N/A Internal: Executive Manager Technical Services External: N/A
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).



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October 2022

Please Quote: PA2021/0254 CR:mb

Dr David Ritchie
NT Planning Commission
GPO Box 1680
DARWIN NT 0801

Dear Dr Ritchie

**RE: Proposed Planning Scheme Amendment - PA2021/0254.
Re-Exhibition of Planning Reform Phase 2, Stage 1**

Thank you for the abovementioned Northern Territory Planning Scheme Amendment referred to this office on 2 September 2022. This letter was placed before City of Darwin's Ordinary Meeting held on 11 October 2022.

City of Darwin welcomes the proposed Planning Scheme Amendment to the Northern Territory Planning Scheme (NTPS) and continues to support the ongoing process of planning reform.

City of Darwin's 2030 strategic vision is to be a:

- Capital city with best practice and sustainable infrastructure
- Safe, liveable and healthy city
- Cool, clean and green city
- Smart and prosperous city
- Vibrant and creative city

The recently completed City of Darwin 2030 suite of strategic plans, including the 2030 Climate Emergency Strategy, 2030 Greening Darwin Strategy and 2030 Movement Strategy provide a pathway between the current environment and the necessary evolution of the city.



Together these lead documents aim to create a greener, more connected and sustainable future for City of Darwin where people live safe, healthy and vibrant lives.

Overall, the proposed amendments align with City of Darwin's strategic directions and are therefore supported. Below are key comments relating specifically to the proposed amendments:

Assessment Categories

The revised changes to the of levels of required assessment in the Zoning Matrix, including changes to specific assessment categories, reverting some land uses that were proposed to change from merit assessable to permissible, back to merit assessable are supported. This will retain City of Darwin's ability to collect Developer Contributions for developments. City of Darwin uses developer contributions to fund necessary infrastructure and reducing the overall developer contributions pool, impacts City of Darwin's ability to provide this infrastructure to the community.

Landscaping

City of Darwin's 2030 suite of Strategies recognise the importance of landscaping and canopy cover in cooling and greening our city. Increasing our urban forest will require not only organised efforts by Council to plant new street trees but also the protection of existing vegetation, and measures to encourage new landscaping, both on the verge and within private properties.

As previously noted, Council supports the proposed new requirements for developments within Zone CB to provide a minimum landscape planting area. However, the 10 percent minimum is considered a low threshold. City of Darwin would like to further discuss measures of increasing this minimum to 25% in Zone CB for Darwin. City of Darwin would also consider this extending to an appropriate standard of landscaping, street trees and public infrastructure within the road verge.

Sightlines

Proposed clause 5.4.18 Fencing in Zones MR and HR includes provisions requiring sufficient sightlines for pedestrian safety. Cyclists (and other forms of active transport) are also users of adjoining paths and by their nature often travel faster than pedestrians increasing their need for clear sightlines. It is recommended that the proposed wording be extended to include cyclists.

By improving and promoting safety for pedestrians and other forms of active transport, we also support activation and the overall reduction of private vehicle usage.



City of Darwin also encourages additional changes that align with our strategic vision for the City and comments are included to this effect below:

Reducing the need for future parking in the city centre

Transport is one of the largest contributors to emissions and City of Darwin's 2030 Movement Strategy aims to deliver tangible improvements through changes in the built environment that make it easier for residents, visitors and the business sector to traverse Darwin in more sustainable ways. By improving streetscapes, infrastructure and connectivity while reducing the impact of transport on the environment, a more sustainable, safe, liveable and healthy future can be achieved.

City of Darwin will do this by aligning transport investment and policy decisions with community aspirations of a cooler, greener, vibrant and more active city. This will require a shift away from the status quo of a car dominant city, to a people first philosophy, including prioritising infrastructure that enables and encourages active transport modes.

City of Darwin supports and encourages many of the ongoing changes occurring through the planning reform process, including new and improved provisions for:

- End of trip facilities
- Sightline requirements
- Active frontages
- Vertical landscaping
- Minimum landscaping in zone CB

In addition to these changes, the following are also considered important in achieving a cooler, greener and more sustainable city:

- Protect and increase vegetation
- Reduced awning waivers
- Street trees and verge landscaping
- Electric vehicle charging points



Street Trees

The provision of street trees adjoining new developments is strongly supported by Council, but not a current requirement of the NTPS. Existing Clause 5.2.4.3: Reduction in Parking Requirements within Zone CB in Darwin provides an opportunity to include the provision of street trees and other public infrastructure adjacent the development site, in exchange for a reduction in car parking requirements. The overall reduction percentages are already generous, allowing for a readjustment of existing rates to include another category (without increasing the overall achievable percentage reduction), or potentially the inclusion of street trees under the vertical landscaping section.

Street trees and general upgrades to the public realm have the potential to encourage active transport and increase amenity surrounding a development, which is likely to reduce the long-term need for parking.

Awnings

Provisions to improve shading and weather protection, along with ground level activation are strongly supported as they also support pedestrians and other forms of active transport.

The planning reform process has introduced new provisions to strengthen requirements for awnings and shade in new developments, which in principle are strongly supported.

While awnings are common in the main core of the Darwin City Centre, they are often not included on developments outside of that area, despite existing requirements in the NTPS. This is partly due to the perceived difficulty in providing awnings for buildings that are setback from street frontages.

Alternative solutions that achieve a similar outcome should be encouraged. This may include free standing awnings that are counter levered from within the property, or the ability for the developer to provide street trees as an alternative to awnings.

Electric Vehicles

The drive to achieve net zero emissions will significantly increase the uptake of electric vehicles in coming years. The NTPS can help prepare Darwin for this by requiring electric vehicle charging points in all new commercial and residential developments. The ability to charge vehicles during day light hours will also increase the ability to use solar power, resulting in reduced emissions and demand on the power network.



5

Working Together

City of Darwin is actively working to improve the long term sustainability of our city and invites the Northern Territory Government to work collaboratively with us through ongoing partnerships that help achieve key actions in our strategic plans.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully

CINDY ROBSON
MANAGER CITY PLANNING





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4 March 2022

Please Quote: PA2021/0254 CR:mb

Dr David Ritchie
NT Planning Commission
GPO Box 1680
DARWIN NT 0801

Dear Dr Ritchie

**RE: Proposed Planning Scheme Amendment - PA2021/0254.
Planning Reform Phase 2, Stage 1**

Thank you for the abovementioned Northern Territory Planning Scheme Amendment referred to this office on 21 January 2022. This letter was placed before City of Darwin's Ordinary Meeting held on 22 February 2022.

City of Darwin welcomes the proposed Integrated Planning Scheme Amendment to the Northern Territory Planning Scheme (NTPS) and continues to support the ongoing process of planning reform.

The proposed NTPS amendments will combine two large bodies of work - the Economic Recovery Actions and Designing Better projects. Council has previously supported these reforms to streamline processes and introduce new assessment criteria to support improved design outcomes.

Since the previous round of consultation, Council has endorsed a range of guiding strategic documents that set a direction for the City of Darwin through to 2030. This work has been developed in collaboration and consultation with the Northern Territory Government. The following are particularly relevant to the built environment:

- Climate Emergency Strategy 2030
- Greening Darwin Strategy 2030
- Movement Strategy 2030
- Feeling Cooler in Darwin: Heat Mitigation Strategy



Overall, the proposed amendments align with City of Darwin's strategic directions and are therefore supported. The below key comments relate specifically to the proposed amendments:

Zones and Assessment Tables

This includes changes to the Zoning Matrix and Assessment Tables, including changes to specific assessment categories, allowing more land uses to be considered as permitted.

Generally, this provision is supported as it streamlines processing of lower impact developments. However, increasing permitted land uses, particularly in Zones CB and C, could result in the ability to collect Developer Contributions being lost. City of Darwin uses developer contributions to fund necessary infrastructure and reducing the overall developer contributions pool, impacts City of Darwin's ability to provide this infrastructure to the community.

In this regard, City of Darwin officers would like to engage directly with DIPL staff to find solutions that do not dilute the ability to collect Developer Contributions.

Changes to the specific assessment categories also increases the number of permitted group dwellings that can be built on an LMR site from 2 up to 4. This raises concerns for the City of Darwin, because as the number of dwellings increase on a site, so do the complexities of stormwater management, waste management and access issues. Further investigation of the likely impacts of this change are required before City of Darwin can support the increase from 2 to 4.

Landscaping

Greening and beautifying our streets and parks is important to the Darwin community. Council has responded by investing a significant amount to transform key suburban streetscapes from grey to green.

Proposed new requirements for developments within Zone CB to provide a minimum landscape planting area are supported by Council. However, the 10 percent minimum is considered a low threshold. This provision crosses over clause 5.9.2.12 Reduction in parking spaces in Darwin City Centre, which allows for a reduction of car parking in Zone CB in Darwin, should set amounts of vertical landscaping be provided. The proposed 10 percent minimum in Zone CB also applies to the entire NT and therefore City of Darwin would like to further discuss and encourage the appropriateness of increasing this minimum to 25% in Zone CB for Darwin.



Sightlines

New provisions requiring clear sightlines for pedestrians and cyclists on adjacent footpaths in Zones CB and C, as well as higher density residential developments is supported and aligns with actions in City of Darwin's Movement Strategy 2030.

By improving and promoting safety for pedestrians and other forms of active transport, we also support activation and the overall reduction of private vehicle usage.

Shading and Activation

Provisions to improve shading and weather protection, along with ground level activation are strongly supported as they also support pedestrians and other forms of active transport.

Work undertaken for both Planning Reform and City of Darwin strategies over the past few years has been substantial and will lead to significant change within Darwin over the next decade and beyond.

Consultation on amendments like this offer Local Government the opportunity to share in the future of land use planning in the Northern Territory, but it doesn't end at the consultation phase; therefore, City of Darwin encourages ongoing engagement with the Northern Territory Government to incorporate our shared strategic direction into the NTPS and other planning provisions.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING





PLANNING REFORM PHASE 2

STAGE 1 REFORMS

INCORPORATING ECONOMIC RECOVERY
ACTIONS AND DESIGNING BETTER
EXPLANATORY DOCUMENT

*Building Confidence through Better
Planning for the Northern Territory*

1. Background

Proposed Planning Scheme Amendment PA2021/0254 was initially exhibited from 21 January to 6 March 2022. The amendment consolidated work being undertaken by the Department of Infrastructure, Planning and Logistics responding to the Territory Economic Reconstruction Commission's report, and the NT Planning Commission's Designing Better project.

The amendment sought to:

- introduce an overlay to Part 3 to guide development of gateway locations in central Darwin, Palmerston and Alice Springs;
- amend components of Parts 3, 4 and 5 to implement revised assessment categories and development requirements; and
- amend Schedule 2.2 (General Definitions) to support the changes in Part 5.

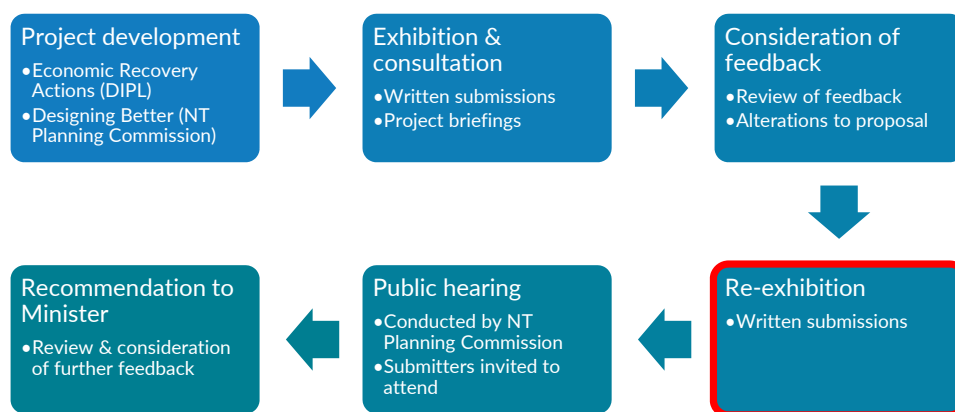
The objective of these changes was to:

- incorporate local design responses from area plans into location specific development requirements, to more succinctly inform design and decision making about developments in strategic locations;
- respond to the NT Planning Commission's Designing Better project to provide flexibility to respond to local context and climate and encourage best practice design solutions;
- increase the number of low-risk uses that can be interchanged in commercial zones without the need for a development permit; and
- move some uses to permitted or simpler assessment categories.

During the exhibition period, the project team met with a wide variety of stakeholders, including members of the public, planning and development consultants, building certifiers, local councils, and service authorities. The feedback received from the submissions and individual conversations identified areas where the proposal could be improved so as to more fully achieve the project objectives.

Planners in the Department's Development Assessment Services team have also been providing ongoing feedback to the project team. This has come from the real time assessment of current development applications against the proposed amendment as required by the *Planning Act 1999*.

In reviewing and working through all the feedback received, it was acknowledged that the extent of changes may be of interest to some members of the public and industry, noting that the overall nature of the proposal and its objectives remain unchanged. As a result, the Minister for Infrastructure, Planning and Logistics has decided to re-exhibit the proposal.



2. Key alterations

Some key alterations to the proposal include:

Changes to assessment categories

The following changes have been made to the proposed changes in assessment categories:

- Dwelling-group in Zone LMR has been reverted back to the existing assessment categories of dwellings-group (2) being permitted without consent, and dwellings-group (3+) being merit assessable and requiring consent.
- Dwellings-multiple in Zone C has been reverted back to the existing assessment category of merit assessable.
- The distinction in office has been reduced to 1 storey, and 2+ storeys, such that in Zone CB office (up to 1 storey above ground) is proposed to be permitted without consent, and 2 storeys or more above ground will remain as merit assessable. In Zone C, office (up to 1 storey above ground) continues to be proposed as permitted without consent, and 2 storeys or more above ground has been reverted back to the existing assessment category of merit assessable.

The zoning matrix in the Integrated Schedule of Amendments (altered) shows all other proposed changes to assessment categories that are being carried through from the initial proposed amendment.

Changes to development requirements

Some of the development requirements within Part 5 have been redrafted into a more prescriptive format to accommodate the new permitted uses previously exhibited. These changes will ensure that development requirements are easily interpreted by building certifiers and other practitioners who are responsible for determining whether planning provisions are met.

To balance this more prescriptive approach, greater guidance has been included in the administration clauses. This will provide the consent authority with more discretion when considering a development that does not meet the relevant requirements. The new administration clauses encourage performance based outcomes when the prescriptive measure cannot be achieved. The new residential plot ratio clause provides an example of this approach.

Proposed development requirements originating from the Designing Better project have also been further refined. These alterations do not introduce any new policy initiatives, and instead focus on minor changes that have been identified through Development Assessment Services assessing recent development applications against the proposed requirements. The identified alterations to Clause 5.5.16 (Active Street Frontages) that refine the requirements to only apply outside of the larger municipalities is an example of this.

Other minor alterations

A suite of minor changes are proposed, which mostly relate to removing duplication between provisions. This duplication predominately occurred when transitioning the pseudo development requirements from the area plans into the Scheme for the previous stage of exhibition. As a result, some requirements have been deleted from the Local Specific Development Requirements. Some structural changes have also been made to certain provisions to ensure they are able to function as intended.

3. Guide to the proposed Planning Scheme Amendment

A schedule of proposed alterations has been prepared to identify the alterations that have been made to the original Integrated Schedule of Amendments, exhibited in early 2022. In all other respects, the original Integrated Schedule Amendments remains unchanged and continues to form part of this proposed amendment.

An index identifies which components have been altered from the original proposal. The schedule of proposed alterations identifies the alterations that have been made, and provides short explanations to some of the more key or extensive alterations (ie change in policy). For readability, where there may be several alterations within a requirement, these have been consolidated into a single track change. The proposed amendment does not show administrative alterations, such as where numbers have been changed or language updated for consistency. Figure 1 below is an excerpt of the schedule of proposed alterations, with the track changes showing proposed alterations to the text, and the speech bubbles providing an explanation to those changes.

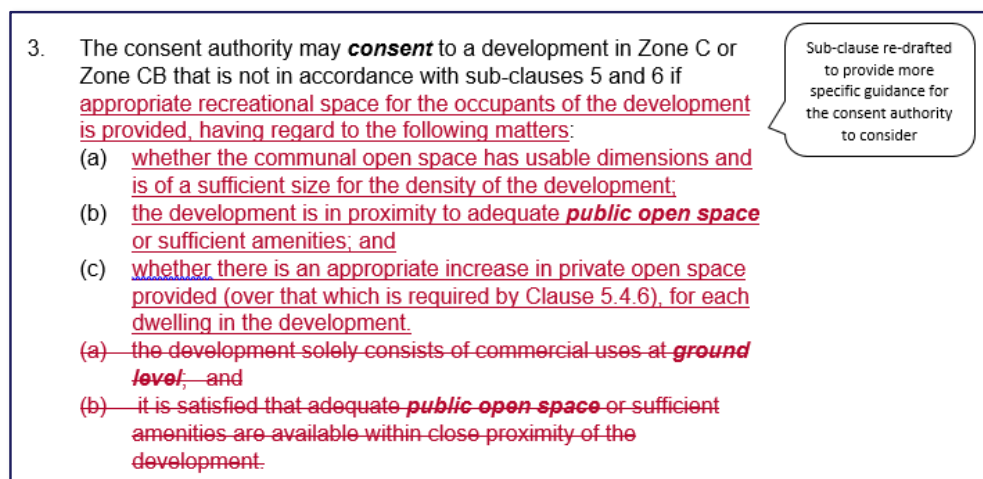


Figure 1: Excerpt of proposed alterations

The original exhibition documents continue to be available on Have Your Say and the Planning Reform website, as well as a detailed background to the project. The guidance notes included in the original exhibition package also continue to be available on these websites; however, they have not been included in the current material as they do not form part of the statutory amendment.

4. Further Information

4.1. Be involved

1. Read the documents

Read this Explanatory Document in conjunction with the Schedule of Proposed Alterations. The original Integrated Schedule of Amendments may also be of assistance.

Documents are available on Have Your Say, the Planning Reform website, and Planning Notices Online.

2. Write a submission

You may make a written submission to the proposed amendment during the exhibition period through the following means:

Online: <https://www.ntlis.nt.gov.au/planning-notices-online/notices#/index>

Email: planning.ntg@nt.gov.au

Post: NT Planning Commission, GPO Box 1680, DARWIN NT 0801

Hand delivered: Level 1, Energy House, 18-20 Cavenagh Street, DARWIN NT 0800

All submissions must include the name, contact details and signature of the person making the submission to be considered valid.

4.2. Contact details

For further information on the details of this proposed planning scheme amendment, please contact Lands Planning, Department of Infrastructure, Planning and Logistics.

Phone: 08 8999 8963

Email: planning.ntg@nt.gov.au

Please quote application number PA2021/0254 to be directed to one of the project team.

PART 3 - OVERLAYS

Table to Clause 3.1: Planning Scheme Overlays	
Overlay	
<u>Clearing of Native Vegetation</u>	
<u>Restricted Clearing of Native Vegetation</u>	
<u>Coastal Reclamation</u>	
<u>Land in Proximity to Airports</u>	
<u>Land Subject to Flooding</u>	
<u>Land Subject to Storm Surge</u>	
<u>Land Adjacent to a Designated Road</u>	
<u>Darwin Harbour Dredging</u>	
<u>Residential Development in Major Remote Towns</u>	
<u>Rapid Creek Flood Response</u>	

The highlighted
Overlays contain
changes as part of
this amendment

3.6 LSF – Land Subject to Flooding

Purpose

Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Administration

1. Land subject to this Overlay is to be used or developed only with **consent**.
2. This Overlay does not apply to:
 - (a) **outbuildings** and extensions to existing **dwelling**s;
 - (b) extensions to existing commercial or industrial buildings; or
 - (c) [any use that complies with Clause 5.5.1 \(Interchangeable Use and Development in Specific Zones\)](#);
 which, but for this Overlay, would not require **consent**.
3. This overlay does not apply to the use and development of land for **dwelling**s-group or **dwelling**s-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
4. In this Overlay:
 - (a) “flood level” means the water level associated with a 1.0% AEP flood event or where that level cannot be determined, the level determined by the Controller of Water Resources within the meaning of the *Water Act 1992*;
 - (b) “AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of a flood of a given size occurring in a specified area in any one year;
 - (c) “DFE” means Defined Flood Event, which:
 - i. in an area subject to a floodplain management plan that defines a flood event, is as specified in that plan; or
 - ii. if there is no floodplain management plan that defines a flood event for an area, is the 1% AEP flood event;
 - (d) “DFA” means Defined Flood Area, which is the area that is inundated by the DFE as defined on mapping produced by the NT Government;
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.

Reference included to clarify that an interchangeable use or development does not have to comply with this clause

Requirements

6. In a DFA:
- (a) the storage or disposal of environmentally hazardous industrial material and the development of **fuel depots** should be avoided;
 - (b) the minimum floor level of **habitable rooms** should be 300mm above the flood level for the **site**; and
 - (c) the use of fill to achieve required floor levels should be avoided.

3.7 LSSS – Land Subject to Storm Surge

Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Administration

1. This Overlay applies to land subject to the PSSA and/or the SSSA.
2. This Overlay does not apply to:
 - (a) **outbuildings** and extensions to existing **dwelling**s;
 - (b) extensions to existing commercial or industrial buildings;
 - (c) a use or development within the SSSA that would otherwise be *Permitted*, and complies with the requirements of Part 5; or
 - (d) [any use or development within a PSSA or SSSA that would otherwise be *Permitted* under Clause 5.5.1 \(Interchangeable Use and Development in Specific Zones\).](#)
3. This overlay does not apply to the use and development of land for **dwelling**s-group or **dwelling**s-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
4. In this Overlay:
 - (a) “AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;
 - (b) “PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;
 - (c) “SSSA” means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge as defined on mapping produced by the NT Government; and
 - (d) “storm surge” means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone’s intensity and wind stress build-up.
5. Land within the PSSA is to be used or developed only with **consent**.
6. The consent authority may **consent** to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.

Reference included to clarify that an interchangeable use or development within a PSSA or SSSA does not have to comply with this clause.

7. The use or development of land within the SSSA should have regard to sub-clauses 9 and 10.

Requirements

8. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.
9. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.
10. Residential uses, strategic and community services (such as power generation, defence installations, schools, **hospitals**, public shelters and major transport links) should be avoided in the PSSA and the SSSA.

PART 4 - ZONES & ASSESSMENT TABLES

Table to Clause 4.1: Index of Zones	
Residential Zones	
LR	<u>Low Density Residential</u>
LMR	<u>Low-Medium Density Residential</u>
MR	<u>Medium Density Residential</u>
HR	<u>High Density Residential</u>
RR	<u>Rural Residential</u>
RL	<u>Rural Living</u>
CV	<u>Caravan Parks</u>
CL	<u>Community Living</u>
Commercial Zones	
CB	<u>Central Business</u>
C	<u>Commercial</u>
SC	<u>Service Commercial</u>
TC	<u>Tourist Commercial</u>
Industrial Zones	
LI	<u>Light Industry</u>
GI	<u>General Industry</u>
DV	<u>Development</u>
Recreational Zones	
PS	<u>Public Open Space</u>
OR	<u>Organised Recreation</u>
Rural Zones	
H	<u>Horticulture</u>
A	<u>Agriculture</u>
R	<u>Rural</u>
Other Zones	
CP	<u>Community Purpose</u>
CN	<u>Conservation</u>
HT	<u>Heritage</u>
RD	<u>Restricted Development</u>
WM	<u>Water Management</u>
FD	<u>Future Development</u>

The highlighted zones contain changes as part of this amendment

Table to Clause 4.1: Index of Zones	
T	<u>Township</u>
Infrastructure Zones	
M	<u>Main Road</u>
PM	<u>Proposed Main Road</u>
RW	<u>Railway</u>
U	<u>Utilities</u>
Specific Use Zones	
<u>Refer to Schedule 4</u>	

Altered Zoning Matrix

Text highlighted in **yellow** signifies where changes have been made since the previous stage of exhibition.

