DARWIN CITY COUNCIL

SEVENTY-FOURTH ORDINARY MEETING OF THE TWENTIETH COUNCIL

TUESDAY, 16 AUGUST 2011

MEMBERS: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member J D Bailey; Member R T Dee; Member R K Elix; Member H I Galton; Member R M Knox; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg.

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; Acting General Manager Community & Cultural Services, Ms K Conway; Executive Manager, Mr M Blackburn; Committee Administrator, Ms L Elmer.

GUESTS: Mr Barry Stach, Commodore and Mr John Mulkearns, Honorary Engineer from the Darwin Sailing Club will be in attendance from 5.15 p.m. to brief the Council on access into Sailing Club.

Mr David Malone, Executive Director Strategic Planning, NT Government will be in attendance from 5.45 p.m. to brief the Council on the Storm Surge Impact Maps.

Enquiries and/or Apologies: Linda Elmer
E-mail: l.elmer@darwin.nt.gov.au
PH: 89300 670

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6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

6.1 Confirmation of the Previous Ordinary Council Meeting
Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 26 July 2011, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20( ) (16/08/11)

7 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

7.1 Business Arising

8 MATTERS OF PUBLIC IMPORTANCE
9 DEPUTATIONS AND BRIEFINGS

9.1 Access to the Darwin Sailing Club
Common No. 2047565

Mr Barry Stach, Commodore and Mr John Mulkearns, Honorary Engineer from the Darwin Sailing Club will be in attendance from 5.15 p.m. to brief the Council on access improvements and road realignment into the Darwin Sailing Club.

THAT the presentation from the Darwin Sailing Club, in relation to the access improvements and road realignment into the Darwin Sailing Club, be received and noted.

DECISION NO.20 (16/08/11)

9.2 Storm Surge Impact Maps
Common No. 1777700

Mr David Malone, Executive Director Strategic Planning, NT Government will be in attendance from 5.45 p.m. to brief the Council on the Storm Surge Impact Maps

THAT the presentation from the NT Government, in relation to the Storm Surge Impact Maps, be received and noted.

DECISION NO.20 (16/08/11)
10 CONFIDENTIAL ITEMS

10.1 Closure to the Public for Confidential Items
Common No. 1944604

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential matters referred from Committees including Confidential Committee Items, and the following Items:-

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<tr>
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<tr>
<td>C22.1</td>
<td>8(c)(ii)</td>
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<td>C24.1</td>
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DECISION NO.20\() (16/08/11)

10.2 Moving Open Items Into Confidential

10.3 Moving Confidential Items Into Open
11 PETITIONS

Nil

12 NOTICES OF MOTION

Nil
13 OFFICERS REPORTS

13.1 Subdivision Application – Parcel: Lot 5988 (57) Bayview Boulevard Town of Darwin – Proposal: Subdivision to Create 5 Lots
Report No. 11TS0134 CR:fh (07/07/11) Common No. 2041915

*Report Number 11TS0134 CR:fh attached.*
DARWIN CITY COUNCIL
REPORT

TO: 1st ORDINARY COUNCIL MEETING/OPEN
FROM: GENERAL MANAGER INFRASTRUCTURE
REPORT NO: 11TS0134 CR:fh
COMMON NO: 2041915

SUBJECT: SUBDIVISION APPLICATION – PARCEL: LOT 5988 (57) BAYVIEW BOULEVARD TOWN OF DARWIN – PROPOSAL: - SUBDIVISION TO CREATE 5 LOTS

ITEM NO: 13.1

SYNOPSIS:
A Subdivision Application for Lot 5988 (57) Bayview Boulevard Town of Darwin (Attachment A) has been referred to Council for comment pursuant to Section 48 of the Planning Act. The following report addresses relevant Council issues and recommends that Council endorse comments provided to the Development Consent Authority by staff.

GENERAL:
Applicant: Mr Kevin Dodd
Zone: SD (Single Dwelling Residential) Area: 16.33 ha
MD (Multiple Dwelling Residential)
HR (High Density Residential)
FD (Future Development)
Proposal: Subdivision to create 5 lots

History: Over the last thirteen years Lot 5988 has been progressively developed as the Bayview Marina Estate. The Crown Lease term over the land (CLT 1251) is owned by Dover Investments Pty Ltd.

There are a number of strips around the perimeter of the Crown Lease that comprise the sea wall, native vegetation buffers and drains. The purpose of this current application is to surrender the five parcels from the remaining crown lease area so that the five lots can then be vested to the relevant authorities.

Site and Surrounds:
A range of zones have been designated to the various strips of land that are the subject of this application. The three (3) proposed parcels abutting Tiger Brennan Drive (Lots 7294, 7295 and 7435), have been designated the same residential zonings as the adjacent residential parcels (SD, MD and HR). The remaining two (2) remnant strips that are to be
surrendered from the Crown Lease, (shown as Lots A and B on the attached plans) are currently zoned FD.

The subdivision has been developed in accordance with a range of Development Consent Authority (DCA) approvals including DP98/0218, DP02/0104, DP02/0144, DP03/0288, DP04/0010 and DP08/0327.

Matters to be taken into account (pursuant to Section 51 of the NT Planning Act 1999):

**Northern Territory Planning Scheme:**

The proposed development falls within the zones SD, MD, HR and FD zone. Development consent is required to subdivide the lots. The lots are intended to accommodate infrastructure including a sea wall, native vegetation buffers and stormwater drains. No private land uses are proposed for the lots.

**Disability Discrimination Legislation:**

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

**Council Issues:**

Any Council support for the subdivision proposal in no way implies that Council will accept ownership of the land or infrastructure within any of the subdivided lots.

At the time of preparing this report it was expected that the seawall lots (Lots A & B) would be vested to the NT Government along with Lot 7295 abutting the Tiger Brennan road reserve (also vested in the NTG). It had not yet been determined which level of government would manage Lots 7435 and 7294 which contain drainage infrastructure.

Council has recommended in its revised response to the DCA (Attachment B) that easements be proved over infrastructure within proposed Lots 7294 and 7434.

Furthermore, any lots created should have adequate access to enable maintenance and management of infrastructure within these lots by the relevant owner of these lots.

**FINANCIAL IMPLICATIONS:**

Nil.
STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

Goal 1:
1. Achieve Effective Partnerships and Engage in Collaborative Relationships.

Outcome
1.1 Improve relations with all levels of Government.

Key Strategies
1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.
1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin’s lifestyle.
1.2 Effectively engage with Community.
1.2.1 Increase involvement of the Business Community for developing solutions to local issues.

Goal 2:
2. Enhance Darwin’s Active, Positive and Flexible Lifestyle.

Outcome
2.1 Improve urban enhancement around Darwin.

Key Strategies
2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs.
2.1.4 Provide a clean and liveable municipality.

Goal 3:
3. Assist Individuals and the Community Stay Connected with the Darwin Region.

Outcome
3.1 Promote the use of public spaces.

Key Strategies
3.1.1 Enhance public spaces and encourage greater use by the community.
3.2 Enhance transport.
3.2.1 Review transport and parking needs systems.
3.2.4 Provide parking facilities and management systems which meet the needs of the community.

Goal 4:
4. Create and Maintain an Environmentally Sustainable City.

Outcome
4.2 Improve water conservation.

Key Strategies
4.2.2 Manage and maintain Council’s storm water management system.

LEGAL IMPLICATIONS:

This item is not considered "Confidential".
PUBLIC RELATIONS IMPLICATIONS:

Not Assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not Assessed.

DELEGATION:

To the Chief Executive Officer to provide standard Development Permit conditions as appropriate.

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil.

APPROPRIATE SIGNAGE:

Not Applicable.

RECOMMENDATIONS:

A. THAT Report Number 11TS0134 CR:fh entitled Subdivision Application for Lot 5988 (57) Bayview Boulevard Town of Darwin for Subdivision to Create 5 Lots, be received and noted.

B. THAT the revised letter to the Development Consent Authority in Attachment B to Report Number 11TS0134 CR:fh be endorsed.

DROSSO LELEKIS
MANAGER DESIGN,
PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

Any queries on this report can be directed to Cindy Robson on 8930 0528 or email c.robson@darwin.nt.gov.au
Development Consent Authority
Northern Territory
GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6046
Facsimile No: (08) 8999 6055

In reply please quote: PA2011/0420

Sir or Madam
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Sir or Madam,

Proposed Subdivision Application

The attached application has been received for assessment by the Development Consent Authority:

Parcel Description Lot 05988 Town of Darwin
Road/Street 57 BAYVIEW BVD
Town Plan Zone PS (Public Open Space)
Tenure Type CROWN LEASE TERM
Land Owners Dover Investments Pty Ltd (ACN 009 637 914)

Applicant Mr Kevin Dodd
Contact Number 08 8981 2494
Purpose Subdivision to create 5 lots

The proposal can be viewed online for a two week period from Friday, 8th July 2011 until Friday, 22nd July 2011 at: https://www.ntlis.nt.gov.au/planning/ltta.dar.list

Could you please examine the proposal and provide comment to me on any aspects pertaining to your area of concern by Friday, 22nd July 2011. Please note that comments received after the closing date may not be able to be considered by the Authority.

If you have access to ILIS please enter your submission online at: https://www.ilis.nt.gov.au/ilis/l?pageld=planning.application&ilis_entity_id=64439430

Please note that you can only access the Development Application and make submissions through ILIS during the exhibition period.

Only users who have been registered as belonging to a Service Authority can enter submissions. Please contact Planning if you require any users removed or added to this list.

Please note that technical comments by service authorities will not be considered as submissions under section 49 of the Planning Act and therefore will not be eligible for third party appeal rights unless specifically requested.

If you wish to secure a third party right of appeal, when it exists, you must specify that the submission is being made under section 49 and ensure that the submission is lodged with the consent authority by 4PM CST Friday, 22nd July 2011 which is the closing date for public exhibition.
Lot 5988, Town of Darwin
Development Application

INTRODUCTION

Over the last 13 years Lot 5988 has been progressively developed as the Bayview Marina Estate. The Crown lease term over the land (CLT 1251) is owned by Dover Investments Pty Ltd.

The subdivision has been developed in accordance with a range of Development Consent Authority (DCA) approvals including DP98/0218, DP02/0104, DP02/0144, DP03/0288, DP04/0010 and DP08/0327.

There are a number of strips of land around the perimeter of the Crown lease that comprise the sea wall, native vegetation buffers and drains and it has always been the intention that these strips of land would be surrendered from the Crown lease and vested in either the Darwin City Council or NT Government.

All the relevant Development Permits so this application is now seeking the consent of the DCA to create the 5 parcels shown on plan 11/8093/1.

MATTERS TO BE ADDRESSED

46(3)(a) – Compliance with the NT Planning Scheme

A range of zonings have been designated to the various strips of land that are the subject of this application.

The three proposed parcels abutting Tiger Brennan Drive (Lots 7294, 7295 and 7435) have been designated the same zonings as the adjacent residential parcels (SD, MD and HR).

Proposed Lots 7294, 7295 and 7435 have all been shown on survey plans that have previously been lodged with the Surveyor General and copies of those survey plans are included with this application.

The remaining two remnant strips that are to be surrendered from the Crown lease are shown as Lots A and B on 11/8093/1. These areas have never been surveyed and are currently zoned FD.

The minimum lot size for zone FD is listed as 50 hectares in the NT Planning Scheme however it is an interim zone for areas that are intended for future development. The NTPS advises that subdivision (of FD land) should not prejudice the intended ultimate subdivision and future use and what is being proposed by the current application certainly does not prejudice the proposed future use.

The zonings of the of the subject strips are not really an issue as the land will not be developed further and will simply be vested in the relevant authority.

Whilst the area of the subject lots that have residential zonings meet the prescribed minimum lot size for those zones it is irrelevant as the land is not to be used for residential purposes. The NT Government and Darwin City Council are still discussing whether the parcels will be vested in the Council or NTG however the land is not going to be developed further and the current use (buffer to Tiger Brennan) will not be changing.

46(3)(b) – Compliance with an Interim Development Control Order

The Applicant is not aware of any Interim Development Control Orders applying to the subject land.

46(3)(c) – Public Environmental Report or Environment Impact Statement

There is no requirement for a report or statement under the Environmental Assessment Act.
46(3)(d) – Merits of the proposed development

The whole purpose of the current application is to “tidy up” the Crown lease and surrender those areas that will not play any part in any future development.

As previously advised the strips will either be vested in DCC or NTG and this is currently being resolved by the two parties.

It is not appropriate that the subject areas remain in the Crown lease which is owned by Dover Investments Pty Ltd. It is more appropriate that they are vested in the authority that will ultimately be responsible for the ongoing control of the different areas and an approval of the current application will facilitate those vestings.

46(3)(e) – The physical characteristics of the land

The vast majority of the boundaries of the proposed parcels are existing and there will be no changes to the current use of the land. Consequently the physical characteristics of the land do not impact on the proposal.

46(3)(f) – Public facilities or open space

The proposal does not create a demand for any additional public facilities or open space.

46(3)(g) – Public utilities and infrastructure

No changes are required to the existing services or other infrastructure.

46(3)(h) – Potential impact on the existing and future amenity of the area

There will no impact whatsoever on the existing or future amenity of the area.
10 August 2011

Mr Doug Lesh  
Manager Urban Planning  
Department of Lands and Planning  
GPO Box 1680  
DARWIN NT 0801  

Dear Mr Lesh  

REVISED  
Parcel Description: Lot 5988 (57) Bayview Boulevard Town of Darwin  
Proposed Development: Subdivision to create 5 lots  

Thank you for the Development Application referred to this office 7 July 2011, concerning the above. This letter was placed before the August First Ordinary Council Meeting, varied and endorsed and has been provided accordingly. 

The following issues are raised for consideration by the Authority:  

i). Council supports in principle the granting of a Development Permit provided the following issues are adequately addressed:  

a). Council recommends that easements be created over any stormwater drainage or other infrastructure within all proposed new lots as deemed necessary.  

b). Any lots created should have adequate access to enable maintenance and management of infrastructure within these lots by the relevant owner of the lots.  

This in no way implies that Council will accept ownership of the land or infrastructure within any of the subdivided lots.  

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

Yours faithfully  

CINDY ROBSON  
STRATEGIC TOWN PLANNER  

cc: Mr Kevin Dodd
13 OFFICERS REPORTS

13.2 Subdivision Application – Parcel: Lot 5966 (130) Smith Street Town of Darwin – Proposal: 42 x 2 Bedroom Multiple Dwellings in a 12 Storey Building including Ground Level Shops
Report No. 11TS0135 CR:fh (08/08/11) Common No. 1653717

REPORT

TO: 1st ORDINARY COUNCIL MEETING/OPEN
FROM: GENERAL MANAGER INFRASTRUCTURE
REPORT NO: 11TS0135 CR:fh
COMMON NO: 1653717
SUBJECT: DEVELOPMENT APPLICATION – PARCEL: LOT 5966 (130) SMITH STREET TOWN OF DARWIN – PROPOSAL: - 42X2 BEDROOM MULTIPLE DWELLINGS IN A 12 STOREY BUILDING INCLUDING GROUND LEVEL SHOPS

ITEM NO: 13.2

SYNOPSIS:

A revised Development Application for Lot 5966 (130) Smith Street Town of Darwin (Attachment E) has been referred to Council for comment pursuant to Section 48 of the Planning Act. The following report addresses relevant Council issues and recommends that Council endorse comments provided to the Development Consent Authority by staff.