P = Permitted

M = Merit Assessable

I = Impact Assessable

x = Prohibited

Defined Use	LMR	CB	C	TC
Abattoir	x	x	x	x
Agriculture	x	x	x	x
Animal boarding	x	x	x	x
Bar-public	x	M	I	M
Bar-small	x	P	M	M
Caravan accommodation	P	x	P	P
Caravan park	x	x	x	M
Car park	x	M	M	M
Car wash	x	I	I	I
Child care centre	x	M	M	M
Club	x	M	M	M
Community centre	I	M	M	I
Demountable structure	M	I	M	P
Dwelling-caretakers	x	P	P	P
Dwelling-community residence	P	P	x	x
Dwelling-group (2) *	P	I	x	I
Dwelling-group (3+) *	M	I	x	I
Dwelling-independent	P	M	x	P
Dwelling-multiple	P	M	M	I
Dwelling-single	P	x	x	I
Education establishment	x	M	I	I
Emergency services facility	x	I	x	x
Excavation and fill	I	I	I	I
Exhibition centre	x	M	M	M
Food premises-café/takeaway	x	P	P	P
Food premises-fast food outlet	x	I	I	I
Food premises-restaurant	x	P	P	M
Fuel depot	x	x	x	x
Helicopter landing site	x	x	x	x
Home based business	P	P	P	P
Horticulture	x	x	x	x
Hospital	x	x	x	x
Hotel/motel	x	M	I	M
Industry-general	x	x	x	x
Industry-light	x	I	x	x
Industry-primary	x	x	x	x
Intensive animal husbandry	x	x	x	x
Leisure and recreation	x	M	M	M
Market	x	P	P	x

Dwelling-group in Zone LMR was previously exhibited as permitted up to 4 dwellings

Dwelling-multiple In Zone C has reverted back to merit assessable

Defined Use	LMR	CB	C	TC
Medical clinic	x	M	M	I
Motor body works	x	I	x	x
Motor repair station	x	I	I	x
Nightclub entertainment venue	x	M	I	I
Office (Up to 1 storey above ground level) *		P	P	I
Office (2 storeys or more above ground level) *		M	M	I
Passenger terminal	x	I	x	I
Place of assembly	x	M	I	I
Place of worship	x	M	I	I
Plant nursery	x	I	I	I
Recycling depot	x	x	x	x
Renewable energy facility	x	x	x	x
Residential care facility	I	M	I	x
Retail agricultural stall	x	x	x	x
Rooming accommodation	x	M	I	M
Service station	x	I	I	I
Sex Services-Commercial Premises	x	I	x	x
Sex Services-Home Based Business	P	P	P	P
Shop	x	P	P	M
Shopping centre	x	I	I	x
Showroom sales	x	M	I	x
Stables	x	x	x	x
Telecommunications facility	I	I	I	I
Transport terminal	x	x	x	x
Vehicle sales and hire	x	I	I	I
Veterinary clinic	x	I	I	x
Warehouse	x	x	x	x

Offices in Zone CB and C were previously exhibited as permitted up to 3 storeys

4.3 Zone LMR – Low-Medium Density Residential

Zone Purpose

Provide a range of low rise housing options that contribute to the streetscape and residential **amenity** in locations supported by community services and facilities, and where full reticulated services are available.

Zone Outcomes

1. A blend of **dwelling-single**, associated **dwelling-independent**, **dwelling-group** and **dwelling-multiple** predominantly of two **storeys** or less, on a range of lot sizes that respond to changing community needs.
2. **Home based businesses** and **dwelling-community residence** are conducted in a manner consistent with residential **amenity**.
3. **Residential care facilities** are of a scale and conducted in a way that maintains the residential character and **amenity** of the zone.
4. Non-residential activities are limited to **community centres** that:
 - (a) support the needs of the immediate residential community;
 - (b) are of a scale and intensity compatible with the residential character and **amenity** of the area;
 - (c) wherever possible, are co-located with other non-residential activities in the locality;
 - (d) avoid adverse impacts on the local road network; and
 - (e) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.
5. Building design, **site** layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.
6. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks, and with reasonable **access** to open space and community facilities.

ASSESSMENT TABLE – ZONE LMR – LOW-MEDIUM DENSITY RESIDENTIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Group (2+)(4+)	Permitted	3.4 CR – Coastal Reclamation	5.2.1 General Height Control		5.4.1 Residential Density
		3.6 LSF – Land Subject to Flooding	5.2.4 Vehicle Parking		5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures
Dwelling-Group (3+)(5+)	Merit assessable	3.7 LSSS – Land Subject to Storm Surge	5.2.6 Landscaping		5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development
		3.8 LADR – Land Adjacent to a Designated Road	5.2.7 Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.7 Communal Open Space
Dwelling-Group (3+)(5+)	Merit assessable	3.10 MRT – Residential Development in Major Remote Towns			5.4.8 Residential Building Design
					5.4.17 Building Articulation

The limit for dwelling-group as a permitted use has reverted back to two dwellings in response to feedback received relating to the provision of services and infrastructure.

4.4 Zone MR – Medium Density Residential

Zone Purpose

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

Zone Outcomes

1. Predominantly medium density residential developments generally not exceeding four **storeys**.
2. **Home based businesses** and **dwelling-community residence** are operated in a manner consistent with residential **amenity**.
3. **Residential care facilities** are of a scale and operated in a way that is compatible with the character and **amenity** associated with medium density residential development.
4. Non-residential activities, such as **child care centre** and **community centre**:
 - (a) support the needs of the immediate residential community;
 - (b) are of a scale and intensity compatible with the residential character and **amenity** of the area;
 - (c) wherever possible, are co-located with other non-residential activities in the locality;
 - (d) avoid adverse impacts on the surrounding road network; and
 - (e) are managed to minimise unreasonable impacts on the **amenity** of surrounding residents.
5. Building design, **site** layout and landscaping provide a sympathetic interface to the adjoining public spaces and to adjoining lots, and provides privacy and attractive outdoor spaces.
6. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.

ASSESSMENT TABLE – ZONE MR – MEDIUM DENSITY RESIDENTIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height control 5.2.4 Vehicle Parking 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.18 Fencing 5.4.20 Residential Plot Ratio

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

4.5 Zone HR – High Density Residential

Zone Purpose

Provide for a range of high rise housing options close to activity centres, public transport, open space and community facilities, where reticulated services can support high density residential development.

Zone Outcomes

1. High density residential developments generally not exceeding eight **storeys** in height that maximise the utilisation of the reticulated services and the development potential of the **site**.
2. **Home based businesses** and **dwelling-community residence** are conducted in a manner consistent with residential **amenity**.
3. **Hotel/motels, residential care facilities** and **rooming accommodation** are operated in a manner that is compatible with the **amenity** associated with high density residential development.
4. Non-residential activities, such as **education establishment, leisure and recreation, medical clinic, place of worship, and restaurant**:
 - (a) are integrated with residential uses;
 - (b) avoid adverse impacts on the local road networks;
 - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents; and
 - (d) are of a scale, intensity and nature that reflects the predominantly residential character of the zone.
5. Development integrates with walking, cycling and public transport networks to promote accessibility and use.
6. Innovative building design, **site** layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
7. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.

ASSESSMENT TABLE – ZONE HR – HIGH DENSITY RESIDENTIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.18 Fencing 5.4.20 Residential Plot Ratio
Hotel/Motel	Impact assessable				5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.18 Fencing 5.5.3 General Building and Site Design

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

Clause 5.4.3 added to the zoning table to ensure that built form outcomes are consistent with other uses in the zone

4.10 Zone CB – Central Business

Zone Purpose

Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.
2. Residential developments that cater for residents and tourists, including **dwelling-multiple, serviced apartment, rooming accommodation, residential care facility, and hotel/motel**, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.
3. **Dwelling-community residence and home based business** are designed and operated in a manner consistent with the residential **amenity** of the building or surrounding precinct.
4. Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops and sex services-commercial premises:**
 - (a) encourage diversity and contribute to day and night activity within the zone; and
 - (b) are designed and operated in a manner that is considerate of the character and **amenity** of surrounding uses, having regard to the mixed use nature of the zone.
5. Cultural and community focused activities such as **child care centre, community centre, exhibition centre, medical clinic, place of assembly and place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.
6. Developments such as **veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment, and passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.

7. Developments such as **vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility**:
 - (a) are sited on the periphery of the CB area;
 - (b) are located with good **access** to the local road network; and
 - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.
8. Development incorporates innovative building design, **site** layout and landscaping that:
 - (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;
 - (b) minimises privacy and overlooking impacts on private spaces;
 - (c) maximises overlooking and passive surveillance of public spaces;
 - (d) maximises pedestrian activity along **primary street** frontages;
 - (e) reduces the appearance of building mass relative to its surroundings; and
 - (f) creates attractive outdoor spaces and enhances the streetscape.
9. Development contributes to the creation of an active, safe and legible public realm by:
 - (a) incorporating and responding to high quality **public open spaces** including town squares, civic plazas and forecourts where appropriate; and
 - (b) integrating with walking, cycling and public transport networks to promote accessibility and use.
10. Developments are designed and operated in a manner that avoids unreasonable loss of **amenity** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.
11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.
12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE CB – CENTRAL BUSINESS					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 - CR Coastal Reclamation	5.2.1 General Height Control	5.9.1 Alice Springs Town Centre	5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development
		3.6 LSF – Land Subject to Flooding	5.2.4 Vehicle Parking	5.9.2 Darwin City Centre	5.4.6 Private Open Space
Office (Up to 1 3 storey above ground level)	Permitted	3.7 - LSSS Land Subject to Storm Surge	5.2.5 Loading Bays	5.9.3 Palmerston City Centre	5.4.7 Communal Open Space
		3.8 - LADR Land Adjacent to a Designated Road	5.2.6 Landscaping		5.4.8 Residential Building Design
Office (2 4 storeys or more above ground level)	Merit assessable	3.12 - GL Gateway Locations	5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.17 Building Articulation
			5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
					5.5.15 Design in Commercial and Mixed Use Areas
					5.5.1 Interchangeable Use and Development in Specific Zones
					5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
					5.5.15 Design in Commercial and Mixed Use Areas
					5.5.16 Active Street Frontage

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

The height limit for offices as a permitted use has been amended to one storey to reflect the potential amenity impacts associated with offices over one storey

ASSESSMENT TABLE – ZONE CB – CENTRAL BUSINESS					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming Accommodation	Merit assessable	3.4 - CR Coastal Reclamation	5.2.1 General Height Control	5.9.1 Alice Springs Town Centre	5.4.7 Communal Open Space
		3.6 LSF – Land Subject to Flooding	5.2.4 Vehicle Parking	5.9.2 Darwin City Centre	5.4.8 Residential Building Design
		3.7 - LSSS Land Subject to Storm Surge	5.2.5 Loading Bays	5.9.3 Palmerston City Centre	5.4.17 Building Articulation
		3.8 - LADR Land Adjacent to a Designated Road	5.2.6 Landscaping		5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
		3.12 - GL Gateway Locations	5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.5.15 Design in Commercial and Mixed Use Areas
			5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

4.11 Zone C – Commercial

Zone Purpose

Provide a mix of activities and services well connected to a surrounding community at varying scales including:

- (a) mixed use centres providing a wide range of retail, entertainment, community and business activities that serve the broader community;
- (b) smaller centres that cater for convenience needs of immediately surrounding communities;
- (c) small local centres predominantly focused on convenience retailing; and
- (d) residential development commensurate to the scale of the commercial precinct.

Zone Outcomes

1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:
 - (a) a mix of retail and business activities including **shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation**; and
 - (b) **child care centre, club, residential care facility**, and other community activities and support services.
2. **Dwelling-multiple** and **rooming accommodation** incorporate commercial activities within the ground floor occupancies in a manner that contributes to the activation of the commercial precinct, at an appropriate scale for the location.
3. Other development, such as **education establishment, exhibition centre, hotel/motel, nightclub entertainment venue, place of assembly, place of worship, car wash, service station, shopping centre, showroom sales, vehicle sales and hire and veterinary clinic** are located to support the function of the commercial precinct.
4. All development is to:
 - (a) avoid adverse impacts on the local road network;
 - (b) be managed to minimise unreasonable impacts to the **amenity** of surrounding residents;
 - (c) be of a scale, intensity and nature that reflects the mixed use character of the zone;
 - (d) provide variety and interest at street level;
 - (e) allow passive surveillance of public spaces; and
 - (f) have a scale and character appropriate to the commercial function of the locality.

5. Innovative building design, **site** layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.
7. Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.
8. Developments are operated in a manner to ensure that there is no unreasonable loss of **amenity** for surrounding premises, having regard to the mixed use nature of the zone.
9. Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.
10. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE C – COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Permitted Merit Assessable	3.4 CR – Coastal Reclamation	5.2.1 General Height Control 5.2.4 Vehicle	5.9.1 Alice Springs Town Centre	5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures
		3.6 LSF – Land Subject to Flooding	5.2.5 Loading Bays		5.4.8 Residential Building Design
		3.7 LSSS – Land Subject to Storm Surge	5.2.6 Landscaping		5.4.9 Residential Development in Zone C
		3.8 LADR – Land Adjacent to a Designated Road	5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas 5.4.20 Residential Plot Ratio 5.5.15 Design in Commercial and Mixed Use Areas
Office (Up to 1 storey above ground level)	Permitted	3.12 - GL Gateway Locations	5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.5.1 Interchangeable Use and Development in Specific Zones 5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage
Office (2 storeys or more above ground level)	Merit assessable				5.5.1 Interchangeable Use and Development Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

Dwelling-multiple has reverted back to merit assessable as the potential amenity impacts of this type of development justify further consideration by the community and the consent authority

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

The height limit for offices as a permitted use has been amended to one storey to reflect the potential amenity impacts associated with offices over one storey

ASSESSMENT TABLE – ZONE C – COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Residential Care Facility	Impact assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.9.1 Alice Springs Town Centre	5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.9 Residential Development in Zone C 5.4.15 Residential Care Facility 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
Rooming Accommodation	Impact assessable	3.12 - GL Gateway Locations	5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.9 Residential Development in Zone C 5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas 5.4.20 Residential Plot Ratio 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Design clauses have been replaced by clause 5.5.15, which is more appropriately tailored to the type of development envisioned

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Clause reference to 5.5.2 removed and replaced with clause 5.4.20 as rooming accommodation is a residential use, not commercial

4.13 Zone TC – Tourist Commercial

Zone Purpose

Facilitate commercial and residential development that caters for the needs of visitors, supports tourism activities, and is of a scale and character compatible with surrounding development.

Zone Outcomes

1. A mix of uses focused on providing services to tourism comprising:
 - (a) **bar-small, bar-public, food premises (all), hotel/motel, serviced apartments, shop, rooming accommodation, caravan park**, resort complexes and short-term accommodation;
 - (b) entertainment and personal services for guests, residents and visitors, including **leisure and recreation** facilities; and
 - (c) a mix of other business activities including **club, passenger terminal, exhibition centre** and **leisure and recreation**.
2. Limited residential, commercial and community uses, such as **dwelling-multiple, child care centre** and **community centre**, where the nature of the activity does not compromise the **primary use** of the locality for tourist commercial activities.
3. The design, operation and layout of development:
 - (a) makes a positive contribution to the locality by incorporating a high quality of built form and landscape design;
 - (b) minimises unreasonable impacts to the **amenity** of surrounding premises;
 - (c) mitigates the potential for land use conflict with existing and intended surrounding development;
 - (d) avoids adverse impacts on the local road network;
 - (e) provides safe and convenient pedestrian and bicycle **access** within the development and strong connections to external transport networks; and
 - (f) allows passive surveillance of public spaces.
4. Development avoids or minimises adverse impacts on ecologically important areas through location, design, operation and management.
5. Development does not impose unsustainable demands on surface water and groundwater.
6. Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.

7. Subdivision and development is integrated as far as possible with reticulated electricity, water and sewerage (where available), stormwater drainage, and telecommunication infrastructure. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.
8. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE TC – TOURIST COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming accommodation	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.9.1 Alice Springs Town Centre	5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.20 Residential Plot Ratio 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.4.17 Building Articulation

Clause reference to 5.5.2 removed and replaced with clause 5.4.20 as rooming accommodation is a residential use, not commercial

PART 5 - DEVELOPMENT REQUIREMENTS

5.1 Preliminary

5.2 General Development Requirements

- 5.2.1 General Height Control
- 5.2.2 Omitted
- 5.2.3 Omitted
- 5.2.4 Car Parking
- 5.2.5 Loading Bays
- 5.2.6 Landscaping
- 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

The highlighted clauses contain changes as part of this amendment

5.3 General Development Requirements in Specific Zones

- 5.3.1 Heritage Places and Development in Zone HT
- 5.3.2 Development in Zone WM
- 5.3.3 Development in Zone RW
- 5.3.4 Development in Zone FD
- 5.3.5 Development in Zones M and PM
- 5.3.6 Development in Zone U
- 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC

5.4 Residential Specific Development Requirements

- 5.4.1 Residential Density
- 5.4.2 Omitted
- 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures
- 5.4.4 Extensions and Ancillary Structures to a Dwelling-group or Dwelling-multiple Development
- 5.4.5 Omitted
- 5.4.6 Private Open Space
- 5.4.7 Communal Open Space
- 5.4.8 Residential Building Design
- 5.4.9 Residential Development in Zone C
- 5.4.10 Home Based Businesses
- 5.4.11 Caravan Accommodation
- 5.4.12 Dwelling-Caretakers
- 5.4.13 Dwelling-Independent
- 5.4.14 Dwelling-Community residence
- 5.4.15 Residential Care Facility
- 5.4.16 Helicopter Landing Site
- 5.4.17 Building Articulation
- 5.4.18 Fencing

- 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
- 5.4.20 Residential Plot Ratio (new clause)

5.5 Commercial Specific Development Requirements

- 5.5.1 Interchangeable Use and Development
- 5.5.2 Commercial Plot Ratio (previously Plot Ratio in Commercial Zones)
- 5.5.3 General Building and Site Design (previously Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)
- 5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC
- 5.5.5 Shops in Zones CV, CL, LI, CI, DV, OR and CN
- 5.5.6 Omitted
- 5.5.7 Child Care Centre
- 5.5.8 Service Station
- 5.5.9 Car Wash
- 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
- 5.5.11 Food Premises
- 5.5.12 Shopping Centre
- 5.5.13 Caravan Park
- 5.5.14 Sex Services-Commercial Premises
- 5.5.15 Design in Commercial and Mixed Use Areas
- 5.5.16 Active Street Frontage

5.6 Industrial Specific Development Requirements

- 5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV
- 5.6.2 Expansion of Existing Use or Development in Zones LI and GI
- 5.6.3 Motor Body Works and Motor Repair Station
- 5.7 Non-Urban Specific Development Requirements
- 5.7.1 Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry)
- 5.7.2 Animal Related Use (Animal Boarding and Stables)
- 5.7.3 Transport Terminals in Zones R and H
- 5.7.4 Industry-Primary in Zones RL, R and H
- 5.7.5 Retail Agricultural Stall
- 5.8 Miscellaneous Specific Development Requirements
- 5.8.1 Market
- 5.8.2 Education Establishment
- 5.8.3 Club
- 5.8.4 Exhibition Centre, Place of Assembly and Place of Worship
- 5.8.5 Leisure and Recreation

- 5.8.6 Emergency Service Facility
- 5.8.7 Demountable Structures
- 5.8.8 Renewable Energy Facility
- 5.8.9 Excavation and Fill
- 5.8.10 Telecommunications Facility

5.9 Location Specific Development Requirements

- 5.9.1 Alice Springs Town Centre
- 5.9.2 Darwin City Centre
- 5.9.3 Palmerston City Centre

5.2.1 General Height Control

Purpose

Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a **telecommunications facility**;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift;or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not **consent** to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not **consent** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
 - (a) the heights of other buildings in the immediate vicinity; and
 - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The **building height** of a development in the Municipality of Alice Springs is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table A to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The **building height** in all other areas is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table B to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Table A to clause 5.2.1: Height control in Alice Springs		
Zone	Use	Maximum building height above ground level
MR, C, SC and TC	All uses	3 storeys to a maximum of 14m
CB	All uses	8 storeys to a maximum of 34m
CP	Education establishment or hospital	No height limit
All zones other than CP	Education establishment	3 storeys to a maximum of 14m

Table heading amended to clarify that basement level storeys do not contribute towards building height.

Editor's Note: Structures below ground level should consider the impact on and from the Alice Springs Town Basin aquifer.

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: <ul style="list-style-type: none"> within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys
HR	All uses	8 storeys
C	Mixed use development that consists of one or more residential buildings	4 storeys
	Development containing dwelling-multiple	4 storeys
	Development containing other residential buildings	3 storeys
	All other uses	No height limit

Height limit for mixed use development in Zone C increased in accordance with the limit for dwelling-multiple to recognise that other residential uses such as rooming accommodation may be contained within a mixed use development.

CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- (1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- (2) Basements that protrude less than 1m from ground level are not considered as a storey for the purposes of this clause.
- (3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the [Airports Act 1996 \(Cth\)](#), [Airports \(Protection of Airspace\) Regulations 1996 \(Cth\)](#), and [Defence Regulation 2016 \(Cth\)](#). More information is available on [NT.GOV.AU](#).

Editor's note included to provide assistance when determining building height

5.2.5 Loading Bays

Purpose

Provide for the loading and unloading of vehicles associated with the use of land.

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
 - (a) the scale of the use and development on the **site**;
 - (b) any potential adverse impacts on the local road network; and
 - (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.
2. For the purposes of this clause, where an **exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

Administrative clause included to provide clarity of loading bay requirements for integrated developments

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A **loading bay** is to:
 - (a) provide areas wholly within the **site** for loading and unloading of vehicles;
 - (b) be at least 7.5m by 3.5m;
 - (c) have a clearance of at least 4m; and
 - (d) have access that is adequate for its purpose.

Table to Clause 5.2.5: Minimum number of loading bays

Use or development	Minimum number of loading bays
Bar-public	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Club	1 loading bay for a single occupation of a net floor area of 10 000m ² or less;

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
	and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Emergency services facility	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; And 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Exhibition centre	1 loading bay for every 2000m ² of the total net floor area, or part thereof
Food premises— fast food outlet (all)	1 loading bay for every 2000m ² of the total net floor area, or part thereof of a fast food outlet or restaurant
<u>Food premises-restaurant</u>	<u>1 loading bay for every 2000m² of the total net floor area, or part thereof</u>
Hospital	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Hotel/Motel	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-general	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-light	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Nightclub entertainment venue	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Office	1 loading bay for every 2000m ² of the total net floor area, or part thereof

Table amended to clarify that a food-premises-café/takeaway does not require a loading bay

Reference included to table to clarify that a loading bay is required where a development is less than 2000m², noting that this is consistent with how the provisions have previously been interpreted

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
Place of assembly	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Shop	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Shopping centre	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Showroom sales	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Transport terminal	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Warehouse	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
All other uses	No loading bays required

5.2.6 Landscaping

5.2.6.2 Landscaping in Zone CB

Purpose

Ensure developments within central business districts minimise heat capture and enhance the visual **amenity** of the area when viewed from the street or from surrounding buildings.