GENERAL:

Applicant: Kim Enterprises
Zone: CB (Central Business) Area: 918 m²

Proposal:

The proposal is to develop a 12 storey residential building, with ground level retail, at Lot 5966 (130) Smith Street, Darwin City. The site is in a prominent location at the corner of Smith Street and Harriet Place, Darwin City. The site also has frontage to the Smith Street (West) shopping precinct. The building will be developed with its main frontage to Smith Street, with vehicle access to the parking on levels 1 to 4 from Harriet Place. The building layout is proposed as follows:

- The ground floor will comprise 299 m² of shops with frontages to Smith Street, Harriet Place and the shopping precinct. The waste bin enclosure will also be located on the ground floor, with a service bay for the bin collection truck. Entry to the service bay will be from the main Harriet Place vehicle access, with an exit for the bin truck only to the Smith Street shopping precinct.

- Levels 1 to 4 will comprise car parking floors with a total of 81 bays.
• Levels 5 to 6 will each comprise 5 x 2 bedroom units and Levels 7 to 11 will each comprise 6 x 2 bedroom units making a total of 42 multiple dwellings. Each multiple dwelling will have an outdoor balcony / verandah.

• Communal areas are provided at Levels 5 and 6.

History:

The development application has the following history:

• Original application referred to Council for comment - 18 September 2009 (Attachment A).
• Council response to original application - 2 October 2009 (Attachment B).
• DCA defers decision on the application - 5 March 2010 (Attachment C).
• DCA defers application for second time - 22 February 2011 (Attachment D) for the following reasons:

  1) Information confirming the total number of existing car parking spaces that will be lost as a result of the proposed development (both on and off the site). This information is not apparent from the plans submitted, and it is noted that the plans originally submitted showed “existing parking” to be retained on the plans abutting the site to the north, which is incorrect, as it is apparent that this parking will be removed.

  2) Amended plans showing additional car parking provided on site to cater for the parking needs of the commercial component of the development, or information with regard to why this parking is not necessary, having consideration for the need for people to park conveniently when visiting the proposed ground level shop component of the development.

• Applicant submits new information in response to DCA letter dated 22 February 2011 (Attachment E).
• Council response to current referral (Attachment F)

Site and Surrounds:

The site is within the CB (Central Business) zone of Darwin and is currently developed for a 24 hour diner style café. Land to the north, north-east and south-west of the site is also within zone CB and is developed for various commercial uses. There is a local park located directly to the south-east of the site and zone HR (High Rise Residential) to the north-east.

Matters to be taken into account (pursuant to Section 51 of the NT Planning Act 1999):
Northern Territory Planning Scheme:

The proposed development is in the CB (Central Business) zone, and requires consent.

Clause 6.5.1 of the Planning Scheme sets out car parking requirements for new developments located within Darwin’s Central Business (CB) Zone. The original application states that there would be a provision of 84 carparking bays, which would meet the required parking for the 42 multiple dwellings proposed for the site. The amended plans now demonstrate that only 81 carparking bays are provided for the multiple dwellings and it is noted that 3 carparking bays have been deleted from the carparking area on Level 1. It is also noted that the subject site is located within Zone CB (Central Business) of the NT Planning Scheme and, since previous consideration of the proposal in October 2009, the Planning Scheme requirements have changed such that 2 bedroom multiple dwellings now require 1.5 carparking bays per dwelling, rather than the previous requirement of 2 per dwelling. The proposal now generates a requirement for 63 carparking bays for the residential component and in its current form, has a surplus of carparking bays for the overall development.

The floor plan for Levels 2-4 indicate that 3 motor cycles bays are provided per floor, which would result in a total of 9 motor cycle bays, however the Applicant states only 6 are provided. This is not an issue, as Council does not consider the motor cycle bays to supplement any carparking shortfall; however Council staff have requested that the plans should be corrected if inaccurate.

Clause 6.5.1 of the Planning Scheme sets out car parking requirements for the CB (Central Business) zone to be 1 car parking bay per 100 m$^2$ of net floor area. The revised application demonstrates a reduction in the floor area of the commercial uses on the ground floor; however the extent of this reduction is unclear. The Applicant states that the new floor area is 216 m$^2$ although, it appears that all of the commercial areas have not been accounted for. It appears, the net floor area of the kitchen associated with the ‘fast food eatery’ has not been included within the calculations.

Council staff calculate that the commercial floor area is approximately 299m$^2$, generating a requirement of 9 carparking bays. Council acknowledges that there are 8 reinstated carparking bays in the Smith Street shopping precinct carpark and that it is not convenient to provide a single carparking bay for customers on Level 1. As the Applicant has failed to provide any details of the existing commercial floor space on Lot 5966, it is not possible to assess if additional carparking, if any, is required for the proposed development and whether the 8 carparking bays are sufficient, with the existing carparking situation on the site. It has been requested that a total of 9 carparking bays be designated for the commercial uses.

Clause 7.6 (Communal Open Space) of the Planning Scheme requires that a minimum of 15% of the site, being not less than 6 metres across at any one point, should be used for communal open space. Council acknowledges that Communal Open Space has now been incorporated into the revised development.
Disability Discrimination Legislation:

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

Council Issues:

Crossover and Driveway: The applicant is proposing a 7.2 metre vehicle crossover and driveway from Harriet Street to the upper level car parks and the service bay for the waste bin vehicle. Normally, a 6.0 metre wide crossover is acceptable to Council, it needs to be demonstrated that a 7.2 metre wide crossover is required in this instance. It may the case that a 7.2 metre wide crossover is required for a waste removal vehicle to negotiate the entrance.

A 5.0 metre vehicle crossover is also proposed to the Smith Street shopping precinct car park, as an exit for the waste bin vehicle only. The proposed vehicle crossovers will result in the loss of 3 carparking bays along the Smith Street shopping precinct. The applicant has not indicated whether any carparking bays will be lost within the Harriet Place road reserve. However, it does appear that there will be a loss of up to 4 angled car parking bays. Council staff have requested that a condition is placed upon any Development Permit issued requesting a monetary contribution be paid by the applicant to Darwin City Council in lieu of the total number of on-street car parking spaces lost as a result of the development.

Traffic: The proposed development will result in additional traffic movements around the site. It has been requested the Authority require the applicant provide advice from a suitably qualified traffic engineer in regards to the adequacy of the existing intersection to cater for this additional traffic.

Stormwater Drainage: Proposals for on-site stormwater collection and discharge underground to street stormwater mains have not been included on the development application plans. Stormwater plans have been requested from the applicant.

Lot 5966 is not covered by a Developer Contribution Plans for Stormwater Drainage Works, as gazetted by Council in 2007.

Easements: There are no easements shown on the applicant’s plans.

Footpath / Verge: No footpath or landscaping works to the Smith Street and Harriet Place frontages to the site are shown on the development application plans.

Awnings: There is a proposed 2.6 metre wide awning around the Smith Street and Harriet Place frontages of the site. Council’s standard awnings condition has been included in the comments to the Consent Authority.
Overhangs to Council Land: The development application Building Elevation Plan (Sheet 8/13) demonstrates various roof and window shade overhangs to Council land on Smith Street and Harriet Place. The applicant should be advised that, with the exception of street level awnings, Council will not support any overhangs onto Council’s land and all over-hangs should be removed from the development application plans.

Waste bins: Additional information is required from the applicant regarding waste management and waste collection facilities for proposed development. A Waste Management Plan has been requested by Council to assess waste disposal, storage and removal for the proposed development in accordance with Council’s Waste Management Policy.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

Goal 1:
1. Achieve Effective Partnerships and Engage in Collaborative Relationships.
   Outcome
   1.1 Improve relations with all levels of Government.
   Key Strategies
   1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.
   1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin’s lifestyle.
   1.2 Effectively engage with Community.
   1.2.1 Increase involvement of the Business Community for developing solutions to local issues.

Goal 2:
2. Enhance Darwin’s Active, Positive and Flexible Lifestyle.
   Outcome
   2.1 Improve urban enhancement around Darwin.
   Key Strategies
   2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs.
   2.1.4 Provide a clean and liveable municipality.