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if:
 - (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
 - (b) the development provides an alternative response to achieve the purpose of this clause.
2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC) ~~or Clause 5.5.1 (Interchangeable Use and Development in Specific Zones).~~

Reference to interchangeable use and development removed as the requirements in clause 5.5.1 sufficiently allow for an interchangeable use or development to be established without assessment against this clause

Requirements

3. Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the **site** area.

Editor's Notes:

- (1) Any vertical landscaping provided to meet subclause 3 may also contribute to a reduction of car parking under Clause 5.9.2.12
- (2) Refer to *Design Guidance: Landscaping in Zone CB* for guidance on interpreting requirement 3.

5.4.1 Residential Density ~~and Residential Plot Ratio~~

Purpose

Ensure that the development of **residential buildings**:

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.
- ~~(d) provide built form outcomes in higher density zones that are consistent with the anticipated scale of development, intended character and **amenity** of the zone.~~

References to residential plot ratio removed from this clause and contained within a new clause (5.4.20) as the provisions seek to achieve different outcomes

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
- ~~2. The residential **plot ratio** in Table E does not apply to **dwelling**s at **ground level**.~~
- ~~3. The consent authority must not **consent** to a development that is not in accordance with subclause 5.~~

Requirements

2. The maximum number of **dwelling**s that may be constructed on a **site** ~~(excluding **dwelling multiple** development in Zones MR, HR or G)~~ is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.
- ~~3. The maximum **residential plot ratio** for **dwelling multiple** in Zones MR, HR and G is to be determined in accordance with Table E.~~

Table A to Clause 5.4.1: Dwelling Density in Certain Zones	
Zone	Dwelling Density
LR, RR, RL, R and for a dwelling-single in CL, CV and T	1 dwelling-single per lot
LMR and for dwelling-groups in CL and T and dwelling-multiple in T	1 per 300m ²
A and H	2 per lot

Table B to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zone MR other than in Alice Springs			
Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	155m ²	180m ²	215m ²
2	125m ²	170m ²	210m ²

Table C to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zones MR and TC in Alice Springs	
Number of storeys above ground level	Dwelling Density
1	400m ²
2	200m ²

Table D to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single and rooming accommodation in Zone HR			
Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	125m ²	170m ²	210m ²
2	95m ²	130m ²	160m ²

Table E to Clause 5.4.1: Residential Plot Ratio for dwellings-multiple in Zones MR, HR and C	
Zone	Plot Ratio
MR other than in Alice Springs	1.3:1
MR in Alice Springs	0.9:1
HR	2.3:1
C	1.3:1

5.4.6 Private Open Space

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose

Ensure **dwelling**s include private open space that enhances the function of the **dwelling** and are:

- (a) of an adequate size to provide for outdoor living; and
- (b) appropriately sited to provide outlook for the **dwelling**.

Administration

1. The consent authority may **consent** to **dwelling**s-multiple comprising of **serviced apartments** in Zone TC that is not in accordance with sub-clauses 4, 5 and 6 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.
2. The consent authority may **consent** to **dwelling**s-multiple, other than **dwelling**s-multiple comprising of **serviced apartments** in Zone TC, that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.

~~3. The consent authority must not **consent** to a development that is not in accordance with sub-clause 6 except where fencing adjoins a road reserve or **public open space**. In this case, fencing must be in accordance with Clause 5.4.18.1 (Fencing in Zones MR and HR).~~

Sub-clause removed as reference to public spaces removed from the corresponding requirement

Requirements

3. Each **dwelling**-multiple is to have at least one area of private open space that:
 - (a) is a minimum area of 12m² with no dimensions less than 2.8m;
 - (b) is directly accessible from the main living area or dining area of the **dwelling** to enable an extension of the function of the **dwelling**;
 - (c) is located to provide views from the **dwelling** to open space and natural features of the **site** or locality.
4. Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.
5. Where the private open space is at **ground level** and not adjacent to communal open space, it should be:
 - (d) fenced to a maximum height of 1.8m providing a visual barrier to adjoining **dwelling**s ~~and public spaces~~; or
 - (e) planted with dense vegetation which will provide a visual

Reference to public spaces removed to allow for passive surveillance of public spaces

barrier to 1.8m to adjoining to adjoining ***dwelling***s within two years of planting.

Editor's Note: Refer to *Design Guidance: Private Open Space for Dwellings-multiple* for guidance on interpreting this clause.

5.4.7 Communal Open Space

Purpose

Ensure that suitable areas for communal open space are provided for **dwelling-group**, **dwelling-multiple**, **residential care facilities** and **rooming accommodation**.

Administration

1. This clause does not apply to **dwelling-group** or **dwelling-multiple** where each **dwelling** has direct and independent **access** to private open space at **ground level**.
2. The consent authority may **consent** to a **dwelling-multiple** comprising **serviced apartments** in Zone TC that is not in accordance with sub-clauses 5 and 6 only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each **dwelling** provides appropriate opportunities for outdoor activities.
3. The consent authority may **consent** to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:
 - (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;
 - (b) the development is in proximity to adequate **public open space** or sufficient amenities; and
 - (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.
 - ~~(a) the development solely consists of commercial uses at **ground level**; and~~
 - ~~(b) it is satisfied that adequate **public open space** or sufficient amenities are available within close proximity of the development.~~
4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may **consent** to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

Sub-clause re-drafted to provide more specific guidance for the consent authority to consider

Requirements

5. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
6. Communal open space is to be designed to:
 - (a) be clearly delineated from private and **public open space**;
 - (b) maintain reasonable privacy of nearby **dwelling**s;
 - (c) provide recreational facilities for occupants; address the projected needs of children;
 - (d) include landscaping and shade where located outdoors;
 - (e) minimise safety issues, including through lighting and passive surveillance;
 - (f) minimise the effects of any on-site traffic circulation and **car parking areas**; and
 - (g) be capable of efficient maintenance and management.

Requirement redrafted to remove duplication with sub-clauses 3 and 4, and provide more guidance for what is required

~~The design of the communal open space should address:~~

- ~~(a) the overall **dwelling** density proposed for the **site**;~~
- ~~(b) the proximity and quality of alternative private or **public open space**;~~
- ~~(c) the need to clearly distinguish communal open space from private and **public open space** and the need to maintain the reasonable privacy of nearby **dwelling**s;~~
- ~~(d) the type of activities to be provided for;~~
- ~~(e) the projected needs of children for outdoor play;~~
- ~~(f) the provision of landscaping and shade;~~
- ~~(g) safety issues including lighting and informal surveillance;~~
- ~~(h) on-site traffic circulation; and~~
- ~~(i) future maintenance and management requirements.~~

5.4.8 Residential Building Design

5.4.8.2 Building Design for Dwelling-multiple

Purpose

Promote site-responsive design of **dwelling-multiple** that provides a sympathetic interface with the streetscape and surrounding **dwelling**s, is climatically appropriate and provides a pleasant living environment for the occupants.

Administration

1. A development application must, in addition to the matters described in sub-clauses 8-15, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 8-9 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 10 if it is satisfied that the development facilitates safe and convenient pedestrian movement through the **site**.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 11 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 12 if it is satisfied that **car parking areas**, services and utilities, and bin storage areas are appropriately concealed or integrated into the development to minimise visual impacts.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 13 and 14 if it is satisfied that the balcony design allows for sufficient breeze penetration and limits the appearance of building massing when viewed from the public domain.
7. The consent authority may **consent** to a development that is not in accordance with sub-clauses 15 if it is satisfied the development prevents run-off from balconies to adjoining private open space, communal open space and **dwelling**s below.

Administrative sub-clauses redrafted to provide further guidance for the consent authority

Requirements

8. Doors and openable windows are to maximise natural cross ventilation opportunities to **habitable rooms**.
9. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.
~~Development is to minimise use of reflective surfaces on external walls.~~
10. Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the **site**.
11. Development is to minimise the transmission of noise and exhaust from services by:
 - (a) locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and
 - (b) locating air conditioner plants away from openings in **habitable rooms**.
12. Development is to include screening to:
 - (a) **car parking areas** at or above **ground level** (excluding access points) to the public domain, using materials that have a maximum visual permeability of 50%;
 - (b) services and utilities (such as servicing ducts and air conditioning units) to the public domain and neighbouring properties, using materials that have a maximum visual permeability of 50%; and
 - (c) bin storage areas to the public domain, using solid materials and/or landscaping.
13. Balconies are to provide at least:
 - (a) One side without an external wall; and
 - (b) One side without an external wall for more than 50% of the length of that side.~~Balconies fronting a street are to be cantilevered.~~
14. Full-height privacy ~~fixed~~-screening on balconies is not to exceed 25% of the length the balcony that faces a street.
15. Buildings are to provide internal drainage of balconies.

Requirement 9 amended to mirror wording in clause 5.5.15 (13)

Requirement 13 amended to reflect the difficulties of assessing cantilevered balconies

Editor's note provides further clarity to requirement 13 and 14

Editor's Note: Privacy screening that promotes breeze penetration and balustrades do not constitute a wall.

5.4.18 Fencing

5.4.18.1 Fencing in Zones MR and HR

Purpose

Promote fencing in medium and high density areas that provides a positive interface with the public domain, while allowing necessary privacy for residents and neighboring properties ~~opportunities for passive surveillance to the public domain, is constructed to enhance the pedestrian experience, and provides visual privacy to lower density development.~~

Purpose statement amended to reflect the changes in the clause

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied the fence enhances the streetscape and allows for passive surveillance to the public domain. ~~is appropriate to the site having regard to the purpose of this clause and the amenity of the streetscape.~~
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied the fencing provides sufficient sightlines for pedestrian safety.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied the development protects the privacy of adjacent lower density residential development.

Administrative sub-clauses redrafted to provide further guidance for the consent authority

Requirements

4. All fences adjacent to road boundaries or boundaries adjoining **public open space** are to be constructed so that:
 - (a) the maximum height is 2m above **ground level** measured at the relevant **site** boundary; and
 - (b) the area of materials that is not **visually permeable** does not exceed an area equivalent to the length of the **site** boundary (excluding driveways) multiplied by 1.2m.
5. Fencing within 1.5m of driveways, pedestrian entries, and street corners is to be **visually permeable** above 0.6m (unless there is truncation provided within these areas to the same distance).
6. Where the development abuts land in Zones LR or LMR, development is to provide a solid screen fence to a minimum height of 1.8m to that boundary. ~~or a visually permeable fence to a minimum height of 1.8m with dense vegetation planting which will provide a visual barrier within two years of planting.~~

Requirement 5 amended to allow truncation within the fence line to achieve the same outcome

Reference to visually permeable fencing removed as it cannot achieve the same acoustic performance outcome as a solid screen fence

5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas

~~Street Frontage of Residential Buildings in Commercial Areas in Zone CB~~

Minor amendment to clause title to apply the clause in Zone C, as well as Zone CB

Purpose

Promote a **site** responsive design of residential buildings in commercial areas that recognise and respond to the commercial character of the zone and enhance the visual **amenity** of the streetscape.

Administration

1. This clause applies to residential buildings that do not include commercial uses on the ground floor.
2. A development application must, in addition to the matters described in sub-clauses 8-10, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
3. Every application should include a written acknowledgment from the agencies responsible for power and water, fire rescue to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on the street frontage.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 and 9 if it is satisfied that it is consistent with the purpose of the clause.

- ~~5. The consent authority may **consent** to a development that is not in accordance with sub-clause 10 if it is satisfied that:~~
 - ~~(a) the development provides a considered response to the established character of the streetscape;~~
 - ~~(b) the setback of the building makes it impractical to provide an awning;~~
 - ~~(c) the development provides an alternative response to shading; or~~
 - ~~(d) the relevant local government council identifies that an awning in accordance with sub-clause 10 is not required.~~

Sub-clause 5 removed as requirement 7 has been deleted

Requirements

5. Building frontages are to limit services at **ground level** to the following:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
6. Building design on the **primary** and **secondary street** frontage must provide visual interest at **ground level** through treatments such as:
 - (a) variations in color, material and/or texture that emphasise a human scale;
 - (b) clear and legible entrances that are directly accessible to the public domain;
 - (c) windows that maintain clear views to and from the street;
 - (d) well-designed spaces that allow for pedestrian movement and seating, such as plazas, communal open space etc;
 - (e) landscaping; or
 - (f) public art.

- ~~7. Buildings are to provide an awning or verandah to all street frontages that:
 - (a) extends along the full length of the site boundary to provide continuous coverage for pedestrians;
 - (b) covers the full width of the footpath or has a minimum width of 3m; and
 - (c) allows for growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.~~

Requirement 7 removed as it is sufficiently covered by clause 5.5.15 (16)

- ~~8. Car parking access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.~~

Requirement 8 deleted as it adequately covered by clause 5.2.4.4 (9)

Editor's Notes: Refer to *Design Guidance to Achieve Active Frontages* and provide for Services within Schedule 5 for more information on servicing requirements relating to requirement 5.

5.4.20 Residential Plot Ratio

Purpose

To encourage varied built form outcomes in higher density zones that are consistent with the anticipated character of the area.

This is a new clause that specifically relates to residential plot ratio. With the exception of the purpose statement, sub-clause 1 and the minor change to sub-clause 3, the policy is the same as previously exhibited.

New purpose statement to reflect the details in the clause

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties, having regards to matters such as the articulation of the building and setbacks of the development.
~~The consent authority must not consent to a development not in accordance with sub-clauses 3.~~
2. The **residential plot ratio** in Table A does not apply to **dwelling**s at **ground level** in Zones MR or HR.

Sub-clause 1 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

3. The maximum **residential plot ratio** for development consisting of **dwelling**s-multiple and/or rooming accommodation in Zones MR, HR and C is to be determined in accordance with Table A.
4. The maximum **residential plot ratio** for development consisting of **rooming accommodation** in Zone TC is to be determined in accordance with Table B.

Plot ratio provisions for rooming accommodation have been relocated into this clause (where previously located in clause 5.5.3) as rooming accommodation is a residential use, not commercial

Table A to Clause 5.4.20: Residential plot ratio for dwelling-multiple and/or rooming accommodation in Zones MR, HR and C	
Zone	Residential Plot Ratio
MR within the municipality of Alice Springs	0.9:1
MR other than in the municipality of Alice Springs	1.3:1
HR	2.3:1
C	1.3:1

Table B to Clause 5.4.20: Residential plot ratio for rooming accommodation in Zone TC	
Zone	Residential Plot Ratio
TC within the municipality of Alice Springs	0.9:1
TC within the municipality of Darwin	3:1
TC other than in the municipality of Darwin and Alice Springs	1:1

Editor's Notes: Refer to *Design Guidance: Residential Plot Ratio for Dwellings-multiple and Rooming Accommodation* for guidance of how to interpret residential plot ratio.

5.5.1 Interchangeable Use and Development

5.5.1.1 Interchangeable Use and Development in Zone CB

Purpose

Facilitate changes between the nominated use or development of premises within Zone CB.

Administration

1. The following uses are interchangeable in Zone CB:
 - **bar-small**
 - **club**
 - **education establishment**
 - **exhibition centre**
 - **food premises-café/takeaway**
 - **food premises-restaurant**
 - **leisure and recreation**
 - **medical clinic**
 - **office**
 - **shop**
 - **showroom sales**
2. A shift between the interchangeable uses listed in sub-clause 1 is *Permitted* without **consent** if the new use complies with sub-clauses 4-9.
3. Where the shift between uses listed in sub-clause 1 does not comply with subclauses 4-9, the use is subject to the assessment category and relevant development requirements as established in the assessment table for the zone.

Requirements

4. Where the **site** is located within Zone CB in the Darwin City Centre (as identified in the Diagram to Clause 5.9.2), the new use must not decrease the number of existing **car parking spaces** on the **site**.
5. Where the **site** is located outside of the Darwin City Centre, the new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking) and 5.2.4.4 (Layout of Car Parking Areas).
6. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.

Car parking requirements for interchangeable uses have been split to recognise that car parking rates in Darwin CBD are different to elsewhere

Requirement 5 clarifies development must not result in a greater demand of car parking for the use to be interchangeable

7. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
8. Where the change of use is for an **education establishment**, the maximum **net floor area** of the use must not exceed 2000m².
9. Where the change of use is for a **bar-small, club, exhibition centre, food premises-café/take away or food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

New requirement added to reflect the provisions in clauses 5.5.10, 5.5.11 and 5.8.4

5.5.1.2 Interchangeable Use and Development in Zone C

Purpose

Facilitate changes between the nominated use or development of premises within Zone C.

Administration

1. The following uses are interchangeable in Zone C:
 - **education establishment**
 - **exhibition centre**
 - **food premises-café/takeaway**
 - **food premises-restaurant**
 - **medical clinic**
 - **office**
 - **shop**
 - **showroom sales**
2. A shift between the interchangeable uses listed in sub-clause 1 is *Permitted* without **consent** if the new use complies with sub-clauses 4-10.
3. Where the shift between uses listed in sub-clause 1 does not comply with subclauses 4-10, the use is subject to the assessment category and relevant development requirements as established in the assessment table for the zone.

Requirements

4. The new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking) or Clause 5.9 (Location specific development requirements), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas) and Clause 5.9 (Location specific development requirements).
~~The new use must not decrease the number of existing car parking spaces on the site.~~
5. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.
6. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
7. Where the change of use is for an **educational establishment**, the maximum **net floor area** of the use must not exceed 400m².
8. Where the change in use is for an **exhibition centre**, the **net floor area** of the use is not to exceed 400m².
9. Where the change of use is for a **medical clinic**, the use is not to include more than 4 consulting rooms.
10. Where the change of use is for an **exhibition centre, food premises-café/take away or food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

This requirement clarifies development must not result a greater demand of car parking for the use to be interchangeable

New requirement added reflect the provisions in clauses 5.5.10, 5.5.11 and 5.8.4

5.5.2 **Commercial Plot Ratio** **Plot Ratios in Commercial Zones**

Purpose

Provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

Clause title amended to provide consistency in language with clause 5.4.20

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied the development is appropriate to the **site** having regard to the purpose of this clause, the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.

- ~~2. Sub-clause 3 does not apply to a **residential building** development other than **rooming accommodation**.~~

Reference to rooming accommodation has been shifted to clause 5.4.20 as it is a residential use, not commercial.

Requirements

2. Development of **sites** within:
 - (a) Zone TC other than in the Municipality of Darwin; or
 - (b) Zone C; or
 - (c) Zone SC;should not exceed a **commercial plot ratio** of 1.
3. Development of **sites** within Zone TC in the Municipality of Darwin should not exceed a **commercial plot ratio** of 3.

5.5.3 General Building and Site Design

~~Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T~~

Clause title amended
to clearly distinguish
between clause
5.5.15

Purpose

Promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

Administration

1. A development application must, in addition to the matters described in sub-clauses 2-16, demonstrate consideration of and the consent authority is to have regard to the *Community Safety Design Guide* (as amended from time to time) produced by the Department of Lands and Planning.

Requirements

2. Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.
3. Be sympathetic to the character of buildings in the immediate vicinity.
4. Minimise expanses of blank walls.
5. Add variety and interest at street level and low passive surveillance of public spaces.
6. Maximise energy efficiency through passive climate control measures.
7. Control on-site noise sources and minimise noise intrusion.
8. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.
9. Minimise use of reflective surfaces.
10. Provide safe and convenient movement of vehicles and pedestrians to and from the **site**.
11. Provide convenient pedestrian links (incorporating **access** for the disabled) to other buildings and public spaces.
12. Provide protection for pedestrians from sun and rain.
13. Provide for loading and unloading of delivery vehicles and for refuse collection.

14. Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.
15. Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.
16. Provide bicycle **access**, storage facilities and shower facilities.

5.5.15 Design in Commercial and Mixed Use Areas ~~Design of Commercial and Mixed Use Development~~

Purpose

Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact ~~if satisfied that the design of the building provides an equivalent or better contribution to the **amenity** of the locality having regards to the purpose of this clause.~~
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
~~The consent authority must not **consent** to a development that is not in accordance with sub-clause 15.~~
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
 - (a) the development provides a considered response to the established character of the streetscape;
 - (b) the setback of the building makes it impractical to provide an awning; or
 - (c) the development provides an alternative response to shading.
 - ~~(d) the relevant local authority identifies that an awning in accordance with sub-clause 11 is not required.~~

Minor amendment to the title of the clause for consistency with other design clauses

Sub-clause 15 redrafted to provide more specific guidance for the consent authority

Sub-clause redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Reference to local authority relocated to requirement 16 to allow the relevant local government council or controlling agency to identify where awnings are not required, without the need for variation to the requirement

6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and convenient pedestrian ~~and cyclist~~ movement through the **site**.
7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwellings** below.
10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for child-minding/parenting, having regards to the nature and scale of the development.
11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.
~~The consent authority must not **consent** to a development that is not in accordance with sub-clauses 23.~~

Sub-clause 8 and 9 translated from clause 5.4.8.2

Sub-clause 10 included to provide the consent authority discretion for sub-clause 22

Sub-clause 11 redrafted to allow the consent authority discretion when considering a development not in accordance with the

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate. ~~including built form and dwelling design that:~~
~~(a) incorporates natural light;~~
~~(b) captures prevailing breezes; and~~
~~(c) maximizes passive cooling and heating, as appropriate.~~
14. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could

Requirement 13 amended to broaden the potential design outcomes

cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

15. Services and utilities (such as [bin storage areas](#), service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain [and neighbouring properties](#).
16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.
17. [Unless advised otherwise by the relevant local government council or controlling agency for roads \(whichever is applicable\)](#), buildings are to provide an awning or verandah to all street frontages that [adjoin a footpath, which](#):
 - (a) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;
 - (b) covers the full width of the footpath or has a minimum width of 3m; and
 - (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
18. Development is to provide [pathways](#) ~~walking and cycle routes~~ through the **site**, to other buildings and public pathways that:
 - (a) are convenient and provide [refuge](#) ~~protection~~ from the sun and rain; and
 - (b) avoid potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.
19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.
20. [Development is to minimise the transmission of noise and exhaust from services by](#):
 - (a) [locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and](#)
 - (b) [locating air conditioner plants away from openings in **habitable rooms**.](#)

Requirement 15 amended to capture bin storage areas in accordance with the provisions in 5.4.8.2, and clarify that services are to be screened to neighbouring properties as well.

Requirement 17 redrafted to clarify that an awning is only required where there is a footpath

Requirement 18 amended to clarify that development is to only provide a single pathway (not two separate pathways for both pedestrians and cyclists), and to clarify that only refuge areas need to be provided

Requirements 20 and 21 translated from clause 5.4.8.2 as it longer applies in Zones CB and C

21. Buildings are to provide internal drainage of balconies.

22. Development is to provide a dedicated space for child minding and/or parenting rooms.

23. Development is to provide designated areas for rubbish collection.
~~Development is to provide for refuse collection to the satisfaction of the local government council.~~

~~24. Car parking access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.~~

Editors Notes:

(1) **Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government authority.**

(2) The relevant local government council should be contacted to determine refuse collection requirements and specifications.

Requirement 22 translated from clause 5.5.3 to ensure that child-minding /parenting facilities are provided for

Requirement 23 redrafted to provide clarity that areas need to be set aside for the provision of rubbish collection

Requirement 24 deleted as it adequately covered in clause 5.2.4.4 (9)

Editor's note included to assist applicants

5.5.16 Active Street Frontage ~~of Commercial and Mixed Use Buildings~~

Purpose

Provide a site-responsive interface between commercial buildings and the public domain that:

- (a) is attractive, safe and functional for pedestrians;
- (b) encourages activity within the streetscape; and
- (c) encourages passive surveillance of the public domain.

Minor amendment to the title of clause as the zoning tables will direct readers to the applicable clause

Administration

1. [This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek.](#)
2. [This clause does not apply to land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 \(Darwin Waterfront Building Heights and View Lines\).](#)
3. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6, 7 and 8 if:
 - (a) an alternative solution effectively meets the purpose of this clause;
 - (b) [the site design reflects the established character of the area; or](#)
 - (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 6.
4. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 7 if it is comprised of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;
 and the development still meets the purpose of the clause.
5. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

New sub-clauses inserted to reflect areas where active street frontages are envisioned

Sub-clause redrafted to provide the consent authority discretion where the nature of the area does not warrant an active street frontage

Requirements

6. Services on street level frontages are to be limited to:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point of **access** to service equipment for all service authorities;

- (c) required fire egress; and
 - (d) required fire booster connection points.
7. Buildings are to provide a minimum of 60% of the length of each **site** boundary that fronts a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/public open space; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Building frontage that is outside the requirements of sub-clause 7, excluding areas for access, are to limit the scale and visual presentation of blank walls.

Requirement amended to clarify that alfresco dining areas are to provide visual interaction with the street (and cannot be closed off with solid screening) to comply with this clause

Editor's Notes:

- (1) Refer to **Design Guidance: Active Street Frontages in Zone CB and C** for further guidance when interpreting this clause.
- (2) Refer to **Design Guidance to Achieve Active Frontages and provide for Services** in Schedule 5 for more information on servicing requirements relating to requirement 6.

5.9 Location Specific Development Requirements

5.9.1 Alice Springs Town Centre

1. The diagram to this clause identifies the land to which the requirements of 5.9.1 (Alice Springs City Centre) apply and key features referred to in the requirements.

Diagram to Clause 5.9.1: Alice Springs Town Centre Extent and Features



Proposed Planning Scheme Amendment PA2021/0254

Part 5-36

5.9.1.1 ~~General~~ Building Design [in Alice Springs Town Centre](#)

Purpose

Promote buildings in the Alice Springs town centre that are designed to support a mix of land uses now and into the future, provide for a high level of accessibility within the town centre, and respond sympathetically to the cultural and heritage features of the area.

Minor amendment to clause title to provide clarity between other design clauses

Administration

1. This clause applies to land in Zones CB, C and TC within the area included in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. A development application for land in Zone CB is to demonstrate consideration of, and the consent authority is to have regard to, the *Design Guidance for Development in Zone CB (Central Business) in Alice Springs* Guideline.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of ground floor tenancies to adapt to different uses over time.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 8 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations [and public transport](#).
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that the design contributes to the functionality of the streetscape.
6. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10-12 if it is satisfied that compliance would be impractical having regard to the location, nature and scale of the use or development and surrounding built form

Sub-clause redrafted to reflect the intent of the provision within the area plan

Requirements

7. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
8. Development is to contribute to the network of safe and pleasant public spaces by encouraging **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares where the size or location of the **site** warrants such connections.
 - ~~(a) facilitating public surveillance and responding to the role and function of adjacent public spaces;~~
 - ~~(b) creating or maintaining pedestrian and cycle connections to adjacent sites and public transport;~~
 - ~~(c) prioritising legibility and connectivity by incorporating wayfinding to areas and places of interest into building and landscaping design.~~
9. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.
10. Development along Leichardt Terrace, particularly between Gregory Terrace and Parsons Street, is to focus al fresco dining and orient balconies towards the Todd River.
11. Development is to maintain and/or creates visual connections from development and public places to:
 - (a) Annie Myers Hill;
 - (b) Anzac Hill;
 - (c) Billy Goat Hill; and
 - (d) the Todd River.
12. New development is to respond sympathetically to the historic context provided by adjoining declared **heritage places** and registered and recorded sacred sites.

Requirement redrafted to provide further detail where pedestrian connections are needed, and remove duplication with clause 5.5.15

5.9.1.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings within the Alice Springs town centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:

- (a) preservation of significant view corridors and vistas;
- (b) penetration of daylight into **habitable rooms**; and
- (c) reasonable privacy for residents.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. The consent authority must not **consent** to a development that is not in accordance with sub-clauses 3-6.

Requirements

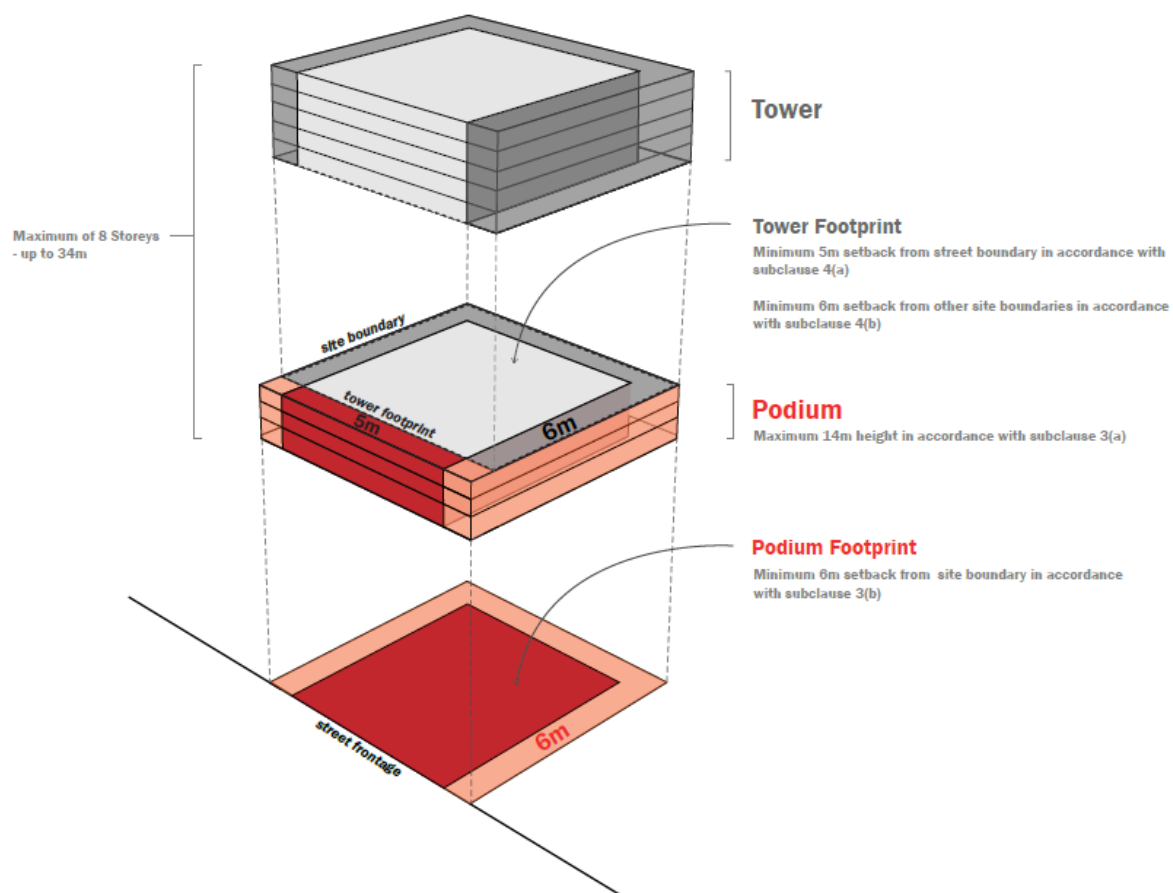
3. The podium of a development is to:
 - (a) have a maximum **building height** of 3 **storeys**, up to 14m; and
 - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or [room designed for accommodation](#) ~~habitable room~~ with a window other than to a street or **public open space**.
4. The tower of a development is to provide minimum setbacks of:
 - (a) 5m from any street boundary; and
 - (b) 6m from any **site** boundary, for any verandah, balcony or [room designed for accommodation](#) ~~habitable room~~ with a window other than to a street or **public open space**.
5. Buildings above 3 **storeys** must:
 - (a) be located on a **site** with a combined area equal to or greater than 2000m²; and
 - (b) not obstruct significant view lines identified in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
6. An application for development above 3 **storeys** or 14m must provide suitable 3D imaging demonstrating how the building responds to the identified view scapes and significant view lines in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).

Requirements redrafted to reflect current Scheme provisions

Editor's Note: Design guidance is provided for significant view lines in the referenced document *Design Guidance for Development in*

Zone CB (Central Business) in Alice Springs. 3D electronic files are to be provided in accordance with the *Design Guidance*.

Diagram to Clause 5.9.1.2: Volumetric Control



5.9.1.3 Active Street Frontages in Alice Springs Town Centre

Purpose

Promote highly activated commercial frontages within the Alice Springs town centre that encourages pedestrian activity and strengthens the relationship between buildings and the public domain.

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4 and 5 if it is satisfied that:
 - (a) compliance would be impractical due to servicing requirements; or
 - (b) the **site** design reflects the established character of the area; and all reasonable effort has been made to minimise the visual impact of services.
2. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 5 if it is comprised of:
 - (c) significant existing vegetation; or
 - (d) vertical landscaping for the full height of the **ground level** street frontage; and the development still meets the purpose of the clause.
3. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Sub-clause redrafted to provide the consent authority discretion where the nature of the area does not warrant an active street frontage

Requirements

4. Services on street level frontages are to be limited to:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point of access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
5. Buildings are to provide a minimum of 75% of the length of the **site** boundary fronting a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:

- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
- (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;
- (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
- (d) well-designed spaces that allow for pedestrian movement and/or seating.

Editor's Note: Clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C) provides information on active street frontage for buildings in other areas.

5.9.1.4 Development in Gateway Locations

Purpose

Ensure that the design of development on prominent corner **sites**:

- (a) establishes a strong sense of arrival, and respects and enhances the unique characteristics of the locality;
- (b) contributes to the visual appeal of the streetscape; and
- (c) aids wayfinding.

Administration

1. This clause applies to any use or development fronting a Gateway Location identified on the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

3. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height of at least one storey compared to adjacent buildings**, up to the limit prescribed by Clause 5.2.1 (General Height Control);
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Requirement amended to provide detail of what the additional building height is measured against

~~Varied roof sections, raised parapets, spires other architectural embellishments may be up to 1 storey above the limit prescribed by Clause 5.2.1 (General Height Control).~~

Reference removed as the height controls in clause 5.2.1 state that the height limit cannot be varied

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.1.5 Design of car parking areas and vehicle access in Zone CB

Purpose

Promote design of car parking, vehicle access points and onsite movement that:

- (a) is easily adapted to meet changing demand;
- (b) minimises the visual impact to the street and other public areas, and
- (c) promotes safe pedestrian and cyclist movement through the town centre.

Administration

1. This clause applies to new buildings and the establishment of new **car parking areas** in Zone CB.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4-6~~7~~ if it is satisfied the use or development is consistent with the purpose of this clause, having regard to the impacts on the surrounding road network.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.

New sub-clause included to provide the consent authority more detail when considering a variation

Requirements

4. Minimise impacts to key pedestrian and cyclist movements when locating driveways and loading bays.
5. **Ground level car parking areas** are to be designed so that they are not visible from the public domain.
6. Vehicle access, ~~parking~~ and loading areas should be consolidated and **car parking areas are to be** located away from street frontages.
7. Floors constructed as car parking in mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m. ~~ceiling heights that enable future conversion to commercial or residential use.~~
8. ~~Open, **ground level** car parking areas are to be designed to reduce heat island effects through measures such as tree planting and shade structures.~~

Requirement 6 redrafted to provide clarity that only car parking areas are required to be located away from street frontages

Requirement 7 redrafted to provide a tangible measure for uses to adapt to commercial and/or residential uses

Requirement removed as it is sufficiently covered by clause 5.5.15

5.9.2 Darwin City Centre

1. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



5.9.2.1 ~~General~~ Building Design in Darwin City Centre

Purpose

Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of **amenity** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

Minor amendment to clause title to provide clarity between other design clauses

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor **tenancies** to adapt to different uses over time.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual **amenity** of the public domain and neighbouring properties.
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).

Sub-clause 2 redrafted to ensure that the entire development can adapt to different uses over time, not just individual uses

Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
7. Building facades are to have a clearly distinguished base, middle and top.
8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.

9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain [and neighbouring properties](#) through planting or façade treatments.

Requirement 9 amended to accurately describe where roof top plant and equipment is to screened to

10. Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at **ground level** to connect the two street frontages.

- ~~11. Development is to contribute to the network of safe and pleasant public spaces by:~~
- ~~(a) facilitating public surveillance and responding to the role and function of adjacent public spaces; and~~
 - ~~(b) prioritising legibility through the incorporation of wayfinding measures into building and landscaping design to places of interest.~~

Requirement 11 removed as it covered by the provisions of clause 5.5.15

5.9.2.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:

- (a) potential for view corridors to Darwin Harbour;
- (b) breeze circulation between buildings;
- (c) penetration of daylight into **habitable rooms**; and
- (d) reasonable privacy for residents.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), [with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 \(Darwin Waterfront Building Heights and View Lines\)](#).
2. In this clause:
 - (a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and
 - (b) the podium and tower components of a building are illustrated in the diagram to this clause.
3. The consent authority may **consent** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development:
 - (a) is appropriate to the location considering the scale of the development and surrounding built form; and
 - (b) will not unreasonably restrict the future development of adjoining **sites**.
4. The consent authority may **consent** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:
 - (a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining **sites**;
 - (b) responds to the existing street front **building heights**; and
 - (c) provides an equivalent or better outcome to maintain a human scale at street level.

Sub-clause 1 redrafted to exclude the Darwin Waterfront from volumetric controls, to reflect current Scheme provisions

Requirements

5. The podium of a development is to:
- (a) have a maximum height of 25m, excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades; and
 - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or [room designed for accommodation](#) ~~habitable room~~ with a window other than to a street or **public open space**.
6. The tower of a development is to:
- (a) have a footprint that covers a maximum of 56% of the **site** area, to a maximum of 1200m² in any single tower;
 - (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and
 - (c) provide minimum setbacks of:
 - i. 6m from any **site** boundary; and
 - ii. 12m between towers on the same **site**.
7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:
- (a) the podium height is reduced below 25m; and
 - (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
 - (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

Requirement 5
redrafted to reflect
current Scheme
provisions

Diagram to Clause 5.9.2.2: Podium and Tower Components

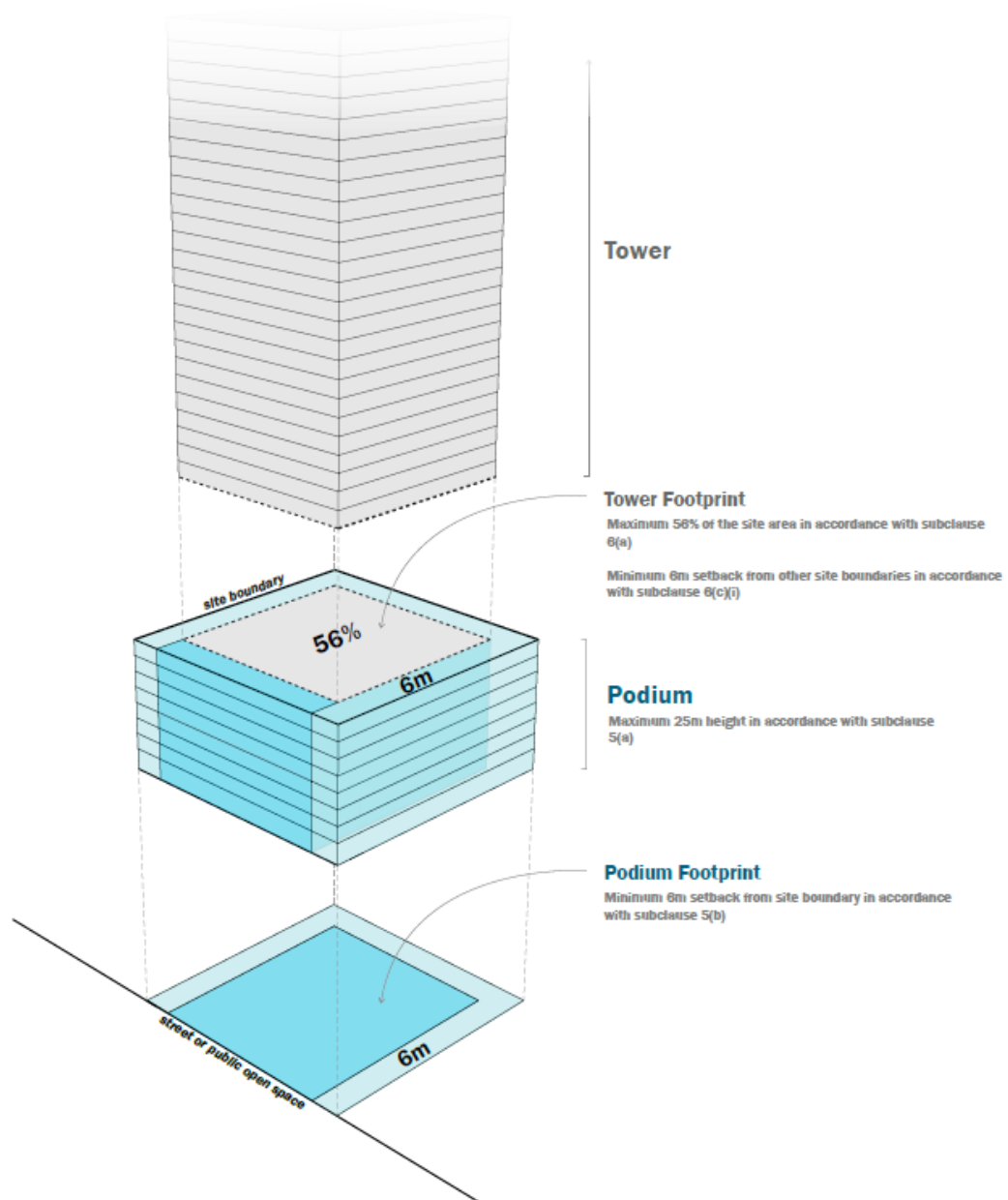
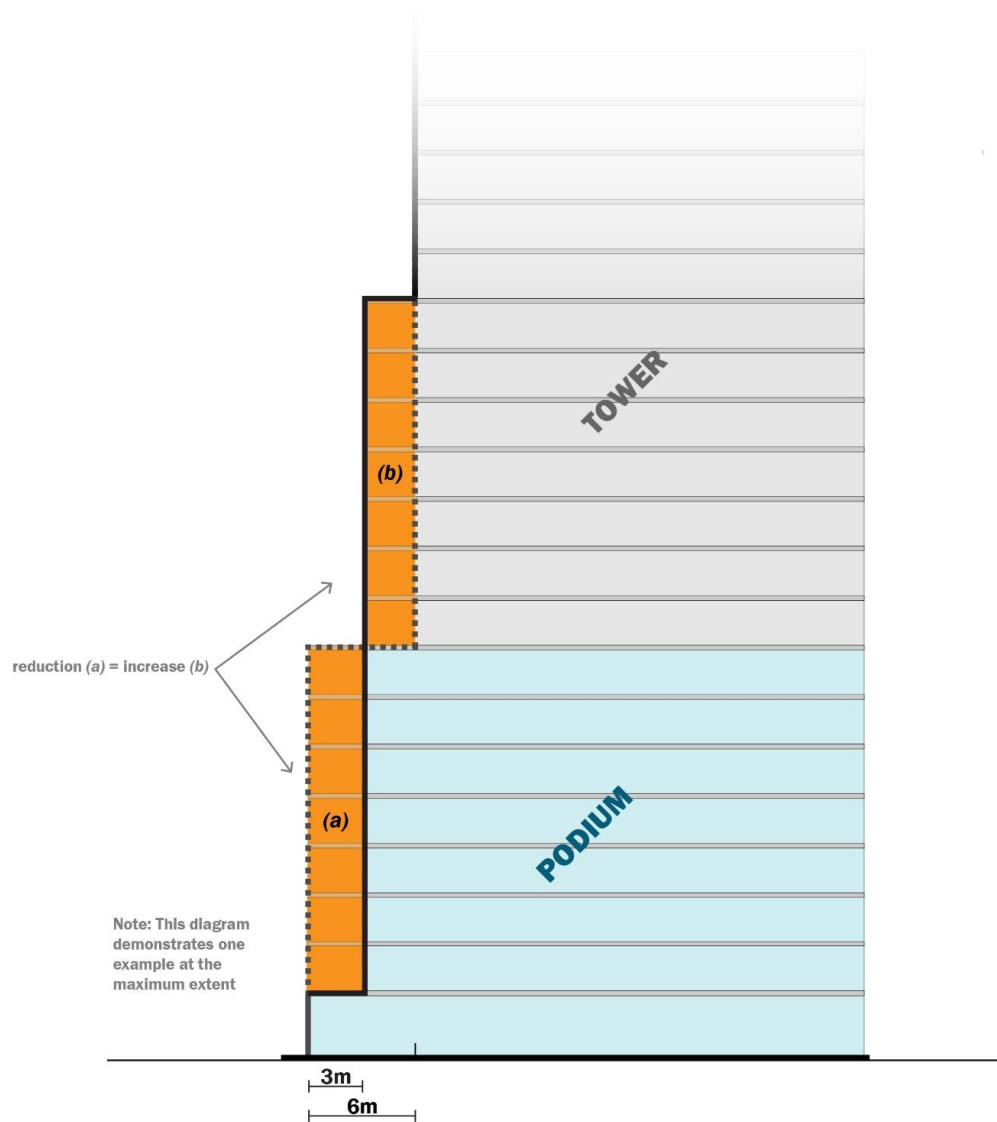


Diagram B to Clause 5.9.2.2: Volumetric Control - Smith Street Mall Alternative



5.9.2.3 Building Height in the Esplanade Character Area

Purpose

Ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views, and deliver high quality built form outcomes appropriate for development that fronts Bicentennial Park and the Darwin Harbour.

Administration

1. In this clause, the Esplanade Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features);
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4 or 5 if it is satisfied that the development demonstrates an exemplary response to building bulk, scale, street interface and on-site landscaping that provides an equivalent or higher standard of urban **amenity** than compliance with sub-clauses 5(a)-(f).
3. An application for a development under sub-clause 5 must include a **site** analysis and urban design study prepared by appropriately qualified professionals that demonstrate that the proposed development responds to the attributes of the **site** and the surrounding neighbourhoods, to the satisfaction of the consent authority.

Requirements

4. A building within the Esplanade Character Area is to have a maximum **building height** of 55m, including any plant, equipment or aerials.
5. Despite sub-clause 4, development within the Esplanade Character Area may have a **building height** above 55m if designed so that the development:
 - (a) provides podiums to a reduced height of 15m, or 4 **storeys** (i.e. lower than the maximum permitted height of 25m);
 - (b) provides tower elements which promote the visual separation between buildings, i.e. slender tower forms;
 - (c) provides activated facades and/or **habitable rooms** to podiums with street frontage;
 - (d) does not provide ground floor car parking or a **car parking area** that is visible from the street;
 - (e) does not provide impermeable fencing within the front setback; and
 - (f) provides deep soil planting zone(s) and generous landscaping within a setback area(s).