Goal 3:
3. Assist Individuals and the Community Stay Connected with the Darwin Region.
   Outcome
   3.1 Promote the use of public spaces.
   Key Strategies
   3.1.1 Enhance public spaces and encourage greater use by the community.
3.2 Enhance transport.
3.2.1 Review transport and parking needs systems.
3.2.4 Provide parking facilities and management systems which meet the needs of the community.

Goal 4:
4. Create and Maintain an Environmentally Sustainable City.

Outcome
4.2 Improve water conservation.

Key Strategies
4.2.2 Manage and maintain Council’s storm water management system.

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not Assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not Assessed.

DELEGATION:

To the Chief Executive Officer to provide standard Development Permit conditions as appropriate.

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil.

APPROPRIATE SIGNAGE:

Not Applicable.
RECOMMENDATIONS:

A. THAT Report Number 11TS0135 CR:fh entitled Development Application for Lot 5966 (130) Smith Street Town of Darwin, for 42x2 bedroom multiple dwellings in a 12 storey building including ground level shops, be received and noted.

B. THAT the letter to the Development Consent Authority in Attachment F to Report Number 11TS0135 CR:fh be endorsed.

DROSSO LELEKIS
MANAGER DESIGN,
PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

Any queries on this report can be directed to Cindy Robson on 8930 0528 or email c.robson@darwin.nt.gov.au
# NORTHERN TERRITORY OF AUSTRALIA

**Planning Act**

Application for Development Permit - section 46

## 1. LAND INFORMATION

<table>
<thead>
<tr>
<th>LOCATION OF PROPOSED DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town/Hundred/Locality: CBS TOWN OF DARWIN</td>
</tr>
<tr>
<td>Parcel Number(s) and/or Unit number:</td>
</tr>
<tr>
<td>LTO Plan: CBD</td>
</tr>
<tr>
<td>Number and Street Name:</td>
</tr>
<tr>
<td>Zone: CBD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LAND OWNER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the applicant the land owner? YES/NO</td>
</tr>
<tr>
<td>Owner's name(s): KIM ENTERPRISES P/L</td>
</tr>
<tr>
<td>Postal address: P.O BOX 3122 DARWIN 0801</td>
</tr>
</tbody>
</table>

Attach owner's authorisation if applicant is not the land owner
SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

## 2. APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>APPLICANT KIM ENTERPRISES PTY LTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILIC Customer no. (if known):</td>
</tr>
<tr>
<td>Company name (if applicable):</td>
</tr>
<tr>
<td>ABN or ACN (if applicable): 009 642 344</td>
</tr>
<tr>
<td>Title: Mr Mrs Miss Ms Dr Other:</td>
</tr>
<tr>
<td>Family name(s):</td>
</tr>
<tr>
<td>Given name(s):</td>
</tr>
<tr>
<td>Preferred name(s):</td>
</tr>
<tr>
<td>Postal address:</td>
</tr>
<tr>
<td>Telephone no. (business hours): 0411323381</td>
</tr>
<tr>
<td>Facsimile no.: 04115433</td>
</tr>
<tr>
<td>E-mail address: <a href="mailto:mpmilatos@ozemail.com.au">mpmilatos@ozemail.com.au</a></td>
</tr>
</tbody>
</table>

**CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE')**

| ILIC Customer no. (if known): |
| Company name (if applicable): |
| ABN or ACN (if applicable): |
| Title: Mr Mrs Miss Ms Dr Other: |
| Family name(s): |
| Given name(s): |
| Preferred name(s): |
| Postal address: GPO Box 3622 DARWIN 0801 |
| Telephone no. (business hours): 08 917371 |
| Mobile no.: 08 9924644 |
| Facsimile no.: 08 92502 |
| E-mail address: savvyarchitects@internode.on.net |

**NOTE:**
ALL CORRESPONDENCE WILL GO TO THE PERSON AND ADDRESS INDICATED HERE.

---

Application Form s.46 – Development Application
Updated September 2003

29
3. DEVELOPMENT / PROPOSAL

EXISTING LAND USE

BRIEF DESCRIPTION OF DEVELOPMENT/PROPOSAL

Proposed Commercial/Residential Unit Resumption

Value of works (excluding land): $14,000 (approximate opinion only)

VARIATIONS SOUGHT

Car parking / Open Space.

4. STATEMENT OF EFFECT OF USE OR DEVELOPMENT PROPOSAL

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT B
Ten (10) Copies

5. DIMENSIONED PLANS

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT C
Ten (10) Copies

6. SUBDIVISION / CONSOLIDATION

Site area (m²):

Number of existing lots:

Number of lots to be created:

Existing buildings on site: YES/NO

If YES, attach statement of compliance of existing building(s) with the Building Act following subdivision.

SEE ATTACHMENT GUIDE FOR DETAILED INFORMATION

ATTACHMENT D
One (1) Copy

7. APPLICANT TO SIGN AND/OR AFFIX SEAL

The application is complete and all required documentation is attached.

Signature(s):

Date: 10/9/2005

PRIVACY NOTE

The Department of Planning and Infrastructure, on behalf of the Minister, is authorised under the Planning Act to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other NT Government agencies, the Australian Valuation Office, local governments and Commonwealth Government agencies, and as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation contained within the Information Act 2002 (NT). For more information please refer to the Department of Planning and Infrastructure privacy statement located at www.dpi.nt.gov.au

Any personal information provided can be subsequently accessed by you on request. If you have any queries please contact the Manager Development Assessment Services on 8999 6240.
3.9.2009

NT Consent Authority

DEVELOPMENT ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT CLAUSES OF THE NORTHERN TERRITORY PLANNING SCHEME

Lot Number: LOT 5966 CBD
Town/Hundred: Darwin NT
Zone: CBD
Site Area: 918sqm
Proposal: Proposed Residential Unit and commercial Development

Applicable clauses pursuant to the Northern Territory Planning Scheme are: (6.2, 6.3), 6.5.1, 7.5, 7.6, and 7.8

6.2, 6.3 General Height Requirement
The overall height of the proposal is below 36m hence the proposal complies with this condition.

6.5.1 Parking Requirements

1. The purpose of this clause is to ensure that sufficient off street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

The proposal accommodates the entire car parking requirements for the residential component in four storeys of aboveground multilevel car parking. We are respectfully requesting your consideration to allow the commercial area located at ground level to be serviced by existing arrangements on and around the site, that is the existing commercial areas of the site is currently serviced by car parking located at adjoining off street City Council premises and adjoining street parking (Harriet Place). We are of the opinion that the car parking requirement generated from the
proposed commercial component should be significantly reduced given that the proposed area is significantly less that the existing commercial areas.

The number of residential dwellings proposed = 42 x 2 bedroom units
The number of car parking bays required = 84; provided on site = 84.

All car parking bays are minimum 2.5m width x 5.5m length.
The proposed ramps shall be as per AS 2890.1 with maximum gradient of 1:4 (25%) for ramps up to maximum 20m as per sheet 26 of AS2890.1.

7.5 PRIVATE OPEN SPACE

1. The purpose of this clause is to ensure that each dwelling has private open space that is:
   (a) appropriately sited; and
   (b) of an adequate size to provide for domestic purposes.

   Private open space is provided to each dwelling via large balconies, 27sqm and 30 sqm respectively.

2. Private open space areas should:
   (a) satisfy the minimum area and dimensions contained in the table to this clause; and
   (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling.

   Each dwelling can enjoy the private open spaces (balconies) in private without view from adjoining dwellings. The balconies are an extension of both the living and bedroom areas. Each bedroom is afforded with separate bathroom facilities and access to the balcony. Large expanse of glass walls and doors will provide expanses of vistas to external areas /balconies and beyond.

7.6 COMMUNAL OPEN SPACE

1. The purpose of this clause is to ensure that suitable areas for communal open space are provided for hostels, multiple dwellings and supporting accommodation.