5.9.2.4 Development within the Darwin Waterfront

Purpose

Ensure that design and scale of development within the Darwin Waterfront responds to and respects the established role, character and constraints of the waterfront area and the surrounding escarpment.

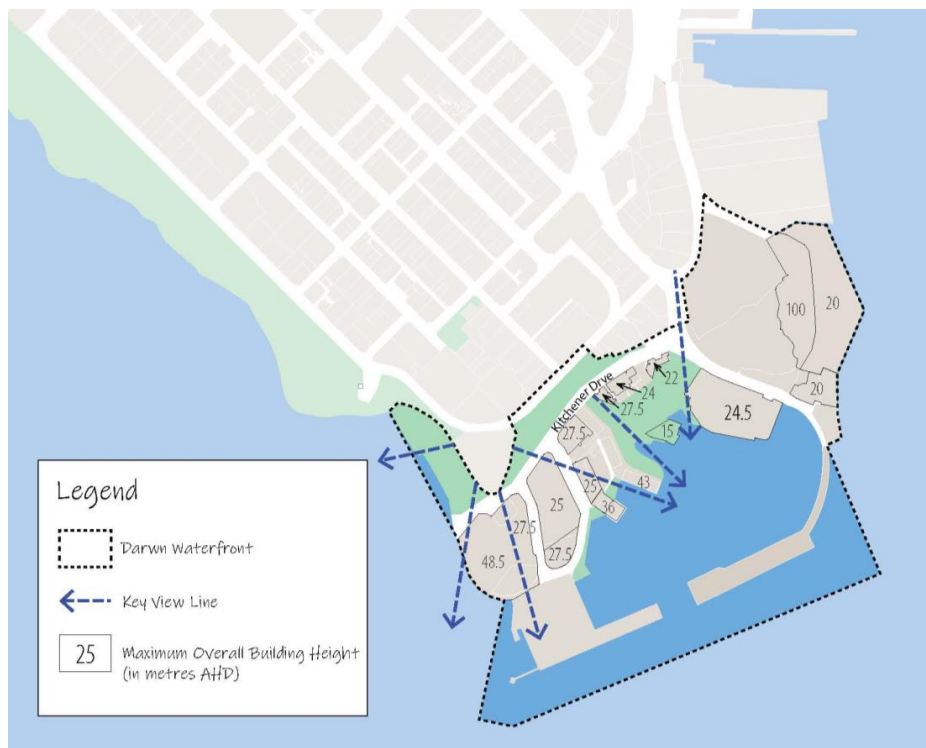
Administration

1. This clause applies to the use and development of land within the Darwin Waterfront identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it is satisfied the application demonstrates that there is no increased risk from storm surge to people and property, including adjoining property.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 5 and 6 if it is satisfied:
 - (a) the scale of the development is consistent with the intended built form and character of the waterfront area; and
 - (b) the development will not unreasonably restrict the future development of adjoining **sites**.

Requirements

4. The lowest floors (commercial and residential) within the development are to be sited at a minimum of 6.5m AHD.
5. Development does not obstruct view lines identified in the Diagram to this clause.
6. **Building height** does not exceed the height identified on the Diagram to this clause.

Diagram to Clause 5.9.2.4: Darwin Waterfront Building Heights and View Lines



5.9.2.5 Development along Priority Activated Frontages

Purpose

Prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impact of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it comprises of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

5. Services on street level frontages are to be limited to:
 - (e) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (f) a direct single point of access to service equipment for all service authorities;
 - (g) required fire egress; and
 - (h) required fire booster connection points.
6. Where a **site** boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of

any combination of the following components, where the distance between individual components is no more than 1.5m:

- (e) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
- (f) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
- (g) areas within the **site** that are used for alfresco dining; or
- (h) well-designed spaces that allow for pedestrian movement and/or seating.

Editor's Note: Clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C) provides requirements for buildings that are not identified as 'priority active frontage'.

5.9.2.6 Development Fronting Laneways

Purpose

Ensure that new developments enhance the use of laneways as shared spaces, are functional for commercial loading and servicing requirements, are safe for pedestrians, and contribute to the visual **amenity** of the laneway.

Administration

1. This clause applies to any development with frontage to an existing laneway identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), or any development that proposes establishment of a new laneway.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-5 if it is satisfied that compliance would be impractical with regard to the scale, nature and location of the development.

Requirements

3. Windows and balconies are to be provided to levels above the ground floor that overlook laneways, excluding levels used as car parking which are designed to facilitate passive surveillance of the laneway.
4. Facades of buildings fronting laneways are to provide visual and architectural interest, through measures such as building articulation, material treatments or public art.
5. Where a new arcade is being provided, development is to facilitate pedestrian movement across the laneway by aligning entrances with existing arcades.
~~Development is to facilitate pedestrian movement across the laneway in a manner that is safe, attractive and distinct.~~

Requirement 4 redrafted to provide more detail of the types architectural detail needed to meet the provision

Requirement 5 redrafted to provide clarity of how to facilitate pedestrian movement

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

Purpose

Encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.

Administration

1. This clause applies to any use or development fronting the priority pedestrian/cycle network identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied an alternative layout provides safe and convenient pedestrian and cyclist movement to and from the **site**.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 5.~~
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied provision of lighting would be unnecessary or unreasonable, having regard to pedestrian and cyclist safety.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 6.~~
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied the use or development will not frustrate the ability to provide a future connection between the priority pedestrian cycle network and Frances Bay.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 7.~~

Sub-clauses 2, 3 & 4 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

5. Pedestrian and cycle links within a **site** are to be connected to the existing and future priority pedestrian/cycle network, identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
6. Any pedestrian or cycle links or facilities provided within a **site** are to be well lit.
7. Use or development is to preserve the opportunity for a future sky bridge and landing connecting the priority pedestrian cycle network and Frances Bay.

Requirement 7 redrafted to clarify that development only needs to preserve the opportunity for a future sky bridge and that it does not have to physically provide it

~~Use or development is not to impede the future connection between the priority pedestrian cycle network and Frances Bay via a sky bridge.~~

5.9.2.8 Development in Gateway Locations

Purpose

Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.

~~Ensure that the design of development on prominent corner sites:~~

- ~~(a) establishes a strong sense of arrival, and respects and enhances the unique characteristics of the locality;~~
- ~~(b) contributes to the visual appeal of the streetscape; and~~
- ~~(c) aids wayfinding.~~

Purpose redrafted to better reflect the objective from the area plan

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied that the development either:
 - (a) provides an alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

3. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height** of at least one **storey** compared to adjacent buildings;
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.2.9 Public Domain Contributions for Development on Large Sites

Purpose

Encourage development on large **sites** that supports the public domain by contributing to an integrated, high-quality network of public spaces, recreation facilities and places for wildlife.

Administration

1. This clause applies to the development or redevelopment of a **site** of 3500m² or more within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to development that is not in accordance with sub-clauses 3 and 4 if it is satisfied that:
 - (a) the development provides an alternative provision of publically accessible open space that is appropriate to the **site**, having regard to the locality and scale of the development; or
 - (b) the application provides an equivalent contribution to publically accessible open space outside of the subject **site**.

Requirements

3. A minimum of 10% of the **site** area is to be provided as publically accessible open space that is designed to:
 - (a) incorporate park furniture, display of art, lighting, shade structures and landscaping and interpretive information where appropriate; and
 - (b) support a variety of passive uses, active recreation and events.

~~including:~~

 - ~~i. recreation;~~
 - ~~ii. fitness;~~
 - ~~iii. play;~~
 - ~~iv. cultural and artistic functions; and~~
 - ~~(c) enable effective stormwater management.~~
4. The open space provided under sub-clause 3 is to integrate and connect with:
 - (a) existing and future cycle and pedestrian networks;
 - (b) **sites** of significant natural, cultural or heritage value; and
 - (c) habitats, wildlife corridors and public greenspaces from adjoining **sites**.

Requirement 3 redrafted to provide more flexibility for possible outcomes. Reference to stormwater management removed as it is managed by the relevant service authority

5.9.2.10 Alfresco Dining Areas

Purpose

Provide for the establishment of **alfresco dining areas** that contribute positively to the **amenity**, safety and activation of streets in the Darwin's Central Business area.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. An **alfresco dining area** may be established without **consent** if it complies with sub-clause 4.
3. Where the **alfresco dining area** does not comply with sub-clause 4, the use or development is subject to the assessment requirements set out in the relevant assessment table for the zone.

Requirements

4. An **alfresco dining area** may occur as a *Permitted* development only if it:
 - (a) is located at **ground level**;
 - (b) is permanently open along at least two sides;
 - (c) has open sides that are at least of equal length to the sides bounded by a wall or the like;
 - (d) is associated with a lawfully established use;
 - (e) does not constrain the function or reduce the number of any on-site **car parking spaces, loading bays** or manoeuvring spaces; and
 - (f) does not involve development adjacent to a tree within a road reserve or park, or has written agreement from the relevant authority to indicate that the development will not adversely impact on either the root system or branches of a tree within the road reserve.

5.9.2.11 Car parking spaces in Darwin City Centre

Purpose

Ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.

Administration

1. This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).
3. An **alfresco dining area** on a **site** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 **ground level** car parking spaces associated with any existing development without requiring replacement **car parking spaces**. However, a change of use from an **alfresco dining area** (including the provision of air conditioning) will result in the new use being subject to full car parking space requirements of this clause.
5. The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.

Requirements

6. Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Bar-public	2 for every 100m ² of net floor area , excluding alfresco dining areas
Bar-small	2 for every 100m ² of net floor area , excluding alfresco dining areas
Car wash	2 for every 100m ² of net floor area used for administrative purposes or 5 whichever is greater <u>Plus</u> 1 waiting bay for each car wash / vacuum bay
Child care centre	2 for every 100m ² of net floor area

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Club	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Community centre	2 for every 100m ² of net floor area
Dwelling-caretakers	1
Dwelling-community residence	1 for every 4 beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes
Dwelling-group	1 per one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms
Dwelling-independent	1 per bedroom to a maximum of 2
Dwelling-multiple	1 per bed-sitter and one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms
Dwelling-single	2
Emergency services facility	2 for every 100m ² of net floor area
Education establishment	2 for every 100m ² of net floor area
Exhibition centre	2 for every 100m ² of net floor area
Food premises (all)	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Hospital	1 for every 4 patient beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes <u>Plus</u> For a medical clinic 2.5 for every consulting room
Hotel/Motel	0.4 for every guest suite or bedroom <u>Plus</u> 2 for every 100m ² of net floor area of all other areas

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Leisure and recreation	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Market	1.5 per maximum number of stalls (may be existing car parking spaces in the vicinity of the market site)
Medical clinic	2.5 for every consulting room
Motor body works	2 for every 100m ² of net floor area
Motor repair station	2 for every 100m ² of net floor area
Nightclub entertainment venue	2 for every 100m ² of net floor area
Office (not elsewhere referred to in this table)	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Passenger terminal	2 for every 100m ² of net floor area
Place of assembly	2 for every 100m ² of net floor area
Place of worship	2 for every 100m ² of net floor area
Plant nursery	2 for every 100m ² of net floor area <u>Plus</u> 1 for every 250m ² used as outdoor nursery
Residential care facility	1 for every 4 beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes
Rooming accommodation	1 for every 15 persons <u>Plus</u> 1 for every staff member <u>Plus</u> 1
Serviced apartment	1 for every dwelling <u>Plus</u> 3 for every 100m ² of net floor area not within a dwelling
Service station	2 for every 100m ² of net floor area or 5 whichever is greater (not including parking serving bowlers)
Sex services-commercial premises	2 for every 100m ² of net floor area * *Only 1 car parking space required where a building has a net floor area of up to 500m ² .
Shop	2 for every 100m ² of net floor area

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Shopping centre	2 for every 100m ² of net floor area
Showroom sales	2 for every 100m ² of net floor area Plus 1 for every 250m ² used as outdoor storage
Telecommunications facility	1
Vehicle sales and hire	2 for every 100m ² of net floor area of office Plus 1 for every 200m ² used for vehicle display
Veterinary clinic	2 for every 100m ² of net floor area
Warehouse	2 for every 100m ² of net floor area
Any other uses	Minimum number of car parking spaces to be determined by the consent authority

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

Purpose

Provide for a use or development with fewer **car parking spaces** than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

Administration

- The consent authority may **consent** to:
 - a reduction of 1 **car parking space** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) **car parking spaces** required by clause 5.2.4.1 (Parking Requirements); and
 - for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 **car parking space** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of **car parking spaces** required by clause 5.2.4.1 (Parking Requirements).
- The consent authority may also **consent** to a use or development with fewer **car parking spaces** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.

3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
- (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
 - (b) the suitability of the plants to be used in the landscaping;
 - (c) sufficient soil depth to accommodate the proposed types of plants;
 - (d) how the landscaping will be practically maintained for the lifetime of the development; and
 - (e) suitable management of drainage.

Table to Clause 5.2.4.3: Reduction in Parking Requirements within Zone CB in Darwin		
Category		Reduction permitted
1	Access to alternative transport options	
(a)	The development is located within 200m walking distance of a public bus stop that provides access to: five or more bus routes; or a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	15%
(b)	The development is located within 400m walking distance of a public bus stop that provides access to: five or more bus routes; or+ a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	10%
(c)	The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane.	5%
2	Use of shared parking areas / proximity to public car parking	
(a)	The development consists of two or more uses that have different day / night peak parking times and these uses share a car parking area on the site .	10% This reduction applies to non-residential uses only.
(b)	The development is within 200m walking distance of an existing, publically accessible car park with a combined total of 100 car parking spaces or more.	10%

(c)	The development is within 400m walking distance of an existing, publically accessible car park with a combined total of 100 car parking spaces or more.	5%
3	Inclusion of vertical landscaping	
(a)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 75% or more of the site area.	25%
(b)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 50-75% of the site area.	20%
(c)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 25-50% of the site area.	15%
(d)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the site area.	10%
4	Improved car parking design outcomes	
(a)	All car parking on the site is provided in an underground parking area	20%
5	Preservation of a heritage place	
(a)	the use or development relates to a heritage place and the Minister responsible for the administration of the <i>Heritage Act 2011</i> supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place .	As determined by the consent authority, taking into account advice received from the Minister responsible for the administration of the <i>Heritage Act 2011</i> .

5.9.2.13 Design of Car Parking Areas and Vehicle Access

Purpose

Promote design of car parking, vehicle access points and onsite movement that:

- (a) is easily adapted to meet changing demand;
- (b) minimises visual impact to the street and other public areas; and
- (c) minimises impacts to pedestrian and cyclist movement.

Administration

1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Darwin City Centre.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-7 if it is satisfied the use or development is appropriate to the **site** having regard the potential impact on the surrounding road network and the **amenity** of the locality.

Requirements

3. **Ground level car parking areas** in buildings are limited to the number of **car parking spaces** required for **ground level** ~~retail~~ commercial tenancies.
4. All car parking spaces are to be screened so that they are not visible from the public domain.
5. Floors constructed as car parking in mixed use buildings are to have level surfaces (excluding ramps) and ceiling heights that enable future conversion to commercial or residential use.
6. Vehicle access, ~~parking~~ and loading areas are to be consolidated and car parking areas are to be located away from street frontages.
7. Entry and access from a **car parking area** is to be from the lowest order vehicle access way. In order of priority, access should be from:
 - (a) a laneway;
 - (b) a **secondary street**; or
 - (c) a primary street only if no other access is possible.

Requirement 3 redrafted to ensure that single storey commercial developments without a retail component can provide car parking at ground level

Requirement 6 redrafted to provide clarity that only car parking areas are required to be located away from street frontages

Requirement 8 removed as it is sufficiently covered in clause 5.2.4.4

- ~~8. The location and design of vehicle access, parking and loading areas on the site is to minimise the number and widths of crossovers.~~

5.9.3 Palmerston City Centre

1. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.3 (Palmerston City Centre) apply and key features referred to in the requirements.

Diagram to Clause 5.9.3: Palmerston City Centre Extent and Features



5.9.3.1 ~~General~~ Building Design in Palmerston City Centre

Purpose

Promote a built form in the Palmerston city centre that contributes to a high level of public amenity ~~facilitates environmental sustainability~~, and enables convenient pedestrian and cyclist movement to and across the city centre.

Minor amendment to clause title to provide clarity between other design clauses

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 if it is satisfied there are sufficient existing connections in the immediate locality.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the development minimises the visual impacts of car parking to the public domain ~~use or development is appropriate to the site~~.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.

Purpose statement redrafted to reflect the changes to the clause

Sub-clause 3 redrafted to provide more detailed guidance for the consent authority when considering a variation

- ~~4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it satisfied the development provides an alternative response that achieves an equivalent or better sustainable design outcome to:~~
 - ~~(a) facilitate passive cooling;~~
 - ~~(b) contribute to greening beyond the minimum landscaping requirements;~~
 - ~~(c) reduce waste; and/or~~
 - ~~(d) improve water and energy efficiency.~~

Sub-clause 4 removed as requirement 8 has been deleted

Requirements

5. Development is to encourage **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares, where the size or location of the **site** warrants such connections. ~~Development is to create or maintain legible pedestrian and cycle connections to adjacent sites and public transport.~~
6. All car parking spaces within new buildings are to be screened so that they are not visible from the public domain.

Requirement 5 redrafted to provide more detail of where pedestrian connections are needed

Requirement 6 redrafted to provide more detail of where pedestrian connections are needed

7. Floors constructed as car parking in new mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m.

- ~~8. New buildings are to incorporate and maintain heat mitigation strategies that reduce the 'urban heat island effect', through measures such as:~~
- ~~(a) minimising direct solar penetration to buildings through orientation and use of screens, awnings, eaves, louvres and the like;~~
 - ~~(b) providing climatically appropriate green roofs, canopy trees with dense foliage and shade trees that define spaces as comfortable outdoor rooms; and/or~~
 - ~~(c) incorporating cool roofs and/or cool pavements.~~

Requirement 8
removed as it is
sufficiently covered
through clause 5.5.15
(12)

5.9.3.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings in the Palmerston city centre promotes urban form that is of a scale appropriate to the locality and provides adequate separation to allow for:

- (a) breeze circulation between buildings;
- (b) penetration of daylight into **habitable rooms**; and
- (c) reasonable privacy for residents.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. In this clause:
 - (a) the Southern Interface Area is identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features); and
 - (b) the podium and tower components of a building are illustrated in the diagram to this clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5(i) if it is satisfied the development provides a transition in building form to reduce the visual impact to the adjacent low density residential area.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 5(ii), 6 and 7 if it is satisfied the development:
 - (a) is appropriate to the location having regard to the scale of the development and surrounding built form; and
 - (b) will not unreasonably restrict the future development of adjoining **sites**.

Requirements

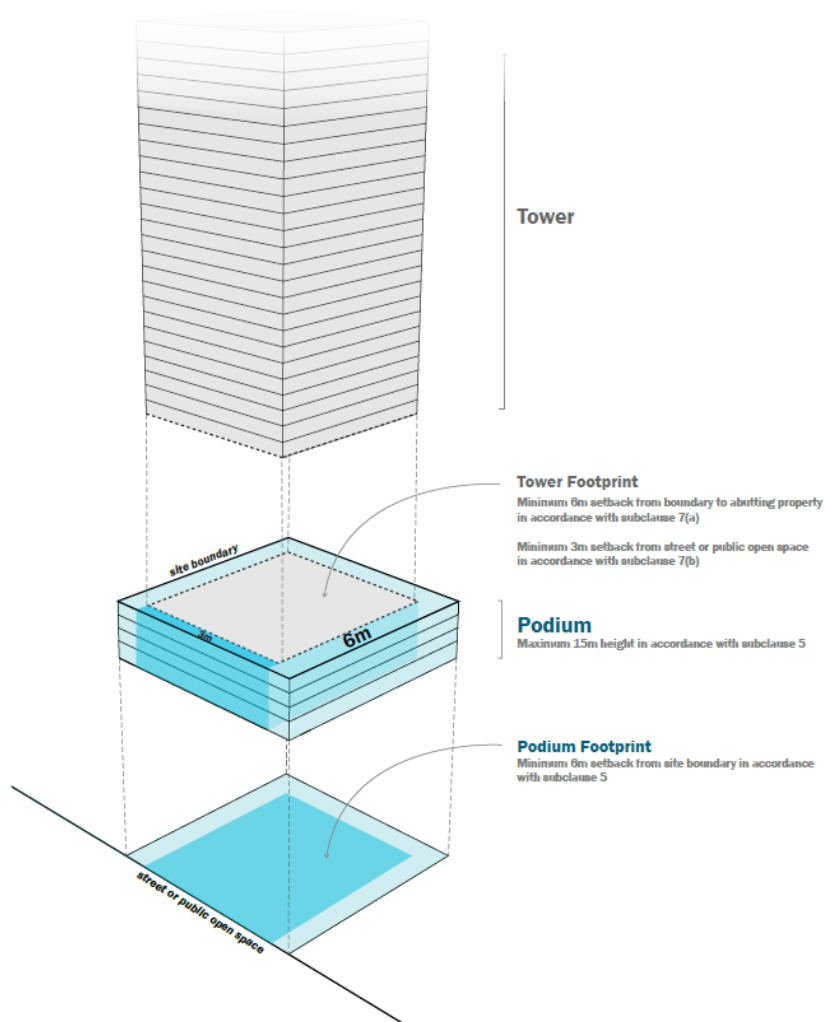
5. The podium of a development is to be:
 - (a) up to 3 storeys in height, [to a maximum height of 12m](#), as identified in the Southern Interface Area;
 - (b) up to 4 storeys in height, to a maximum height of 15m, outside of the Southern Interface Area;
 excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades.

Requirement 5 amended to include a measurable height requirement

New requirement included to provide setbacks at podium level consistent with Darwin and Alice Springs

6. [Where located at podium level, any verandah, balcony or rooms designed for accommodation with a window other than to a street or public open space, is to be set back a minimum of 6m from site boundaries.](#)
7. The tower component of a development is to have setbacks that are a minimum of:
 - (a) 6m from any boundary to an abutting property; and
 - (b) 3m from any boundary to a street or **public open space**.

Diagram to Clause 5.9.3.2: Volumetric Control for Palmerston City Centre (outside of Southern Interface Area)



5.9.3.3 Development along Priority Activated Frontages

Purpose

Prioritise active frontage along key streets in the Palmerston city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6 and 7 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impacts of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 7 if it is comprised of:
 - (g) significant existing vegetation; or
 - (h) vertical landscaping for the full height of the **ground level** street frontage;
 and the development still meets the purpose of the clause.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied the development provides an appropriate level of shading or public infrastructure that encourages pedestrian activity in Goyder Square. an equivalent or better response to help frame Goyder Square and create a comfortable microclimate in the locality.
5. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Sub-clause 4 redrafted in response to the changes to the corresponding requirement

Requirements

6. Services on street level frontages are to be limited to:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point of access to service equipment for all service authorities;

- (c) required fire egress; and
 - (d) required fire booster connection points.
7. Where a **site boundary** is identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site boundary** as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. New buildings fronting Goyder Square are to incorporate continuous awnings along the Goyder Square frontage. ~~and should provide:~~
- (a) ~~shade structures and shade trees;~~
 - (b) ~~new seating opportunities; or~~
 - (c) ~~private domain alfresco spaces.~~
9. ~~Where a **site boundary** is located on a street not identified as 'priority activated frontage', despite clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings), the development may provide a minimum of 50% of the length of the **site boundary** at **ground level** as **active street frontage**.~~

Requirement 8 redrafted to place emphasis on development providing an awning

Requirement 9 removed as clause 5.5.16 sets a higher standard for development

5.9.3.4 Development along Green Links

Purpose

Encourage pedestrian and cyclist connections between developments and identified green links to contribute to safe and convenient movement of people across the Palmerston city centre.

Administration

1. This clause applies to any development fronting a 'green link' identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to development that is not in accordance with sub-clause 4 if it is satisfied the design sufficiently encourages users of the development to interact with the greens links.
~~The consent authority must not **consent** to a development that is not in accordance with sub-clause 4.~~
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 if it is satisfied vehicle access from a green link is the best option for the **site**, having regard to advice from the local government council.

Sub-clause 2 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

4. New buildings are to provide convenient pedestrian access from building entrances to green links. Any new pedestrian or cycle links within a **site** are to connect with 'green links.'
5. Development on corner lots is to avoid locating driveways and vehicle parking accesses along identified green links where alternative access options are possible.

Requirement 4 redrafted to detail how development is to connect with green links

5.9.3.5 Development in Gateway Locations

Purpose

Ensure buildings are designed to accentuate prominent corner locations to reinforce the role of and establish a strong sense of arrival into the Palmerston city centre

~~Ensure that the design of development on prominent corner sites:~~

- ~~(a) establishes a strong sense of arrival, and respects and enhances the unique characteristics of the locality;~~
- ~~(b) contributes to the visual appeal of the streetscape; and~~
- ~~(c) aids wayfinding.~~

Purpose statement redrafted to better reflect the objective from the area plan

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

3. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height** of at least one **storey** compared to adjacent buildings;
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.3.6 Public Domain Contributions for Developments above 8 storeys

Purpose

Encourage larger scale development to contribute positive contributions to the fabric of the Palmerston city centre by providing infrastructure of public benefit that are designed to:

- ~~(a) — maximise strong and vibrant public realm outcomes;~~
- ~~(b) — foster shared spaces for a range of culturally and socially diverse groups;~~
- ~~(c) — be safe and welcoming; and~~
- ~~(d) — enhance quality of life for all community members.~~

Purpose statement redrafted to better describe the purpose of the requirements in the clause

Administration

1. This clause applies to development of a building with a height above 8 storeys or 34m, and is within the area identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features)
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that the development provides alternative elements of public benefit that improve **site** permeability and foster shared spaces for the community, having regard to such matters as its location, nature, scale and impact on surrounding **amenity**.

Requirements

3. Development is to provide:
 - (a) publically accessible walkways and thoroughfares to improve permeability; and
 - (b) publically accessible parks or plazas, ~~to the satisfaction of the City of Palmerston,~~ which:
 - i. are flexible and provide for a variety of uses and events including recreation, fitness, play, cultural and artistic functions in addition to ecological and stormwater management functions;
 - ii. contribute to an integrated, high quality network of public spaces;
 - iii. facilitate a range of active and passive recreation to meet the needs of the community; and
 - iv. allow for temporary uses such as street activities and special events including cultural, entertainment and artistic performances.
 - ~~(c) — public road connections, where practical, to the satisfaction of the controlling agency.~~

Requirement 3 redrafted as public parks or plazas will be privately owned

Reference to development providing public road connections removed as public road connections may not be required for every development that is over 8 storeys

5.9.3.7 Future Road Networks

Purpose

Encourage permeability of large **sites** to facilitate car and active transport movement through the city.

Administration

1. This clause applies to any **site** that contains a 'possible future road', or a 'possible bike and pedestrian corridor', as identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that the use or development will not frustrate the ability to establish future road and bike and pedestrian connections through the **site**.

Requirements

3. Development is to preserve the opportunity, through **site** and building design, for future public road connections, and future bike and pedestrian corridors, to be established where identified on the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

This is a new clause that specifically relates to where future road connections, and future bicycle and pedestrian corridors, are identified within the Central Palmerston Area Plan

5.9.3.8 Design of Car Parking Areas and Vehicle Access

Purpose

~~Promote design of car parking, vehicle access points and onsite movement that:~~

- ~~(a) minimise visual impact to the street and other public areas; and~~
- ~~(b) is easily adapted to meet changing demand.~~

This clause has been removed as the requirements have been included within clause 5.9.3.1

Administration

- ~~1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Zone CB.~~
- ~~2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it is satisfied the use or development is appropriate to the **site**.~~
- ~~3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.~~

Requirements

- ~~4. All car parking spaces are to be screened so that they are not visible from the street or public spaces.~~
- ~~5. Floors constructed as car parking in mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m.~~

Schedule 2: Definitions

2.1 Defined Uses

dwelling-multiple means a **dwelling** or **serviced apartment** that is wholly or partially vertically over or under another **dwelling** on a **site** ~~and includes~~ or any **dwelling**s above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

The following definitions contain changes as part of this amendment

Definition of dwelling-multiple has been amended to clarify that a dwelling does not have to be above another dwelling to constitute a dwelling-multiple

2.2 General Definitions

active street frontage means any ~~primary or secondary~~ **ground level** frontage of a commercial building that stimulates interest and activity on the adjacent street, or to a public space.

Reference to 'primary or secondary' frontage removed as the detail of where active street frontage is required is contained within the relevant clause

residential floor area is the floor space that can be used for residential living purposes within a development. This does not include:
(a) shared spaces such as stair wells, hallways, corridors and lift shafts etc;
(b) machinery, bin storage areas, and air conditioning or equipment rooms;
(c) any car parking areas (including above, below and ground level parking);
(d) any space, that is wholly below ground level;
(e) storerooms contained outside of a dwelling;
(f) any communal open space including but not limited to lobbies, courtyards, roof terraces, pool areas etc.

Definition amended to specify that car parking areas and communal open space are excluded from residential floor area

~~**residential floor area** is the floor space that can be used for residential purposes within a development. This does not include:~~
~~(a) residential uses at ground level;~~
~~(b) external walls;~~
~~(c) lift shafts;~~
~~(d) stair wells;~~
~~(e) machinery, air conditioning and equipment rooms;~~
~~(f) any space, including car parking areas, that is wholly below ground level;~~
~~(g) storerooms;~~
~~(h) lobbies, bin storage areas or common areas; or~~
~~(i) balconies, courtyards and roof terraces;~~

14.2 CARRY FORWARD BUDGET 2021-2022 AND RESERVE BALANCES AS AT 30 JUNE 2022

Author: Executive Manager Finance

Authoriser: Acting General Manager Corporate

Attachments: 1. End of Year Carry Forward Budget Requests 2021/22 [↓](#)
2. Reserve Balances as at 30 June 2022 [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022 be received and noted.
2. THAT Council endorse to carry forward the items listed in Attachments 1 of report Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022, totalling \$15,821,932 by their inclusion in the 2022/23 Annual Budget.
3. THAT Council adopt the Reserve Balances total of \$91,529,838 listed in Attachment 2 of report Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022.

PURPOSE

The purpose of this report is to present unexpended 2021-22 capital and operational budget allocations requested to be carried forward into the 2022-23 year for completion. The report also details the 30 June 2022 closing reserve balances reconciled with carry forward recommendations included in the balances.

KEY ISSUES

- End of year additional Carry Forward requests net increase to the 2022/23 Annual Budget totals \$15,821,932 (**Attachment 1**).
- End of year reserve balances total \$91,529,838; an increase from the 2021/22 budgeted reserves closing balance \$73,319,731 (**Attachment 2**). The increase mainly relates to the carry forward requests for works progressing in the 2022/23 financial year.

DISCUSSION

Each year Council considers the unexpended budgets to be carried forward to ensure the completion of committed projects and other requirements.

The final Reserve balances for year end and included in the Annual Financial Statements can then be calculated. These include the results of Council Decisions regarding committed but unexpended budgets and adjustments in accordance with the Financial Reserves Policy (Policy No 067).

Carry Forward Budget Variations**End of Year Carry Forward Requests – Attachment 1**

Attachment 1 provides requested carry forwards for operational and capital projects that are either underway but incomplete as at 30 June 2022 or funds identified to complete programs in the 2022/23 FY. The total of \$15.82M is made up of net Operational income and expenditure \$0.81M and net Capital income and expenditure \$15.02M.

Requests greater than \$0.5M include:

- \$5.4M Shoal Bay Waste Management Facility Stage 3 & 4 Capping; funded by \$3.4M external loan and \$2M Waste Reserve. This project is scheduled for completion November 2022.
- \$1.76M Lee Point Rd Redevelopment; funded by \$0.99M LRCI Phase 2 grant funds and \$760k general funds. Project has been delayed due to required water main rectification works.
- \$1.5M Shoal Bay Waste Management Facility Leachate Treatment System; funded by external loan. Scheduled for completion December 2022.
- \$1.5M Better Suburbs projects – this encompasses numerous projects and are detailed in the attachment.
- \$0.9M Dick Ward Drive Culvert Upgrade; funded by general funds. Project delayed due to ground conditions and expected to commence March 2023.

Grant funded projects are required to be recognised in accordance with AASB 1058 and are treated accordingly in the Carry Forward budgets:

- Where grant funds are for operational projects or held in accordance with the AASB transition provisions then grant income is recognised in the financial year funds are received. Any unspent funds at year end are held in the Unspent Grants Reserve until expended. Carry forwards for these funds recognise the expenditure only (with the offset being funded from the reserve).
- Where grant funds are for capital projects and received after the transition period then grant income is recognised when milestones are achieved (typically as grant funds are expended). At year end, any unspent grant funds are recognised as a liability in the financial statements and requested carry forwards include the recognition of the capital grant income budget as well as the expenditure budget. Unspent grant funds not requested as a Carry Forward are retained in the liability account and drawn out at a budget review as projects progress.

Attachment 1 Carry Forwards are funded as follows:

Carry Forwards EOY - 2021/22 to 2022/23					
	General Funds	Grant	Reserve	Loan	Total
Operational	569,246	104,218	131,829	-	805,293
Capital	5,966,958	953,049	3,290,888	4,805,744	15,016,639
Total	6,536,204	1,057,267	3,422,717	4,805,744	15,821,932

Note: capital expenditure offset by grant income where held in liability at end of financial year

Early Adopted Carry Forward Requests

In addition, carry forwards formally adopted by Council as part of budget reviews during 2021/22 that will amend the 2022/23 Annual Budget total \$3.02M. For 2021/22 this represents the adjustment required for the early release of the FAA 2022/23 grant funds (received in 21/22). Other early carry forwards adopted have been included in the 2022/23 Annual Budget and not listed again as they have no additional impact to the 2022/23 Annual Budget.

Total 2022/23 Budget Amendments

Adopting the End of Year Carry Forwards and the early adopted Carry Forward will result in the amendment to the 2022/23 Annual Budget as follows:

	Original Annual Bdgt 2022/23	Carry Forwards	Proposed Amended Bdgt 2022/23
Operational Income	116,174	(3,016)	113,158
Capital Grant Income	9,360	1,373	10,733
Operational Expenses	(133,618)	(955)	(134,573)
Budgeted Net Surplus/(Deficit)	(8,084)	(2,598)	(10,682)
Capital Expenditure	(60,499)	(16,239)	(76,738)
Net Transfers from (-to) Reserves	2,916	18,838	21,754

Transfers from reserves will increase by \$18.84M with \$14.36M from the Carry Forward Reserve and \$4.48M from other specific purpose reserves.

Reserves

Financial Statement 30 June 2022 Reserve Balances

Externally Restricted Reserves	\$43,751,395
Internally Restricted Reserves	<u>\$47,778,443</u>
Total Reserves	<u>\$91,529,839</u> (Attachment 2)

The reserve balances calculated as at 30 June 2022 total \$91.53M. This is an increase over the previous year of \$10.57M (closing balance 30 June 2021 was \$80.96M). Each reserve end of year result will transfer as the available opening balance into 2022/23 on finalisation of the Annual Financial Statements.

The opening balances as per the 2022/23 Annual Budget (the Budget) are largely in line with the end of year results with exception of the Carry Forward Reserve and the Unspent Grants Reserve as the Annual Budget assumes balances as per 2nd Budget Review with known/significant amendments at the time. The increase in the Carry Forward Reserve in comparison to 2021/22 end of FY balance is largely due to unexpended loan funds of \$4.8M for infrastructure works at Shoal Bay Waste Management Facility. These funds are scheduled to be fully expended by November and December 2022 respectively.

Other significant movements from the amended 2021/22 budget position includes:

- Incomplete works funded from specific reserves in the 2021/22 financial year results in higher balances on these reserves. This includes the Asset Replacement & Refurbishment \$0.4M, Sale of Land Reserve \$0.3M, DEC Asset Replacement & Refurbishment Reserve \$0.14M and the Environmental Reserve \$0.13M. Incomplete works have been requested as carry forwards to be completed in the 2022/23 year.
- Waste Management Reserve – \$3.38M higher than budget. This includes \$2.3M of capital carry forwards funded from the reserve for infrastructure at the Shoal Bay Waste Management Facility. In addition, a net positive variance in Waste operations with higher income received and savings in some operational expenses. Some of this will be absorbed in 2022/23 with a higher requirement from year end NPV discount unwinding calculation on provisions to be transferred to Waste Remediation Reserve.
- Unspent Grants Reserve – \$1.2M (higher than budget) for incomplete grant funded projects including Velodrome project and Urban Regional Lights.
- Plant & Vehicle Replacement Reserve - \$0.86M higher than amended budget with delays in the capital fleet replacement program and a carry forward for Parklet program (funded as an internal loan from this reserve).

Details of reserve balances are presented incorporating the requested carry forwards and are provided in Attachment 2.

PREVIOUS COUNCIL RESOLUTION

N/A

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.3 Decision Making and Management
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	<p>Budget/Funding: Detailed with the body of the report</p> <p>Is Funding identified: Adoption of the Carry Forward requests, and Reserve Balances, will amend the 2022/23 Municipal Budget.</p>
LEGISLATION / POLICY CONTROLS OR IMPACTS	<p>Legislation:</p> <p>Adoption of the recommendations in this report will result in Council amending the budget in accordance with Section 203 of the <i>Local Government Act 2019</i>.</p> <p>Section 202 of the Local Government Act 2019 prohibits Council from adopting a deficit budget.</p> <p>Policy:</p> <p>Nil</p>

CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Consult Tactics: Nil Internal: Request for Carry Forward submissions
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>

ATTACHMENT 1

OPERATIONAL CARRY FORWARDS FROM 2021/22 TO 2022/23										
Ref	Hub	Program	Project Name	Description	Account	Total	General Funds	Grant	Reserve	Reserve Name
1	Office of the LM & CEO	Executive Support & Governance	Waters Ward By-Election	Funds identified for the Waters Ward By-Election at 3rd Budget Review to be carried forward	05/110009	96,993	96,993			
2	Corporate	Finance	Finance valuations	Funds for revaluations and consultants for ongoing projects spanning financial years. Includes AP workflow and asset revaluations services	05/421000	50,000	50,000			
3	Community	Reconciliation Action	Reconciliation Action Consultancy	Reconciliation Cross Cultural Consultancy to be completed in July 2022 (funded from vacancy in position)	05/221005	50,000	50,000			
4	Community	Libraries	Building digital skills project	Unspent Be Connected/Good Things Foundation grant, funding period to Oct 2022	05/235004	2,500		2,500		
5	Community	Libraries	Online storytime project	Unspent ALIA grant, funding period to Oct 2022.	05/235004	3,366		3,366		
6	Community	Libraries	National Science Week	Inspiring Australia - the Sound of Science STEAM Zone	05/235004	1,492		1,492		
7	Community	City Maintenance	NTG Graffiti Expense	NTG funded grant to be spent over 2 years	05/332201	150,000		150,000		
7	Community	City Maintenance	Grant income offset	Grant income offset	05/322032	- 150,000		- 150,000		
8	Community	Recreation	Bagot Park Masterplan grant	Velodrome grant - masterplan for Bagot Park	05/223041	7,860		7,860		
9	Innovation	Economic Development	Discover Darwin Marketing	Contract 2022-030 - Phase 2 to be paid on or nearing completion 4th qtr 22/23	05/451000	24,980	24,980			
10	Innovation	Economic Development	Tourism Incubator Program	Contract 2022-029 with Larrakia Development Corp- due to start in July. Ongoing project for 22/23 year	05/451000	90,909	90,909			
11	Innovation	Property	Strategic Property Review	Savills Project Management have started the consultation work for the Strategic Portfolio Review 2022/23. Committed Balance- project crossed over financial years. Estimated project completion 3rd qtr	05/455042	90,000	90,000			
12	Innovation	City Planning	Movement Strategy	2030 Movement Strategy ORD433/21- Remaining balances required for further consultation/ audit requirements. Ongoing project	05/321040	27,359	27,359			
13	Innovation	International Relations	Dragon Boat Festival Grant	Unspent Grants- Festival did not take place in 21/22 year due to Covid. These funds will spread over the 2nd, 3rd & 4th qtrs to fund the Dragon Boat Festival taking place in June 2023	05/224040	89,000		89,000		
14	Innovation	Climate & Environment	Greening Strategy Projects	Projects include: - Community food growing guide - Composting & FOGO business case development for SBWMF - Creating habitat booklet update and reprint - Larrakia engagement in management plans - Rapid Creek Biodiversity assessment - Education material development for AS4970-2009 - Remnant vegetation policy development	05/333047	131,829			131,829	Environmental
15	Innovation	Climate & Environment	Climate Change Response Projects	Projects include: - C&D business case for SBWMF - Carbon Management Plan and development and policy - Landfill gas optimisation investigation - Organisational Emissions profile - Climate change vulnerability of staff risk assessment	05/333046	83,403	83,403			
16	Innovation	Climate & Environment	Research Project CDU - Bird abundance Rapid creek and suburban areas	Projects include: - Research Project CDU - Bird abundance Rapid creek and suburban areas - Research Project CDU Shading properties of trees - Waste Education Review - Waste Education Program Development	05/333045	55,602	55,602			
TOTAL OPERATIONAL CARRY FORWARDS FROM 2021/22 TO 2022/23						805,293	569,246	104,218	131,829	

ATTACHMENT 1

CAPITAL CARRY FORWARDS FROM 2021/22 TO 2022/23

Ref	Program	Asset Category	Project Name	Description	Account	Total	General Funds	Grant	Reserve	Loan	Reserve Name
1	Marketing, Communications	Plant & Equipment	Website and intranet project	Final invoices for the project	05/110060	13,860	13,860				
2	Public Art	Public Art	Bi Park Public Art Commissions	Some delays in project delivery due to Covid impacts - it is expected that this project will be delivered by end of this calendar year.	05/221061	245,794	157,210		88,584		Public Art
3	Recreation	Parks & Reserves Infrastructure	Bundilla Dog Park	Council decision to deliver project, location currently under consultation with Traditional Custodians.	05/223065	73,500	73,500				
4	Recreation	Parks & Reserves Infrastructure	Malak Sports Field Lights	Equipment received and installed, August 22, funds required to complete project.	05/223065	11,000	11,000				
5	Recreation	Parks & Reserves Infrastructure	Kahlin Oval Cricket Shed	Civil works completed, awaiting completion of shed before final payment is made, Project completion November 22	05/223065	58,821	58,821				
6	Recreation	Parks & Reserves Infrastructure	Parks Team Shed at Operations Centre	Funds required to install shed and complete project	05/223065	15,248	15,248				
7	Recreation	Parks & Reserves Infrastructure	Velodrome	Works completed August 22.	05/223065	953,049		953,049			
8	Libraries	Buildings & Structures	Security Upgrade Casuarina Library	Grant funded project funds require carry forward, project to be delivered 22/23 FY	05/235060	141,000		141,000			
8	Libraries	Buildings & Structures	Grant Income offset	Grant income offset	05/235036	- 141,000	-	141,000			
9	Program Management	Parks & Reserves Infrastructure	Malak Oval Club Room Awning	Better Suburbs program, project complete, funds required for payment to contractor	05/311060	21,111	21,111				
10	Program Management	Parks & Reserves Infrastructure	Parap Shops Upgrade	Better Suburbs program, project to be delivered in 2022/23 program	05/311060	270,455	164,965		105,490		ARR
11	Program Management	Parks & Reserves Infrastructure	Robyn Lesley Park Exercise Equipment Replacement	Better Suburbs program, project complete funds to redirected to other ward projects	05/311060	2,900	2,900				
12	Program Management	Parks & Reserves Infrastructure	Goyder Road Streetscape	Better Suburbs program, project to be delivered in 2022/23 program	05/311060	118,121			118,121		ARR
13	Program Management	Parks & Reserves Infrastructure	Malak Community Centre Car Parking Lighting Upgrade	Better Suburbs program, project complete funds to redirected to other ward projects	05/311060	5,920	1,687		4,233		ARR
14	Program Management	Parks & Reserves Infrastructure	Holzerland Park Basketball Court Lighting and Associated Works	Better Suburbs program, project complete funds to redirected to other ward projects	05/311060	3,805	3,805				
15	Program Management	Parks & Reserves Infrastructure	Anula Greenbelt Exercise Stations	Better Suburbs program, project to be delivered in 2022/23 program	05/311060	24,290	24,290				
16	Program Management	Parks & Reserves Infrastructure	Buffalo Creek Road - Shoulder Widening & Boat Ramp Improvements	Better Suburbs program, project complete, funds required for payment to contractor	05/311060	27,553	27,553				
17	Program Management	Parks & Reserves Infrastructure	Animal Pound Ventilation Upgrades	Better Suburbs program, project to be delivered in 2022/23 program	05/311060	21,809	17,094		4,715		ARR
18	Program Management	Parks & Reserves Infrastructure	Better Suburbs and Enhancement Projects	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	183,706	183,706				
19	Program Management	Parks & Reserves Infrastructure	Better Suburbs Lyons Ward - Mitchell Street Landscaping	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	155,082	155,082				
20	Program Management	Parks & Reserves Infrastructure	Better Suburbs Richardson Ward - Wanguri & Lyons Parks Accessible Swing Seats	Better Suburbs program, project complete, funds required for payment to contractor	05/322063	5,512	5,512				