2. A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.

3. The design of the communal open space should consider
We are respectfully seeking a variation to the requirements of this clause;
The site is located opposite a large landscaped open area zoned Open Space.
The site is located along the busy Smith Street and the quiet Harriet Place.
The site is accessible from Harriet Place and will provide for easy access.
The large Open Space is also located along Harriet Place for the enjoyment of those wishing to utilize that open space. The landscaping within the open space along Harriet Place is considerable and mature trees provide shading for the general public.
The site is also located amongst other commercial and residential buildings and is located within very close proximity to public transportation and walking distance to other commercial and CBD amenities and facilities, such as restaurants, doctor's surgery, dentist surgery, cafes, fast food outlets, supermarkets, offices, bus stops, other multiple dwellings.

(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 distinguished communal open space from private and public open space and the need to maintain the reasonable privacy of nearby dwellings;
(d) the type of activities 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.

7.8 BUILDING DESIGN FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION

1. The purpose of this clause is to promote site-responsive designs for hostels, multiple dwellings and supporting accommodation which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.
The proposal provides for a supporting commercial and residential component. The commercial component is designed to attract both patrons and general public (as is the currently the case).

2. Building design should:
   (a) locate development on the site for correct solar orientation;
   (b) minimise expanses of walls by varying building heights, building setbacks and façades;
   (c) locate air conditioners where they are accessible for servicing;
   (d) conceal service ducts, pipes, air conditioners, air conditioning plants etc;
The site configuration and location allows the proposal to have three street frontages.
Frontage to Smith Street
Frontage to Harriett Place
Frontage to adjoining public carparking

(e) avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent sites;
The brief for this proposal was to design dwellings affordable to the low cost market. Privacy to and from and between dwellings however was paramount. Each dwelling can enjoy the private open balcony in private and without overlooking adjoining dwellings or intruding on the privacy of other dwellings.

(f) locate bedrooms and private open spaces away from noise sources;

Given that the building is located along Smith Street, some treatment of balconies along Smith Street will be incorporated. For example raising 600mm of concrete walls to balconies to assist in acoustic and visual privacy. Residential dwellings commence from the 6th level upwards again assisting in acoustic and visual privacy.

(g) control its own noise sources and minimize the transmission of noise between dwellings;
Generally private areas of the dwellings are located away from noise sources and Building Code requirements require additional wall treatments where the private areas of one dwelling adjoin public areas of another dwelling.

(h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;
The proposed building is to be constructed of Pre-cast concrete.

(i) balance the achievement of visual and acoustic privacy with passive climate control features;
The open plan arrangement and location of bedroom to balconies and their access allows for passive climate control (balconies provide shading to large glass facades and shielding of door access to bedrooms from balconies.

(j) allow breeze penetration and circulation;
Breeze penetration and circulation is possible to each individual dwelling.

(k) minimise use of reflective surfaces; and
(l) provide internal drainage of balconies and coving on the edge of balconies.
All Balconies to each dwelling are to be internally drained. No highly reflective surface are proposed.

46(3)(b): an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land.

Current interim development control order for height restriction of 36m. The proposed building complies with this order.

46(3)(c): if a public environmental report or an environmental impact statement has been prepared or is required under the environmental Assessment Act in relation to the proposed development—a copy of the report or statement and the results of any assessment of the report or statement under that Act by the Minister administrant that Act; No such report is supplied.

46(3)(d): an assessment demonstrating the merits of the proposed development.

Merits of the proposal;
The building provides an interesting and interactive street sense appeal
Private enjoyment of open and private areas without compromise to privacy between each dwelling.
Proposed building proximity to other CBD amenities and faculties and opposite large landscaped open space.
Commercial facilities proposed to supplement existing amenities and proposed dwellings
The proposal is consistent with other neighbourly buildings.
The proposal seeks to accommodate affordable housing to the precinct.
Easy and practicable access to all air-conditioning.

46(3)(e): A description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purposes of the proposed development and the effect of that development on that land and other land.
The site is flat in nature and is located amongst other allotments with same zoning. The site is opposite a large fully landscaped site zoned Open Space and adjoins a quiet road Harriet Place. Harriet place could be considered a secondary access way for those few sites accessible only from that street.

46(3)(f): a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for
public facilities or public open space is to be provided by the developer and whether it is proposed that the facilities or open space be developed by the developer.
The Open Space currently adjoining (opposite) the building is quite significant and substantial hence no further development is envisaged for that open space.

46(3)(g): a statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and service to be connected to that land and whether public utilities or infrastructure are to be provided by the developer or land is to be provide by the developer for the provisions of public utilities or infrastructure.
The site is located amongst a hub of existing public utilities and infrastructure. Shops, restaurants, public transport, medical facilities, offices, fast food outlets, other residential developments, etc.

46(3)(h) an assessment of the potential impact on the existing and future amenity of the area in which the land is situated.
The proposal will provide for an interesting building and add to the existing amenities of the precinct. The proposal will increase residential interaction and servicing of existing commercial amenities.

46(3)(j) an assessment of the benefit or detriment to the public interest of the development:
The proposal increases residential amenities to the CBD precinct. The increase of residential dwellings may also be the stimulus for an increase and enhancement of further commercial and public facilities in and around that precinct.
Elevation - northwest
(View from shopping precinct car park)
1:200
North Elevation

adjacent lot 2754

1:200

Savvas P Savvas
ARCHITECT

GPO Box 3422
Darwin NT 0801

2000 Market Stree
Cullen Bay NT 0822

P: (08) 8941 7971
F: (08) 8941 2533
M: 0419 894 844
E: savvas@architects

PROPOSED 2 BEDROOM UNIT DEVELOPMENT
Lot 596 CBD Town of Darwin NT.

Job Number: PASS-0810
Date: 20/06/2009

PA Group P/L
ARCHITECTS

All rights reserved by the Architect Savvas P Savvas of PA Group Pty Ltd. No part of this design or drawings may be reproduced or transmitted in any form or by any means, without the prior permission in writing of the Architect. This design and drawing is made for the purpose of obtaining a Development Permit from the Development Consent Authority (Northern Territory) and is not to be used or reproduced for any other purpose.
2 October 2009

Mr Doug Lesh  
Manager Urban Planning  
Development Assessment Services  
Department of Planning and Infrastructure  
GPO Box 1680  
DARWIN NT 0801

Dear Doug

Lot 5966 (130) Smith Street Darwin City Town of Darwin  
Proposed Development – 42 x 2 Bedroom Multiple Dwellings in a 12 Storey  
Building including Ground Level Shops

Thank you for the Development Application referred to this office on 17 September 2009, concerning the above. This letter may be placed before Council’s Town Planning Committee at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

i). **While Council supports in principle the granting of a Development Permit for this type of use, Council cannot support this application until the following issues are adequately addressed:**

   a). Council requests that the Authority requires additional information from the applicant regarding car parking requirements for the ground floor shops. The applicant’s planning report requests a waiver for car parking for the shops, but this does not provide sufficient information for this waiver to be supported by Council.

   1. The Planning Scheme sets out car parking requirements for new developments located within Darwin’s Central Business (CB) Zone. The requirement is for 2 spaces for every multiple dwelling and 3 spaces for every 100m² of net retail, restaurant and office floor-space. The applicant’s plans show 42 multiple dwellings and a total of 84 car parking bays provided for the multiple dwellings on Levels 1 to 4 of the building, which meets Planning Scheme requirements.

...2/
2. There is a total of 411m² of commercial (shops) floor-space, proposed for the ground floor of the building. Whilst there is existing 'on-street' Council car parking for the Smith Street West and Harriet Place shopping areas, the applicant should provide additional car parking for any increase in commercial floor-space as a result of the development. As, the applicant has failed to provide any details of the existing commercial floor-space on Lot 5966, it is not possible to assess the additional car parking, if any, required for the proposed development.

3. The applicant should be advised that pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70 (5) of the Planning Act, a monetary contribution is to be paid to Darwin City Council for any determined car parking shortfall.

4. In addition, Council requests that a condition is placed upon any development permit issued by the Authority, requiring a monetary contribution to be paid by the applicant, to Darwin City Council in lieu of the total number of on-street car parking spaces lost as a result of the development. The applicant’s Site Plan (Sheet 2/8) indicates that the proposed vehicle crossovers will result in the loss of 4 on-street angled car parking bays from Harriet Place and 3 'right-angled' bays from the Smith Street shopping precinct car park. **Council requests that the following condition be placed upon any development permit issued:**

>“Before the use commences the owner must pay a monetary contribution to the Darwin City Council in lieu of the total number of on-street car parking spaces lost as a result of the development. There are currently 7 on-street car parking bays adjacent to the proposed vehicle crossovers for Lot 5966 that will be lost as a result of the new development.”

b). **Council requests that the Authority requires additional information from the applicant regarding waste management and waste collection facilities for proposed development.** The waste bin facilities shown on the applicant's Ground Floor Plan (Sheet 2/8) are not adequate for the proposed development.

1. Council's Waste Bin Policy (Policy No. 333 – as amended 26/02/08) requires that a development of 42 multiple dwellings has a waste bin enclosure of adequate size to store 11 x 240 litre garbage bins (serviced twice weekly) and 7 x 240 litre recycling bins (serviced weekly) and a separate waste bin enclosure for commercial waste, with facilities for food waste meeting all health and safety requirements. The applicant's Ground Floor Plan (Sheet 2/8) currently shows a linear waste bin enclosure holding only 6 x 240 litre waste bins, adjacent to a 'bulk bin collection truck' service bay
2. Council’s Policy also advises that in developments of 20 or more multiple dwellings the building owner may, with Council approval, choose to provide a bulk refuse collection through a commercial waste collection contractor. Applications for an ‘exemption’ from Council’s standard service must provide details to Council of the alternate waste service proposed. The alternative service must provide bulk bin capacity equal to Council’s standard service, with a waste bin capacity of minimum 80 litres of garbage and 40 litres of recycling material per household week and that high rise residential developments of six storeys or more should provide garbage chutes.

3. Whilst a waste chute for the apartment tower is indicated on the development application plans, the position of the bin chute on the residential floors and through the car parking levels, does not line up with the position of the ground floor waste bin enclosure. In addition, the ground floor waste bin enclosure does not include a facility for reception of waste from a chute, but instead the 6 x 240 litre stand alone garbage bins, as mentioned above.

4. The applicant’s plans indicate that a ‘bulk bin collection truck’ will enter the building at ground floor level to service the waste bins. However, the 4.5 metre floor to ceiling clearance of the ground floor may be inadequate for an overhead loader to service the bins. The overhead loaders that supply the bulk bins have a vehicle height clearance of 4.5 metres, increasing to 6.5 metres with arms extended.

5. The applicant should be advised that Council will not approve the storage and servicing of 240-litre bins or bulk waste bins on the road reserve and Council requests that the Authority places a note on any Development Permit issued to state the following:

“In no circumstances will Council permit the temporary storage of garbage and recycling waste bins on Council’s road reserve for servicing purposes. The bins must always be serviced from the designated waste storage area within the property, with collection vehicles only permitted to enter and exit the property in a forward gear.”

6. It is recommended that the applicant contacts Council’s Manager Climate Change and Environment to discuss waste management arrangements for the proposed development.

c). Council requests that the Authority requires amended development application plans that remove all building overhangs onto Council’s road reserve in Harriet Place and Smith Street (including the shopping precinct area). The development application Ground Floor Plan (Sheet 2/8) and the Building Elevation Plans (Sheets 5/8, 6/8 and 7/8) demonstrates various roof, window
shade and architectural feature overhangs to Council land on Smith Street, Harriet Place and the Smith Street shopping precinct. With the exception of street level awnings, Council will not support any overhangs onto Council’s land and all overhangs should be removed from the development application plans.

d). Council requests the Authority includes the following note on any development permit issued which demonstrates an awning over Council’s road reserve:

"Notwithstanding the approved plans, any proposed awning is subject to Council’s approval and shall meet all Council’s requirements to the satisfaction of the General Manager Infrastructure, Darwin City Council and at no cost to Council."

The Ground Floor Plan (Sheet 2/8) includes an approximate 2.6 metre wide awning around the Smith Street and Harriet Place frontages of the site.

e). The location of the proposed vehicle crossovers and driveways on Harriet Place and Smith Street appear to meet Council’s requirements. However, Council requests that the Authority requires amended development application plans that demonstrate clear driver sight lines to Harriet Place and the Smith Street car park in accordance with the relevant Australian Standard and to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No wall, fence or tree exceeding 0.6 metres in height shall be constructed or planted in front of the sight line to protect driver and pedestrian safety. The applicant’s plans demonstrate full height solid walls at the side of the vehicle exits which may restrict driver sightlines.

f). Council requests the Authority requires a schematic plan demonstrating how stormwater will be collected on the site and discharged underground to Council’s stormwater drainage system. The applicant’s plans fail to demonstrate how on-site stormwater will be collected and discharged underground to Council’s drainage network.

1). The plan should include details of site levels and Council’s stormwater drain connection point/s within the vicinity of the site. The plan should also indicate how stormwater will be collected on the site and connected underground to Council’s system.

2). Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into Council’s stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
ii). Should the above issues be adequately addressed, Council offers the following comments:

a). The proposed building appears to exceed the building height limit for the outer part of the Central Business area. Interim Development Control Order No. 18 (IDCO No. 18) applies to this land. The IDCO restricts building heights in Central Darwin. The construction of a building or structure of a height exceeding 36 metres above ground level is prohibited on this site. The proposed building appears to marginally exceed the IDCO height limit as it is 36.7 metres in height from ground level to the top of the roof, when measurements are taken from Development Application Plan Sheet 5/8 – Smith Street Elevation, as follows:

- Ground Level – 4.5 metres
- Car Park Levels 1 to 4 – 10.4 metres (2.6 metres x 4)
- Residential Levels 5 to 10 – 16.8 metres (2.8 metres x 6)
- Residential Level 11 to top of lift shaft – 5 metres

Total: 36.7 metres

b). The proposed development fails to meet the requirements of Clause 7.6 (Communal Open Space) of the Planning Scheme. A minimum of 15% of the site, being not less than 6 metres across at any one point, should be used for communal open space. However, no communal open space is provided as part of the development.

Should this application be approved, the following conditions pursuant to the Planning Act and Council’s responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council’s requirements at the applicant’s expense.

- The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into Council’s drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
• Sight lines shall be provided at crossovers to public streets to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No wall, fence or tree exceeding 0.6 metres in height shall be constructed or planted in front of the sight line.

• Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be linemarked and sealed with an impervious material.

• The total number of required disabled car parking bays shall be met on site.

• Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70 (5) of the Planning Act a monetary contribution shall be paid to Darwin City Council for any determined parking shortfall.

• All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council.

• Waste bin storage and pick up shall be provided in accordance with Council’s Waste Bin Policy.

In considering this application, the Authority is requested to take into account any implications of the Disability Discrimination Act (Cth) or the Anti Discrimination Act (NT) with regard to access for the disabled.

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

Yours faithfully

[Signature]

PETER LINDWALL
STRATEGIC TOWN PLANNER

cc: Kim Enterprises
**Development Consent Authority**

Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2009/1333
SC : CM

Mr Savvas Savvas
GPO Box 3622
DARWIN NT 0801

Dear Mr Savvas,

LOT 5966 (139) SMITH STREET, TOWN OF DARWIN

You are hereby advised that the Development Consent Authority, at its meeting on 19 February 2010 resolved, pursuant to section 46(4)(b) of the Planning Act, to defer consideration of the application to develop the above land for the purpose of 42 x 2 bedroom multiple dwellings in a 12 storey building including ground level shops, pending receipt of the following additional information considered necessary to enable the proper consideration of the:

- An amended ground floor plan, making no reference to 'Possible future al-fresco' area.