ATTACHMENT 1

CAPITAL CARRY FORWARDS FROM 2021/22 TO 2022/23

Ref	Program	Asset Category	Project Name	Description	Account	Total	General Funds	Grant	Reserve	Loan	Reserve Name
21	Program Management	Parks & Reserves Infrastructure	Better Suburbs Richardson Ward - Castlereagh Drive Speed Check Signs	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	22,212	22,212				
22	Program Management	Parks & Reserves Infrastructure	Better Suburbs Lyons Ward - Planter Box Program	Better Suburbs program, unable to deliver scope of works, funds redirected to other project in 2022/23 program	05/322063	197,317	197,317				
23	Program Management	Parks & Reserves Infrastructure	Better Suburbs Chan Ward - Ken Waters Bicycle Parking	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	15,000	15,000				
24	Program Management	Parks & Reserves Infrastructure	Better Suburbs Waters Ward - Robyn Lesley Park Edible Forest	Better Suburbs program, project complete, funds required for payment to contractor	05/322063	17,789	17,789				
25	Program Management	Parks & Reserves Infrastructure	Better Suburbs - Woods Street Chung Wah Temple Entrance	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	100,000	100,000				
26	Program Management	Parks & Reserves Infrastructure	Better Suburbs LM Project - Bicentennial Park Play Space Plaque	Better Suburbs program, project complete, funds required for payment to contractor	05/322063	5,000	5,000				
27	Program Management	Parks & Reserves Infrastructure	Better Suburbs - Lakeside Drive Dog Park Seat	Better Suburbs program, project complete, funds required for payment to contractor	05/322063	5,000	5,000				
28	Program Management	Parks & Reserves Infrastructure	Better Suburbs Chan Ward - Nightcliff Shopping Centre Streetscape Upgrade	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	137,714	68,158		69,556		ARR
29	Program Management	Parks & Reserves Infrastructure	Better Suburbs Chan Ward - Chrisp Street Oval Shade Structure	Better Suburbs program, project complete, funds required for payment to contractor	05/322063	98,363	98,363				
30	Program Management	Parks & Reserves Infrastructure	Better Suburbs Chan Ward - Nightcliff Oval Canteen	Better Suburbs program, construction underway, funds required to pay for works	05/322063	30,000	30,000				
31	Program Management	Parks & Reserves Infrastructure	Better Suburbs Chan Ward - Fitzer Drive & Tudawali Park	Better Suburbs program, project to be delivered in 2022/23 program	05/322063	15,000	15,000				
32	Program Management	Parks & Reserves Infrastructure	Streetscape Beautification - Malak Shops Carpark	Better Suburbs program, project completed funds required for invoicing	05/322063	34,877	34,877				
33	Program Management	Transport	Speed Check Signs - Larrakeyah, Wagaman & Wanguri	DIPL Municipal Capital Works Grant funded project, Contract underway to complete project	05/322064	84,637		84,637			
33	Program Management	Transport	Grant income	Grant income offset	05/322032	- 84,637		- 84,637			
34	Program Management	Transport	Ross Smith Avenue Resurfacing (R2R)	Remaining general funds to be allocated	05/322066	158,491	158,491				
35	Program Management	Transport	LATM - Atkins Drv & Conacher St Roundabout Design	Project to be designed and delivered over two FY, design 2021/22, construction 2022/23	05/322067	37,000	37,000				
36	Program Management	Transport	LATM - Moil Crescent & Parer Drive Intersection Design	Project to be designed and delivered over two FY, design 2021/22, construction 2022/23	05/322067	24,550	24,550				
37	Civil Infrastructure	Pathways	Bayview Seawall Path Renewal	Project delayed due to luminaire supply issues, these funds are required to repair path once lighting component of works is completed.	05/322068	160,275	160,275	-			
38	Program Management	Transport	Blackspot - Speed Check Signs	Carry forward revenue funds as grant income will be received in 22/23; with remaining balance of grant funds to be budget variation (\$167,488) to re-recognise the income & expense	05/322069	167,488	167,488				
39	Program Management	Transport	LRCI Phase 2 - Lee Point Rd Redevelopment	Delays to project due to underground service clash. Decommissioned water main is still live and requires rectification by PWC before project can proceed.	05/322070	1,757,127	760,000	997,127			
39	Program Management	Transport	Grant income	Grant income offset	05/322031	- 997,127		- 997,127			

ATTACHMENT 1

CAPITAL CARRY FORWARDS FROM 2021/22 TO 2022/23

Ref	Program	Asset Category	Project Name	Description	Account	Total	General Funds	Grant	Reserve	Loan	Reserve Name
40	Program Management	Transport	Disability Access Program	Late identification of program by AAIC Committee. Funds identified for carry forward to deliver program adopted by council.	05/331062	55,000	55,000				
41	Program Management	Transport	Road Reconstruction projects	Road Reseal projects completed, funds required for payment to contractor	05/331065	233,836	233,836				
42	Technical Serv	Street & Public Lighting	Gardens Road Street Light Replacement	Project crossed over financial years. Finished 22/23 year	05/331066	53,715	53,715				
43	Technical Serv	Street & Public Lighting	Conacher Street New Streetlight	Project crossed over financial years. Finished 22/23 year	05/331066	63,075	63,075				
44	Technical Serv	Street & Public Lighting	Banner Bracket Replacement	Project crossed over financial years- delay on materials, estimated project completion 2nd qtr	05/331066	60,000	60,000				
45	Technical Serv	Street & Public Lighting	Smith Street Mall Fairy Lighting & Raintree Park Wall Lighting	Project crossed over financial years. Finished 22/23 year	05/331066	15,932	15,932				
46	Technical Serv	Street & Public Lighting	Public Lighting Luminaire Replacement	Remaining loan funds	05/331066	2,964				2,964	
47	Program Management	Street & Public Lighting	Bayview Seawall Lighting Replacement	Project delayed due to luminaire supply funds required as contingency for works.	05/331067	13,995	13,995				
48	Program Management	Transport	Traffic Signal UPS Installations - Trower Rd/Bradshaw Tce Intersection	Project materials received funds required to complete project	05/331069	35,820	35,820				
49	Program Management	Transport	Traffic Signal UPS Installations - Ross Smith Ave/Dick Ward Dr Intersection	Project materials received funds required to complete project	05/331069	35,820	35,820				
50	Buildings	Buildings & Structures	Fence Replacement Cemetery	Contractor resource delays due to staffing, funds required to complete project.	05/332060	19,930	19,930				
51	Buildings	Buildings & Structures	Dragonfly Fire Compliance	Supply delay with parts required for works, funds required to complete project	05/332060	95,786	95,786				
52	Buildings	Buildings & Structures	Westlane CCTV Replacement	Supply delay with parts required for works, funds required to complete project	05/332060	50,000	50,000				
53	Buildings	Buildings & Structures	East point Sewer Rising Main	Project nearing completion, funds required to complete project	05/332060	347,627	347,627				
54	Buildings	Buildings & Structures	Parap Pool Lighting System	Luminaires are delayed, funds required to complete project	05/332080	122,000	122,000				
55	Buildings	Street & Public Lighting	Safer Communities Making Mindil Safe	Grant funded project - CF COD funds with grant to be recognised as milestones reached	05/332086	70,430			70,430		ARR Reserve \$55k: Markets Reserve \$16k
56	Buildings	Street & Public Lighting	Civic Centre & Carpark Redevelopment	Project to be staged over several years, all funds required	05/332087	306,028			306,028		Sale of Land
57	Buildings	Street & Public Lighting	DEC Softfit Rectification	Funds required for lift upgrade to be delivered in 2022/23	05/332089	97,663	97,663				
58	Climate & Waste Management	Waste Management	SBWMF Stage 3 & 4 Capping	Project under construction scheduled for completion November 2022	05/333062	5,353,307			2,000,000	3,353,307	Waste Management
59	Climate & Waste Management	Waste Management	SBWMF Leachate Treatment System	Project under construction scheduled for completion December 2022	05/333062	1,449,473				1,449,473	
60	Climate & Waste Management	Waste Management	Leachate Storage Tanks & Infrastructure	Project completed funds required for payment to contractor	05/333062	127,457	127,457				

ATTACHMENT 1

CAPITAL CARRY FORWARDS FROM 2021/22 TO 2022/23

Ref	Program	Asset Category	Project Name	Description	Account	Total	General Funds	Grant	Reserve	Loan	Reserve Name
61	Climate & Waste Management	Waste Management	SBWMF Perimeter Fence	Project delayed scheduled for completion September 2022	05/333062	330,168			330,168		Waste Management
62	Program Management	Stormwater Infrastructure	Jingili Water Gardens - Replacement of 1650RCP	Funds required to complete project in 2022/23 FY	05/334060	247,441	247,441				
63	Program Management	Stormwater Infrastructure	Dick Ward Drive Culvert Upgrade	Project start delayed due to unsuitable ground conditions, scheduled for commencement March 2023	05/334060	896,212	896,212				
64	Parks & Reserves	Parks & Reserves Infrastructure	Playground Refurbishment: - Harwood Park \$48,927 - Thornton Park \$54,667 - Killian Park \$54,667 - Eaton Park \$54,666 - Lores Bonney Park \$54,666 - Bald Park \$54,666	Carry forward required to complete project as previously advised to Council in early carry forward report	05/341062	322,260	322,260				
65	Growth & Development	Parks & Reserves Infrastructure	Street Food Program Improvements - East Point	Funds required to deliver parklet's project . Estimated project completion 3rd qtr 2023	05/322061	23,218	23,218				
66	Growth & Development	Parks & Reserves Infrastructure	Parklets	Council decision to defer project delivery to 2022/23. estimated project completion 3rd qtr 2023	05/322061	193,563			193,563		Plant Reserve
67	Innovation & Information	Plant & Equipment	IT Server Infrastructure	Ongoing project spanning financial years	05/431060	120,571	120,571				
68	Innovation & Information	Plant & Equipment	City Wide IoT Network	Project incomplete at EOFY- estimated completion May 2023	05/431060	26,861	26,861				
69	Innovation & Information	Plant & Equipment	Network Infrastructure Upgrade	Ongoing project spanning financial years	05/431060	5,414	5,414				
70	Innovation & Information	Plant & Equipment	IT - Desktop (laptop/PCs) Replacements	Funds required to supplement 2022/23 computer replacement budget	05/431060	10,913	10,913				
71	Innovation & Information	Plant & Equipment	Microsoft 365	Phase 1 complete, Phase 2 rollout 2022/23	05/431060	28,220	28,220				
72	Smart Cities	Plant & Equipment	Environmental Sensor Replacement	Project crossed over financial years- funds required additional SBWMF sensors	05/520060	4,328	4,328				
TOTAL CAPITAL CARRY FORWARDS FROM 2021/22 TO 2022/23						15,016,639	5,966,958	953,049	3,290,888	4,805,744	

2021-22 RESERVE SUMMARY

For the year ended 30 June 2022

Externally Restricted Reserves - \$	Opening Balance Actuals	Transfers To (- From)	Closing Balance Actuals	Budgeted Closing Balance	
CBD Carparking Shortfall - Developer Cont.	13,256,584	199,782	13,456,366	13,323,668	1
CBD Carparking Shortfall - Rate Levy	13,770,970	777,322	14,548,293	14,539,059	
Developer Contributions	1,804,228	10,475	1,814,703	1,682,852	2
Highway/Commercial Carparking Shortfall	51,922	301	52,223	52,185	
Market Site Development	447,551	51,578	499,129	472,561	
Other Carparking Shortfall	378,821	2,199	381,020	380,737	
Unspent Grants	4,692,908	-1,366,918	3,325,990	2,171,124	3
Waste Management	6,250,901	3,422,771	9,673,672	6,296,132	4
Total Externally Restricted Reserves	40,653,884	3,097,510	43,751,395	38,918,317	

Internally Restricted Reserves - \$	Opening Balance Actuals	Transfers To (- From)	Closing Balance Actuals	Budgeted Closing Balance	
Asset Replacement & Refurbishment	3,194,992	176,186	3,371,178	2,975,488	5
Carry Forward	6,546,886	9,008,094	15,554,980	4,213,032	6
DEC Air Conditioning Replacement	96,000	-96,000	0	0	
DEC Asset Replacement/Refurbishment	102,658	40,282	142,940	0	7
Disaster Contingency	2,035,229	17,492	2,052,721	2,035,229	
Election Expense	426,128	-426,128	0	0	
Environmental	271,591	-82,563	189,028	60,458	8
IT Strategy	66,485	80,000	146,485	146,485	
Nightcliff Community Hall	76,403	8,773	85,176	46,403	
Off & On Street Carparking	2,812,126	-673,020	2,139,106	2,082,353	
Plant & Vehicle Replacement	9,665,909	-241,173	9,424,735	8,564,483	9
Public Art	342,667	-76,600	266,067	177,483	
Sale of Land	14,600,000	-193,972	14,406,028	14,100,000	10
Street Lighting Reserve	64,391	-64,391	0	0	
Total Internally Restricted Reserves	40,301,464	7,476,978	47,778,443	34,401,413	

TOTAL ALL RESERVES - \$	80,955,349	10,574,489	91,529,838	73,319,731	
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Variance from Budget (>\$100K)

- CBD Carparking Shortfall Developer Contributions** - increase in income recognised in 21/22 FY.
- Developer Contributions Reserve** - unspent budgeted design expenditure identified from the reserve.
- Unspent Grants** - increase reflects unspent grants balances as at year end not recognised as liability.
- Waste Management** - overall net operating result of the Waste function more favourable than anticipated plus timing of capital projects; with \$2.3M carried forward to be completed in 2022/23 FY.
- Asset Replacement & Refurbishment** higher than budget due to timing of expenditure with Better Suburbs and Making Mindil Safe projects identified to be carried forward and completed in 2022/23 FY.
- Carry Forward Reserve** as per Carry Forward Budget 2021-2022 Report. Includes \$4.8M of loan funds for Shoal Bay Waste Management Facility infrastructure scheduled for completion November and December 2022.
- DEC Asset Replacement & Refurbishment** - upgrades & refurbishment capital program budget underspent at year end.
Note: includes transfer of balance of DEC Air Conditioning Replacement Reserve to close out final residual balance.
- Environmental Reserve** - Greening Strategy projects funded reserve identified as operational carry forwards to be completed in 2022/23 FY.
- Plant & Vehicle Replacement Reserve** - capital program lower than anticipated at year end, includes a carry forward for Parklets project (internal loan from reserve) continuing in 2022/23 FY.
- Sale of Land Reserve** - Civic Centre and Carpark Redevelopment project to be staged over several years.

15 RECEIVE & NOTE REPORTS

15.1 COMMUNITY ADVISORY COMMITTEE MINUTES

Author: Executive Assistant Community

Authoriser: General Manager Community

Attachments:

1. Minutes Arts and Cultural Development Advisory Committee 31 August 2022 [↓](#)
2. Minutes Access and Inclusion Advisory Committee 1 September 2022 [↓](#)
3. Minutes Reconciliation Advisory Committee [↓](#)

RECOMMENDATIONS

THAT the report entitled Community Advisory Committee Minutes be received and noted.

PURPOSE

The purpose of this report is to present the minutes of Community Advisory Committee meetings in August to September 2022 to Council.

KEY ISSUES

- Arts and Cultural Development Advisory Committee unconfirmed minutes of 31 August 2022 are presented at **Attachment 1**.
- Access and Inclusion Advisory Committee unconfirmed minutes of 1 September 2022 are presented at **Attachment 2**.
- The Reconciliation Advisory Committee unconfirmed minutes of 26 September 2022 are presented at **Attachment 3**.

DISCUSSION This report provides the minutes for the following committees: <ul style="list-style-type: none"> • Arts and Cultural Development Advisory Committee • Access and Inclusion Advisory Committee • Reconciliation Advisory Committee Meeting 	
PREVIOUS COUNCIL RESOLUTION At the 30 August 2022 meeting Council resolved: RESOLUTION ORD445/22 THAT the report entitled Community Advisory Committee Minutes be received and noted.	
STRATEGIC PLAN ALIGNMENT	5 A Vibrant and Creative City 5.2 By 2030, Darwin will be a more connected community and have pride in our cultural identity
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Nil
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: <i>Local Government Act 2019</i> Policy: Policy 043 Meetings Policy 093 Advisory and Other Committees
CONSULTATION, ENGAGEMENT & COMMUNICATION	Nil
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).



MINUTES

**Arts and Cultural Development
Advisory Committee Meeting
Wednesday, 31 August 2022**

**MINUTES OF CITY OF DARWIN
ARTS AND CULTURAL DEVELOPMENT ADVISORY COMMITTEE MEETING
HELD AT THE CIVIC CENTRE, HARRY CHAN AVENUE, DARWIN
ON WEDNESDAY, 31 AUGUST 2022 AT 4.00 PM**

PRESENT:	Community Member CJ Fraser Bell, Community Member Teghan Hughes, Community Member Katharina Fehringer, Community Member Alyson Evans, Community Member Abelito Langbid, Community Member Kelly Blumberg David Kurnoth, Larrakia Nation Organisational Representative, Edwin Joseph, Multicultural Council of the Northern Territory (MCNT) Organisational Representative
OFFICERS:	Arts and Cultural Development Officer Jenelle Saunders, Community Development Officer Heather Docker
APOLOGIES:	Councillor Morgan Rickard, Jati Wixted, Darwin Entertainment Centre Organisational Representative, Vicktor Petroff, Arts NT Organisational Representative.
GUESTS:	Governance Projects Officer Edith Heiberg
OBSERVER:	Rachael Shanahan

Order Of Business

1	Meeting Declared Open	3
2	Acknowledgement of Country	3
3	Apologies & Leave Of Absence	3
4	Electronic Attendance	3
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6	Confirmation of Previous Minutes	3
7	Actions Arising from Previous Minutes	3
8	Presentations	4
9	Officer Reports	4
9.1	Arts and Cultural Development Advisory Committee chairperson reccomendation.....	4
9.2	Advisory Committees Brief	4
9.3	Update on projects	5
10	Member Reports	5
11	General Business	6
12	Next Meeting	6

1 MEETING DECLARED OPEN

The Chair declared the meeting open at 4.01 pm.

2 ACKNOWLEDGEMENT OF COUNTRY

City of Darwin acknowledges that we are living and working on Larrakia Country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region. We pay our respects to the Larrakia elders past and present and support emerging Larrakia leaders now and into the future. City of Darwin is committed to working together with all Larrakia to care for this land and sea for our shared future.

3 APOLOGIES & LEAVE OF ABSENCE**3.1 Apologies**

Member Jati Wixted, Darwin Entertainment Centre Representative.

Member Vicktor Petroff, Arts NT Representative.

3.2 Leave of Absence**3.3 Leave of Absence Notified****4 ELECTRONIC ATTENDANCE**

Member Alyson Evans

Member Teghan Hughes

5 DECLARATION OF INTEREST OF MEMBERS AND STAFF**5.1 Declaration of Interest by Members****5.2 Declaration of Interest by Staff****6 CONFIRMATION OF PREVIOUS MINUTES****COMMITTEE RESOLUTION AACDA014/22**

Moved: Community Member CJ Fraser Bell

Seconded: Multicultural Council of the NT Edwin Joseph

That the minutes of the Arts and Cultural Development Advisory Committee Meeting held on 11 May 2022 be confirmed.

CARRIED 8/0

7 ACTIONS ARISING FROM PREVIOUS MINUTES

Nil

8 PRESENTATIONS

Nil

9 OFFICER REPORTS**9.1 ARTS AND CULTURAL DEVELOPMENT ADVISORY COMMITTEE CHAIRPERSON RECCOMENDATION****COMMITTEE RESOLUTION AACDA015/22**

Moved: Multicultural Council of the NT Edwin Joseph

Seconded: Member Kelly Blumberg

1. That the report be received and noted.
2. That it is recommended to Council that CJ Fraser Bell be nominated as Chairperson of the Arts and Cultural Development Advisory Committee for the period beginning 31 August 2022 to 30 June 2024.

CARRIED 8/0**9.2 ADVISORY COMMITTEES BRIEF****COMMITTEE RESOLUTION AACDA016/22**

Moved: Community Member CJ Fraser Bell

Seconded: Larrakia Nation David Kurnoth

Presentation was received and noted by Governance Projects Officer Edith Heiberg

CARRIED 8/0**DISCUSSION**

- Governance Projects Officer Edith Heiberg briefed members on the role of advisory committees, how to advise Council and the mechanisms for making recommendations.
- The Arts and Cultural Development Officer suggested the best use of the Committee's expertise and skillsets is to set up working groups for key projects within the next 12 months, including the development of the new Creative Strategy.
- For Council to consult ACDAC with consideration to Public Art opportunities in upcoming Council projects, including the Civic Centre redevelopment and the Casuarina Pool redevelopment.

9.3 UPDATE ON PROJECTS

COMMITTEE RESOLUTION AACDA017/22

Moved: Community Member Katharina Fehringer

Seconded: Community Member CJ Fraser Bell

1. THAT the report Update on Projects be received and noted.

CARRIED 8/0

DISCUSSION

- It was noted the Executive Manager of Community and Cultural Services and team applied for grant funding to further develop the Bicentennial Park Public Art Commission by including improved access information for tourists, opportunities to access audio Larrakia stories as part of the Public Art work and to enhance the existing assets.

10 MEMBER REPORTS

Community Member – CJ Fraser Bell

The *Brown's Mart* 50th Birthday weekend is being held September 23-25 with free events all weekend presented by Brown's Mart and many of Darwin's Arts organisations, including Corrugated Iron Youth Arts, Tracks Dance, Darwin Theatre Company and Darwin Community Arts. Everyone is welcome to attend, particularly the big opening night courtyard concert taking place. Visit the Browns Mart website to find out more and download the weekend program.

Brown's Mart has just announced its *First Nations Artistic Advisory Group*. This group is comprised of Nadine Lee, Rachael Chisholm, Rob Collins and Rosealee Pearson.

CJ Fraser Bell is attending the *Australian Performing Arts Exchange* (APEX), held in Sydney in September, with colleagues from around Australia and Aotearoa. A key theme of discussions is the physical and mental health of the performing arts workforce with organisations looking at 4 day working weeks, alternate models of operating amongst other items.

Community Member – Rachael Shanahan

Darwin Frocktails is a community event for people who sew and create together. 2022 saw its successful inaugural event take place in June, with plans for the 2023 event taking shape. More information is available on their Facebook and Instagram pages.

Our Common Threads provide free weekly creative sewing sessions in the Darwin CBD for women. They have been nominated for a Community Volunteer Organisation/Team of the Year Award in the NT Volunteer Awards 2022. More information is available on their Facebook page.

Arts and Cultural Development Officer – Jenelle Saunders

Looking Forward is the newest 6 month exhibition series curated by Proper Creative for City of Darwin's CITYLIFE Platform (Lightboxes). It will be installed in early September and can be viewed until February 2023. Lightboxes are located at the Nightcliff Pool, in the Smith Street Mall and at the Dragonfly Carpark entrance (China Town), Smith Street.

11 GENERAL BUSINESS

Nil

12 NEXT MEETING

Wednesday 23 November, 2022

The Chair declared the meeting closed at 5.13pm.

UNCONFIRMED



MINUTES

Access and Inclusion Advisory Committee Meeting

Thursday, 1 September 2022

**MINUTES OF CITY OF DARWIN
ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING
HELD AT THE MEETING ROOM GUYUGWA (CASUARINA LIBRARY MEETING ROOM), 17
BRADSHAW TERRACE, CASUARINA
ON THURSDAY, 1 SEPTEMBER 2022 AT 1.30 PM**

PRESENT:	Councillor Amye Un, Councillor Sylvia Klonaris, Community Member Martin Blakemore (Acting Chair), Community Member Lynne Strathie, Community Member Kyle Adams, Community Member Kim Caudwell, Community Member Debbie Reeves, Community Member Sarah Skopellos, Community Member Rajeev Thayil, National Disability Services NT Mick Fallon, Department of Infrastructure, Planning and Logistics Ahmed Fathy, Council on the Ageing NT Cecilia Chiolero,
OFFICERS:	Edith Heiberg Governance Projects Officer, Carlos Campos Digital Communications Officer, Heather Docker Community Development Officer (Secretariat)
APOLOGY:	Building Advisory Services Alison Warwick, Community Member Stephanie Ransome
GUESTS:	Janet Brown, Council on the Ageing NT, Margy Petherbridge Down Syndrome NT

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8	Presentations	4
8.1	Presentation by City of Darwin Governance Projects Officer Edith Heiberg.....	4
8.2	Presentation by City of Darwin Digital Communications Officer Carlos Campos.....	4
8.3	Presentation by Council on the Ageing NT Cecelia Chiolero & Janet Brown	4
9	Officer Reports.....	5
9.1	Access and Inclusion Advisory Committee Update.....	5
10	Member Reports	5
	Nil	
11	General Business.....	5
	Laneway Closure – Karama – Councillor Klonaris	5
12	Access to Events in City	5
12	Next Meeting	5

Access and Inclusion Advisory Committee Meeting Minutes

1 September 2022

1 Meeting Declared Open

The Chair declared the meeting open at 1.38 pm.