- A schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system meeting the requirements of Darwin City Council, to the satisfaction of the consent authority.

- Details with regard to waste bin storage (including confirmation the rubbish chute appropriately discharges into the bin storage area) meeting the technical requirements of Darwin City Council, to the satisfaction of the consent authority.

- The location of the fire booster and water meter arrangements, and details with regard to the treatment of these arrangements which is screened in such a way that it encloses or softens the visual impact on the streetscape and which is sympathetic to and blends in with the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and Fire and Emergency Services, as the case may be, to the satisfaction of the consent authority.

- Details with regard to the proposed design treatment (including all landscaping and furnishings) within the podium level communal open space area.

- Details with regard to any measures to be utilised with regard to securing access to the proposed waste bin area and car parking area (which shows whether vehicles will be able to drive in one side and out the other side, or whether access is restricted to one side only).

- An elevation drawing showing the northern façade of the proposed development.
• Details with regard to the access from the lifts to the units on levels 5 and up showing whether this area is to be naturally or mechanically ventilated, and which shows whether the hallway between the northernmost 2 units on each floor is to be open (i.e., a void area rising to the roof height) or is it to have floors on each respective level.

Should you require any further information on this matter, please telephone Steven Conn Ph: 8999 7414.

Yours faithfully,

[Signature]

PETER McQUEEN
Delegate

5/3/2010
Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2009/1333
SC: AJVR

Kim Enterprises
PO BOX 1409
DARWIN NT 0801

Dear Sir/Madam

LOT 5955 (130) SMITH STREET, TOWN OF DARWIN

You are hereby advised that the Development Consent Authority, at its meeting on Friday 18 February 2011 resolved, pursuant to section 46(4)(b) of the Planning Act, to defer consideration of the application to develop the above land for the purpose of 42 x 2 bedroom multiple dwellings in a 12 storey building including ground level shops, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. Information confirming the total number of existing car parking spaces that will be lost as the result of the proposed development (both on and off the site). This information is not apparent from the plans submitted, and it is noted that the plans originally submitted showed “existing parking” to be retained on the plans abutting the site to the north, which is incorrect, as it is apparent that this parking will be removed.

2. Amended plans showing additional car parking provided on site to cater for the parking needs of the commercial component of the development, or information with regard to why this parking is not necessary, having consideration for the need for people to park conveniently when visiting the proposed ground level shop component of the development.

Should you require any further information on this matter, please telephone Steven Conn on 8999 7414.

Yours faithfully

PETER McQUEEN
Delegate

22/2/2011

Cc Darwin City Council
   Andrew Karl Schulze
5.7.2011

Development Consent Authority
Northern Territory

Dear Sir/Madam

LOT 5966 (130) SMITH STREET, TOWN OF DARWIN.

Further to your letter dated 22/2/11 ref. PA 2009/133, SC:AVJR we hereby confirm the following;

1. The total number of car parking bays lost on site, as a result of the proposed development = 3; off site, street parking bays lost = 3

2. The amended plans now show reinstatement of 8 car parking bays on site. (northern location as per existing location). The proposal shows shop net area of (156sqm + 61.8sqm) 216sqm.

3. The total proposed car parking bays provided on site is $81 + 8 = 89$ plus 6 motorcycle bays located at car parking levels 2,3,4.

Regards

[Signature]

Savvas P Savvas
Director

GPO Box 3622
Darwin NT 0801

20/56 Marina Blvd
Cullen Bay NT 0820

T 08 89817371
F 08 89412502

E savvasarchitects@internode.on.net

Architecture and Construction for Residential Homes and Residential, Commercial, Industrial Developments
Project & Construction Management, Interior Fit out & Design
8 August 2011

Steven Conn - Senior Planner
Development Assessment Services
Department of Lands and Planning
GPO Box 1680
DARWIN NT 0801

Dear Steven

Parcel Description: Lot 5966 (130) Smith Street Town of Darwin
Proposed Development: 42 x 2 bedrooms multiple dwellings in a 12 storey building including ground level shops

Thank you for the Development Application referred to this office 21 July 2011, concerning the above. This letter will be placed before the August First Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

i). Council supports in principle the granting of a Development Permit provided the following issues are adequately addressed:

a). The original application states that there would be a provision of eighty-four (84) carparking bays within the building, which would meet the required parking for the forty-two (42) multiple dwellings proposed for the site. The amended plans now demonstrate that only eighty-one (81) internal carparking bays are provided. It is also noted that the subject site is located within Zone CB (Central Business) of the NT Planning Scheme and since previous consideration of the proposal in October 2009, the Planning Scheme requirements for carparking have reduced from 2 to 1.5 carparking bays per two (2) bedroom dwelling. The proposal now generates a requirement for sixty-three (63) carparking bays for the residential component and complies with the Planning Scheme in this regard.

b). The proposed development will result in changed traffic conditions around the site. Council requests the Authority require the applicant provide advice from a suitably qualified traffic engineer in regards to the adequacy of the existing intersections surrounding the site at Smith Street and Harriett Place to cater for this additional traffic.
c). The applicant is proposing a 7.2 metre vehicle crossover and driveway from Harriet Street to the upper level car parks and the service bay for the waste bin vehicle. Normally, Council permits a crossover up to 6.0 metres in width. The Applicant needs to demonstrate that a 7.2 metre wide crossover is required in this instance; e.g. for a waste removal vehicle to negotiate the entrance.

d). The floor plan for Levels 2-4 indicate that three (3) motor cycles bays are provided per floor, which would result in a total of nine (9) motor cycle bays, however the Applicant states only six (6) are provided. This is not an issue, as Council does not consider the motor cycle bays to supplement any carparking shortfall, however, the plans should be corrected if inaccurate.

e). The revised application demonstrates a reduction in the floor area of the commercial uses on the ground floor, however the extent of this reduction is unclear. The applicant states that the new floor area is 216 m$^2$ although, it appears that all of the commercial areas have not been accounted for. It appears, the net floor area of the kitchen associated with the ‘fast food eatery’, has not been included within the calculations.

Council calculates that the commercial floor area is approximately 299m$^2$, generating a **requirement of nine (9) carparking bays**. Council acknowledges that there are eight (8) reinstated carparking bays in the Smith Street shopping precinct carpark and that it is not convenient to provide a single carparking bay for customers on Level 1. As the applicant has failed to provide any details of the existing commercial floorspace on Lot 5966, it is not possible to assess if additional carparking, if any, is required for the proposed development and whether the eight (8) carparking bays are sufficient. Council requests that a **total of nine (9) carparking bays are designated for the commercial uses.**

f). The application states that eight (8) carparking bays have been reinstated on the Smith Street shopping precinct carpark and three (3) carparking bays will be lost along this frontage.

The applicant has not indicated whether any carparking bays will be lost within the Harriet Place road reserve. However, it does appear that there will be a loss of up to four (4) bays to accommodate the development. Whilst Council does not support the loss of on-street car parking bays, it does not object in this instance as the removal of the bays is required to facilitate access to the site. **Council requests that the following condition be placed on any development permit issued:**

"Before the use commences, the owner must pay a monetary contribution to the Darwin City Council in lieu of the total number of on-street carparking spaces lost as a result of the development."
g). Waste Management

A Waste Management Plan is required by Council to assess waste disposal, storage and removal for the proposed development in accordance with Council’s Waste Management Policy.