2 ACKNOWLEDGEMENT OF COUNTRY

City of Darwin acknowledges that we are living and working on Larrakia Country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region. We pay our respects to the Larrakia elders past and present and support emerging Larrakia leaders now and into the future. City of Darwin is committed to working together with all Larrakia to care for this land and sea for our shared future.

3 APOLOGIES & LEAVE OF ABSENCE**3.1 Apologies**

Building Advisory Services Alison Warwick,

Community Member Stephanie Ransome

3.2 Leave of Absence**3.3 Leave of Absence Notified**

Nil

4 ELECTRONIC ATTENDANCE

Nil

5 DECLARATION OF INTEREST OF MEMBERS AND STAFF**5.1 Declaration of Interest by Members****5.2 Declaration of Interest by Staff****6 CONFIRMATION OF PREVIOUS MINUTES****COMMITTEE RESOLUTION AAIAC015/22**

Moved: Community Member Debbie Reeves

Seconded: Community Member Sarah Skopellos

That the minutes of the Access and Inclusion Advisory Committee Meeting held on 2 June 2022 be confirmed.

CARRIED 11/0

7 ACTIONS ARISING FROM PREVIOUS MINUTES

Nil

8 PRESENTATIONS**8.1 PRESENTATION BY CITY OF DARWIN GOVERNANCE PROJECTS OFFICER EDITH HEIBERG****COMMITTEE RESOLUTION AAIAC016/22**

Moved: Councillor Sylvia Klonaris

Seconded: Community Member Kyle Adams

That the presentation by City of Darwin Governance and Projects Officer be received and noted.

CARRIED 11/0

Action: Officer to provide details to committee on policy regarding shared paths on one side of road to make recommendation to Council at the next committee meeting in November

8.2 PRESENTATION BY CITY OF DARWIN DIGITAL COMMUNICATIONS OFFICER CARLOS CAMPOS**COMMITTEE RESOLUTION AAIAC017/22**

Moved: Council on the Ageing NT Cecilia Chiolero

Seconded: National Disability Services NT Mick Fallon

That the presentation by City of Darwin Digital Communications Officer be received and noted.

CARRIED 11/0

8.3 PRESENTATION BY COUNCIL ON THE AGEING NT CECILIA CHIOLERO & JANET BROWN**COMMITTEE RESOLUTION AAIAC018/22**

Moved: Community Member Martin Blakemore

Seconded: Council on the Ageing NT Cecilia Chiolero

That the presentation by Council on the Ageing be postponed.

.CARRIED 11/0

That the presentation by Council on the Ageing NT be postponed

9 OFFICER REPORTS**9.1 ACCESS AND INCLUSION ADVISORY COMMITTEE UPDATE****COMMITTEE RESOLUTION AAIAC019/22**

Moved: Councillor Sylvia Klonaris

Seconded: Council on the Ageing NT Cecilia Chiolero

1. THAT the report entitled Access and Inclusion Advisory Committee Update be received and noted.

CARRIED 11/0

10 MEMBER REPORTS

Nil

11 GENERAL BUSINESS**LANEWAY CLOSURE – KARAMA – COUNCILLOR KLONARIS**

Councillor Sylvia Klonaris brought to the attention of the committee :

- upcoming consultation on closure of a Karama laneway.
- Malak Oval pavilion addition will impact on shared path on site.

Community Member Kyle Adams departed the meeting at 2:58 pm.

12 ACCESS TO EVENTS IN CITY

Access to Drone show and Festival Park – parking restricted – increase number of accessible parks for longer events

Action: Community Development Officer to review requirements and provide feedback to committee.

Community Member Sarah Skopellos departed the meeting at 3:01 pm.

12 NEXT MEETING

The Chair declared the meeting closed at 3.07.



MINUTES

Reconciliation Advisory Committee Meeting

Monday, 26 September 2022

**MINUTES OF CITY OF DARWIN
RECONCILIATION ADVISORY COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON MONDAY, 26 SEPTEMBER 2022 AT 1:30PM**

PRESENT: City of Darwin CEO Simone Saunders, Larrakia Nation David Kurnoth, NT Indigenous Business Network Deb Anstess-Vallejo, NT Public Health Network Jace Berry, National Indigenous Australians Agency (NIAA) Carol Stanislaus, Community Member Nicole Brown, Community Member Leah Gardiner

OFFICERS: General Manager Community Matt Grassmayr, Angela O' Donnell Executive Manager Community and Cultural Services, Community Development Officer Heather Docker

APOLOGY: Councillor Peter Pangquee, NT Public Health Network Melinda Phillips

GUESTS: Cross Cultural Consultants Jason Elsegood

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8	Presentations	4
9	Officer Reports	4
10	Member Reports	4
	Cross Cultural Consultants - Reconciliation Action Plan Development.....	4
11	General Business.....	5
	Reconciliation Activity Planning 2023.....	5
	Reconciliation Advisory Committee Organisational Membership.....	5
12	Next Meeting	5

1 MEETING DECLARED OPEN

The Chair declared the meeting open at 1.32 pm.

2 ACKNOWLEDGEMENT OF COUNTRY

City of Darwin acknowledges that we are living and working on Larrakia Country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region. We pay our respects to the Larrakia elders past and present and support emerging Larrakia leaders now and into the future. City of Darwin is committed to working together with all Larrakia to care for this land and sea for our shared future.

3 APOLOGIES & LEAVE OF ABSENCE**3.1 Apologies**

Councillor Peter Pangquee, NT Public Health Network Melinda Phillips

3.2 Leave of Absence

Nil

3.3 Leave of Absence Notified

Nil

4 ELECTRONIC ATTENDANCE**5 DECLARATION OF INTEREST OF MEMBERS AND STAFF****5.1 Declaration of Interest by Members****5.2 Declaration of Interest by Staff****6 CONFIRMATION OF PREVIOUS MINUTES****COMMITTEE RESOLUTION RAC012/22**

Moved: NT Indigenous Business Network Deb Anstess-Vallejo

Seconded: Community Member Leah Gardiner

That the minutes of the Reconciliation Advisory Committee Meeting held on 12 July 2022 be confirmed.

CARRIED 10/0

7 ACTIONS ARISING FROM PREVIOUS MINUTES

- On 30 August Council endorsed the recommendation for Nicole Brown to Chair the Reconciliation Advisory Committee.
- On 13 September Council endorsed the recommendation for City of Darwin to use the term First Nations.
- In relation to the proposal by this Committee to run a forum on Youth Crime and Anti Social Behaviour CEO Simone Saunders outlined actions by City of Darwin in this area. Recommendations by the Committee could be considered to one of these forums:
 - Local Government Association of the Northern Territory (LGANT) are overseeing a forum on antisocial behaviour, the motion proposed re Youth Crime and Anti Social Behaviour could be included in this format.
 - There is a weekly interagency taskforce that is convened by NT Police that City of Darwin and Larrakia Nation Aboriginal Corporation participate in.
 - A quarterly Regional Taskforce is also convened by NTG that CEO sits on to represent City of Darwin.
- Reconciliation Advisory Committee will not endorse any additional Community committee members this year with the exception of the NAAJA organisational member to be nominated.

8 PRESENTATIONS

Nil

9 OFFICER REPORTS

Nil

10 MEMBER REPORTS

CROSS CULTURAL CONSULTANTS - RECONCILIATION ACTION PLAN DEVELOPMENT

COMMITTEE RESOLUTION RAC013/22

Moved: National Indigenous Australians Agency (NIAA) Carol Stanislaus

Seconded: Larrakia Nation David Kurnoth

That the report Cross Cultural Consultants – Reconciliation Action Plan Development be received and noted.

CARRIED 9/0

A template for the development of the next RAP will be circulated to the committee for input

11 GENERAL BUSINESS**RECONCILIATION ACTIVITY PLANNING 2023****COMMITTEE RESOLUTION RAC014/22**

Moved: Larrakia Nation David Kurnoth

Seconded: Community Member Nicole Brown

That the report be received and noted.

CARRIED 9/0

A template will be circulated to the Committee to provide key dates and events supporting Reconciliation in the 2023 calendar year. The intent is for City of Darwin to publish and online calendar for Reconciliation events and key dates.

RECONCILIATION ADVISORY COMMITTEE ORGANISATIONAL MEMBERSHIP**COMMITTEE RESOLUTION RAC015/22**

Moved: Community Member Nicole Brown

Seconded: National Indigenous Australians Agency (NIAA) Carol Stanislaus

That the notification of the resignation of NAAJA Organisational member John Rawnsley be received and noted.

CARRIED 9/0

City of Darwin CEO Simone Saunders departed the meeting at 2:59 pm.

12 NEXT MEETING

14 November 2022, 1.30 PM

The Chair declared the meeting closed at 3.02 pm

16 REPORTS OF REPRESENTATIVES

17 QUESTIONS BY MEMBERS

18 GENERAL BUSINESS

Nil

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 25 October 2022, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 Nightcliff Library Expression of Interest - Outcomes

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

26.2 2022-2024 Sister City Advisory Committee Membership Appointment

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

26.3 Darwin City Deal Review

This matter is considered to be confidential under Section 99(2) - 51(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information subject to an obligation of confidentiality at law, or in equity.

26.4 By-Law Update September 2022

This matter is considered to be confidential under Section 99(2) - 51(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information subject to an obligation of confidentiality at law, or in equity.

26.5 Enterprise IT System Mapping

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.6 Casuarina Aquatic and Leisure Centre Design Update

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

26.7 Arts and Cultural Development Advisory Committee - Appointment of Chair

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.1 Casuarina Aquatic and Leisure Centre - Development Consent Authority Submission

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if

publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON



MINUTES

**Ordinary Council Meeting
Tuesday, 27 September 2022**

Reports, recommendations and supporting documentation can be accessed via the City of Darwin Council Website at www.darwin.nt.gov.au, at Council Public Libraries or contact the Committee Administrator on (08) 8930 0670.

**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON TUESDAY, 27 SEPTEMBER 2022 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Deputy Lord Mayor Amye Un, Councillor Paul Arnold, Councillor Jimmy Bouhoris, Councillor Kim Farrar, Councillor Sylvia Klonaris, Councillor Brian O'Gallagher, Councillor Morgan Rickard, Councillor Vim Sharma, Councillor Ed Smelt
- OFFICERS:** Simone Saunders (Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Matt Grassmayr (General Manager Community), Alice Percy (General Manager Innovation)
- Gemma Perkins (Coordinator Councillor Governance and Support), Angela O'Donnell (Executive Manager Community and Cultural Services), Irene Frazis (Executive Manager Finance), Nik Kleine (Executive Manager Infrastructure), Fred McCue (Public Relations and External Affairs Advisor)
- APOLOGY:** Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Rebecca Want de Rowe
- GUESTS:** Department of Infrastructure, Planning and Logistics (DIPL), Annabel Bowles (NT News)

WEBCASTING DISCLAIMER

The City of Darwin is live webcasting the Open Section of Ordinary Council Meetings. Audio-visual recording equipment has been configured to avoid coverage of the public gallery area and the City of Darwin will use its best endeavours to ensure images in this area are not webcast. However the City of Darwin expressly provides no assurances to this effect and in the event your image is webcast, you will by remaining in the public gallery area be taken to have given the City of Darwin a non-exclusive licence to copy and broadcast your image worldwide for no reward.

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1 Acknowledgement of Country

We the members of City of Darwin acknowledge that we are meeting on Larrakia Country.

We recognise and pay our respects to all Larrakia people, Traditional Owners and Custodian Elders of the past and present.

We support emerging Larrakia leaders now and into the future.

We are committed to working together with all Larrakia to care for this land and sea for our shared future.

2 THE LORD'S PRAYER

Our Father, who art in heaven, hallowed be thy name; thy kingdom come; thy will be done; on earth as it is in heaven.

Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil.

For thine is the kingdom, the power, and the glory for ever and ever.

Amen.

3 MEETING DECLARED OPEN**RESOLUTION ORD470/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Sylvia Klonaris

The Chair declared the meeting open at 5.31pm.

CARRIED 10/0

4 APOLOGIES AND LEAVE OF ABSENCE**4.1 APOLOGIES****RESOLUTION ORD471/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT the apology from Councillor Rebecca Want de Rowe and Councillor Peter Pangquee be received.

CARRIED 10/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD472/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT it be noted Councillor Mick Palmer is an apology due to a Leave of Absence previously granted on 13 September 2022 for the 27 September 2022.

CARRIED 10/0

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD473/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT a Leave of Absence be granted for Councillor Rebecca Want de Rowe for the period 19 September 2022 to 17 October 2022.

CARRIED 10/0

5 ELECTRONIC MEETING ATTENDANCE

5.1 ELECTRONIC MEETING ATTENDANCE GRANTED

RECOMMENDATIONS

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following member(s) was granted permission for Electronic Meeting Attendance at this Ordinary Council Meeting held on Tuesday, 27 September 2022:

- Councillor Brian O’Gallagher

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

Nil

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6.1 DECLARATION OF INTEREST BY MEMBERS

Nil

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD474/22

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

That the minutes of the Ordinary Council Meeting held on 13 September 2022 be confirmed.

CARRIED 10/0

Councillor Ed Smelt raised that the minutes reflected a vote 9/0 for the Lord Mayoral Minute however believes the item was not voted on.

The Lord Mayor clarified that he called for the vote however will take on notice and confirm.

Post Ordinary Council Meeting the Governance team reviewed the recording and the Lord Mayor is heard to say "passed unanimously" with no objectors noted.

8 MOVING OF ITEMS

8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL

Nil

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING

26.1 EXTENSION OF CONTRACT 2018/049 MANAGEMENT OF CASUARINA, NIGHTCLIFF AND PARAP SWIMMING POOLS

RESOLUTION ORD472/22

Moved: Councillor Ed Smelt

Seconded: Councillor Paul Arnold

1. THAT the report entitled Extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools be received and noted.
2. THAT Council approve the extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools until 30 June 2024.
3. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*
4. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 10/0

26.3 TREE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS AND AMENDMENTS TO THE TERMS OF REFERENCE**RESOLUTION ORD474/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

1. THAT the report entitled Tree Advisory Committee – Appointment of Community Members and Amendments to the Terms of Reference be received and noted.
2. THAT Council approve Dr Greg Leach and Adam Grainger as community members to the Tree Advisory Committee for a two-year term from 27 September 2022 to 30 September 2024.
3. THAT Council endorse the revised Terms of Reference for the Tree Advisory Committee.
4. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the Local Government Act 2019.
5. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0

26.5 NEW LEACHATE POND CONSTRUCTION SEPTEMBER UPDATE**RESOLUTION ORD476/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled New Leachate Pond Construction September Update be received and noted.
2. THAT Council note the revised project cost of \$7.5 Million for the delivery of the new leachate pond.
3. THAT Council approve the transfer of \$1.5M from the Waste Remediation Reserve to the 2022/23 Capital Works Program for the purposes of entering into construction contract for the Construction of a new 15 ML Leachate Pond.
4. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the Local Government Act 2019.
5. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0

27.1 SHOAL BAY WASTE MANAGEMENT FACILITY - UPDATE SEPTEMBER 2022**RESOLUTION ORD477/22**

Moved: Councillor Amye Un

Seconded: Councillor Vim Sharma

1. THAT the report entitled Shoal Bay Waste Management Facility - Update September 2022, be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0**27.2 CORPORATE SERVICES REPORT - AUGUST 2022****RESOLUTION ORD478/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

1. THAT the report entitled Corporate Services Monthly Report – August 2022 be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0**27.3 WALKWAY PURCHASE ENQUIRIES****RESOLUTION ORD479/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Amye Un

1. THAT the report entitled Walkway Purchase Enquiries be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0

28.1 INCOMING CORRESPONDENCE - MINISTER FOR INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT**RESOLUTION ORD480/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the Incoming Correspondence – Minister for Infrastructure, Transport, Regional Development and Local Government be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the Local Government Act 2019.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0**28.2 INCOMING CORRESPONDENCE - NORTHERN TERRITORY REMUNERATION TRIBUNAL****RESOLUTION ORD481/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the Incoming Correspondence - Northern Territory Remuneration Tribunal be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the Local Government Act 2019.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

THAT the presentation from Department of Infrastructure, Planning and Logistics (DIPL), in relation to the Middle Arm Sustainable Development Precinct, be received and noted.

13 NOTICES OF MOTION**13.1 NOTICE OF MOTION - THE ULURU STATEMENT FROM THE HEART**

I, Councillor Jimmy Bouhoris, give notice that at the next Ordinary Council Meeting on 27 September 2022, I will move the following motion:-

RESOLUTION ORD475/22

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Vim Sharma

THAT Council invite Thomas Mayor to present *The Uluru Statement from the Heart* to Councillors at the next available Ordinary Council Meeting.

CARRIED 10/0

14 ACTION REPORTS

14.1 MOTIONS FOR THE NOVEMBER 2022 LGANT GENERAL MEETING

RESOLUTION ORD476/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Motions for the November 2022 LGANT General Meeting be received and noted.
2. THAT Council endorse the following motion to be submitted to the Local Government Association of the Northern Territory (LGANT) General Meeting in November 2022:

THAT the City of Darwin Council calls on the LGANT Board to develop and deliver a long-term campaign to prompt Territorians to actively consider local government as an attractive employment sector.
3. THAT Council endorse the following motion to be submitted to the Local Government Association of the Northern Territory (LGANT) General Meeting in November 2022:

THAT the City of Darwin Council calls on the LGANT Board to develop a suite of digital resources for use by all members to promote the advantages and benefits of a career in local government in the NT to Territorians and potential interstate candidates.

CARRIED 10/0

14.2 REVIEW OF THE CITYLIFE PLATFORMS - LIGHTBOX EXHIBITIONS

RESOLUTION ORD477/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Review of the CITYLIFE Platforms – Lightbox Exhibitions be received and noted.
2. THAT Council endorse the name change of the CITYLIFE Platforms to City of Darwin Lightbox Exhibitions.

CARRIED 10/0

15 RECEIVE & NOTE REPORTS

15.1 NIGHT TIME ECONOMY 2020-21

RESOLUTION ORD478/22

Moved: Councillor Amye Un

Seconded: Councillor Jimmy Bouhoris

THAT the report entitled Night Time Economy 2020-21 be received and noted.

CARRIED 10/0

15.2 PROVISIONAL MONTHLY FINANCIAL REPORT - AUGUST 2022

RESOLUTION ORD479/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

THAT the report entitled Provisional Monthly Financial Report – August 2022 be received and noted.

CARRIED 10/0

15.3 REVIEW OF PLANS AND PROCESSES FOR THE REMOVAL OF OBSOLETE FOOTPATHS

RESOLUTION ORD480/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

THAT the report entitled Review of Plans and Processes for the Removal of Obsolete Footpaths be received and noted.

CARRIED 10/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD481/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Paul Arnold

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Ed Smelt provided an update on the Playspace Strategy consultation at Bicentennial Park. Great to see the team actively engaging with residents and tourists and look forward to the results come back to Council.

16.2

Councillor Paul Arnold advised that Tourism Top End have relocated to The Mall for two months while there are upgrades to the aircon.

Councillor Paul Arnold has also been in conversations with landlords in The Mall. There has been a big shift with 5 major upgrades currently in process with a major business coming. OPSM has had a refit and looks amazing. Councillor Paul Arnold has been asked to review The Mall infrastructure.

16.3

Councillor Sylvia Klonaris reported on the Chess Tournament at Casuarina Library. It was very well attended and there were several adults competing.

Councillor Sylvia Klonaris also attended the Playspace Strategy consultation at Holzerland Park. There were interesting conversations and ideas from the community and look forward to the results.

Along with the Lord Mayor, Councillor Sylvia Klonaris also attended the Italian Consulate at the Italian Club. It was a lovely evening and great for networking.

16.4

Councillor Jimmy Bouhoris reported on the Imagine Seaside Festival held at Casuarina Beach. The Festival went for two days and was an incredible event. Council should continue to support this blooming event. It was amazing to see an event outside of the City. Thanks to all involved including staff.

16.5

Councillor Amye Un reported on the 50 year celebration of Brown's Mart. Thanks to Council for attending and supporting.

Councillor Amye Un advised Councillor Ed Smelt that a resident in Ludmilla would like to meet with him.

Councillor Amye Un also thanked the Darwin Community for attending her movie as part of the Darwin International Film Festival.

Councillor Amye Un advised Elected Members that if she is doing something wrong, they should speak to her directly and that she is waiting on the response for two letters.

16.6

Councillor Morgan Rickard reported on the Imagine Seaside Festival, whilst he could not attend was pleased Councillor Jimmy Bouhoris represented Council. Councillor Morgan Rickard reported on the Darwin International Film Festival, Street Art Festival and Brown's Mart 50th Anniversary celebrations. Darwin is so lucky to have a thriving arts community. Keep supporting the Darwin Arts Community.

16.7

The Lord Mayor advised that the quotes for the Rapid Creek Bridge have been received. Works will begin and the bridge will be open in the next few weeks.

The Lord Mayor also advised that the Casuarina Pool will remain open for 3 and 4 October to accommodate the community while there is a competition at Parap Pool.

The Lord Mayor advised that Mr Jape Kong Su passed away. There will be a memorial service at the Darwin Convention Centre. Condolences to the Jape family.

CARRIED 10/0**17 QUESTIONS BY MEMBERS****17.1 RAPID CREEK BRIDGE UPDATE****RESOLUTION ORD482/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

Question

Councillor Ed Smelt requested an update on the Rapid Creek Bridge.

Answer

The General Manager Community, Matt Grassmayr responded and advised that work on the bracing should begin before 17 October 2022. The second stage is design works for a new bridge.

CARRIED 10/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - NORTHERN TERRITORY ELECTORAL COMMISSION - WATERS WARD BY-ELECTION****RESOLUTION ORD483/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Morgan Rickard

THAT the Incoming Correspondence - Northern Territory Electoral Commission - Waters Ward By-Election be received and noted.

CARRIED 10/0

18.2 INCOMING CORRESPONDENCE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - MOTIONS SUBMITTED TO THE 2022 NATIONAL GENERAL ASSEMBLY (NGA)**RESOLUTION ORD484/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Morgan Rickard

THAT the Incoming Correspondence - Australian Local Government Association - Motions Submitted to the 2022 National General Assembly (NGA) be received and noted.

CARRIED 10/0

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**RECOMMENDATIONS**

THAT the next Ordinary Meeting of Council be held on Tuesday, 11 October 2022, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC**RECOMMENDATIONS**

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 Extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.2 Chapel Lane Redevelopment

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.3 Tree Advisory Committee - Appointment of Community Members and Amendments to the Terms of Reference

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

26.4 Civic Centre Redevelopment - Draft Functional Design Brief

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.5 New Leachate Pond Construction September Update

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

27.1 Shoal Bay Waste Management Facility - Update September 2022

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.2 Corporate Services Report - August 2022

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of

the council or some other person.

27.3 Walkway Purchase Enquiries

This matter is considered to be confidential under Section 99(2) - 51(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the personal circumstances of a resident or ratepayer.

28.1 Incoming Correspondence - Minister for Infrastructure, Transport, Regional Development and Local Government

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

28.2 Incoming Correspondence - Northern Territory Remuneration Tribunal

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

21 Adjournment of Meeting and Media Liaison

RECOMMENDATIONS

THAT the open section of the meeting be adjourned at 7.03pm.

THAT the open section of the meeting be resumed at 8:56pm

THAT the chair declared the meeting closed at 8:56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 October 2022.

.....
CHAIR