A copy of Council’s Waste Management Policy 054 may be viewed on Council’s website or by contacting Council’s Infrastructure department.

h). Council requests that the Authority requires amended development application plans that remove all building over-hangs onto Council’s road reserve in Harriet Place and Smith Street. The development application Building Elevation Plan (Sheet 8/13) demonstrates various roof and window shade overhangs to Council land on Smith Street and Harriet Place. With the exception of street level awnings, Council will not support any overhangs onto Council’s land and all overhangs should be removed from the development application plans.

i). Council requests the Authority includes the following note on any development permit issued which demonstrates an awning over Council’s road reserve:

“Not withstanding the approved plans, any proposed awning is subject to Council’s approval and shall meet all Council’s requirements to the satisfaction of the General Manager Infrastructure, Darwin City Council and at no cost to Council.”

j). Council requests the Authority requires a schematic plan demonstrating how stormwater will be collected on the site and discharged underground to Council’s stormwater drainage system. The applicant’s plans fail to demonstrate how on-site stormwater will be collected and discharged underground to Council’s drainage network.

1). The plan should include details of site levels and Council’s stormwater drain connection point/s within the vicinity of the site. The plan should also indicate how stormwater will be collected on the site and connected underground to Council’s system.

2). Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into Council’s stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ii). Should the above issues be adequately addressed, Council offers the following comments:
a). The proposed development should meet the requirements of Clause 7.6 (Communal Open Space) of the Planning Scheme. A minimum of 15% of the site, being not less than six (6) metres across at any one point, should be used for communal open space. Council acknowledges that Communal Open Space has now been incorporated into the development.

Should this application be approved, the following conditions pursuant to the Planning Act and Council's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense.

- The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

- Sight lines shall be provided at crossovers to public streets to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No wall, fence or tree exceeding 0.6 metres in height shall be constructed or planted in front of the sight line.

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be linemarked and sealed with an impervious material.

- The total number of required disabled car parking bays shall be met on site.

- Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70 (5) of the Planning Act a monetary contribution shall be paid to Darwin City Council for any determined parking shortfall.

- All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council.
-5-

- Waste bin storage and pick up shall be provided in accordance with Council's Waste Bin Policy.

In considering this application, the Development Consent Authority is requested to take into account any implications of the Disability Discrimination Act (Cth) or the Anti Discrimination Act (NT) with regard to access for the disabled.

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

Yours faithfully

CINDY ROBSON
STRATEGIC TOWN PLANNER

cc: Kim Enterprises
13 OFFICERS REPORTS

13.3 CBD Parking Advisory Committee – Membership from 1 July 2011 – 30 June 2013
Report No. 11TS0097 LC:KB (08/08/11) Common No. 2032766

Report Number 11TS0097 LC:KB attached.
ITEM NO: 13.3

SYNOPSIS:

At Council’s 2nd Ordinary Meeting in June, Council resolved to seek nominations for membership to the Darwin City Council CBD Parking Advisory Committee for the term of 01 July 2011 – 30 June 2013.

This report provides Council with the nominated delegates from member organisations and recommends endorsement of the nominations.

GENERAL:

At its June 2nd Ordinary Meeting Council resolved the following:

CBD Parking Advisory Committee – Membership from 1 July 2011 – 30 June 2013

Report No. 11TS0105 LC:KB (23/06/11) Common No. 2032766

A. THAT Report Number 11TS0105 LC:KB entitled, CBD Parking Advisory Committee - Membership From 1 July 2011 - 30 June 2013, be received and noted.

B. THAT the composition of the Darwin City Council CBD Parking Advisory Committee be as follows:

i. Lord Mayor (Chairperson)

ii. Up to seven (7) Elected Members

iii. One (1) NT Property Council of Australia representative

iv. One (1) NT Chamber of Commerce representative

v. One (1) Tourism Top End representative
vi. One (1) Urban Development Institute of Australia (UDIA) NT
vii. One (1) Community representative
viii. Two (2) Northern Territory Government representatives, being:
   a. Dept Planning & Infrastructure – CEO or their nominated representative
   b. Dept Planning & Infrastructure – Relevant Officer representative.

C. THAT the Chief Executive Officer write to the following organisations:
   • NT Property Council of Australia;
   • NT Chamber of Commerce;
   • Urban Development Institute of Australia (UDIA) NT
   • Tourism Top End;
   • Northern Territory Government - Department of Planning & Infrastructure

seeking the required number of nominations for a term of two (2) years being 1 July 2011 to 30 June 2013, to the Darwin City Council CBD Parking Advisory Committee for consideration by Council.

D. THAT subject to acceptance by Ms Lindy Coates, that Council extend the term of Ms Coates as the Community Representative on the CBD Parking Advisory Committee until 30 June 2013.

DECISION NO.20\4127 (28/06/11) Carried

Nominations have been sought and received as follows:

• Property Council of Australia (NT) – Mr Paolo Randazzo. (Randazzo Properties Pty Ltd) or Delegate;
• NT Chamber of Commerce – Mr Chris Young (CEO)(1);
• Urban Development Institute of Australia (NT) – Mr Graeme Suckling (President) or Delegate;
• Tourism Top End – Mr Tony Clementson or Delegate;
• Northern Territory Government – Department Lands & Planning:- (i.) Mr Mark Meldrum (Director Strategic Lands Planning) (ii.)Mr Geoff Horni (Director Road Network Division)

Ms Lindy Coates has accepted the offer by Council to extend her term as the Community representative as per Council's Decision.

(1) Delegate Mrs Julie Beaumont (Operations Manager) – NT Chamber of Commerce.

It is intended to call the first meeting of the new committee in coming weeks.
FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:

Goal
1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome
1.1 Improve relations with all levels of Government

Key Strategies
1.1.1 Effectively engage with Territory and Australian Government officials, particularly in the Darwin region.
1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

Outcome
1.2 Effectively engage with community

Key Strategies
1.2.1 Increase involvement of the Business Community for developing solutions to local issues.

Goal
2 Enhance Darwin’s Active, Positive and Flexible Lifestyle

Outcome
2.1 Improve urban enhancement around Darwin

Key Strategies
2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs.

Goal
3 Assist Individual and the Community Stay Connected with the Darwin Region

Outcome
3.2 Enhance transport systems

Key Strategies
3.2.1 Review transport and parking needs.
LEGAL IMPLICATIONS:

This issue is not considered confidential.

ENVIRONMENTAL IMPLICATIONS:

Nil.

PUBLIC RELATIONS IMPLICATIONS:

Nil.

COMMUNITY SAFETY IMPLICATIONS:

Nil.

DELEGATION:

Nil.

CONSULTATION:

Nil.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil.

APPROPRIATE SIGNAGE

Nil.
RECOMMENDATIONS:

A. THAT Report Number 11TS0097 LC:KB entitled CBD Parking Advisory Committee - Membership From 1 July 2011 - 30 June 2013 - Nominations, be received and noted.

B. THAT Council endorse the following nominations of membership organisations to the Darwin City Council CBD Parking Advisory Committee for the term of 01 July 2011 – 30 June 2013:

- Property Council of Australia (NT) – Mr Paolo Randazzo. (Randazzo Properties Pty Ltd) or Delegate
- NT Chamber of Commerce – Mr Chris Young (CEO), and Delegate, Mrs Julie Beaumont (Operations Manager)
- Urban Development Institute of Australia (NT) – Mr Graeme Suckling (President) or Delegate
- Tourism Top End – Mr Tony Clementson or Delegate
- Northern Territory Government – Department Lands & Planning:- (iii.) Mr Mark Meldrum (Director Strategic Lands Planning) (iv.) Mr Geoff Horni (Director Road Network Division)
- Community Representative – Ms Lindy Coats.

LUCCIO CERCARELLI 
GENERAL MANAGER
INFRASTRUCTURE

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

Any queries on this report may be directed to Luccio Cercarelli on 89300581 or l.cercarelli@darwin.nt.gov.au
13 OFFICERS REPORTS

13.4 Annual Adjustment to Central Business Zone Car Parking Contribution Rate
Report No. 11TS0114 DL:Im (12/07/11) Common No. 428253

Report Number 11TS0114 DL:Im attached.
ITEM NO: 13.4

SYNOPSIS:

This report informs Council of the annual adjustment to the financial contribution required for any car parking shortfall in accordance with Council Policy No. 004, Car Parking Contribution Plan Central Business Zone (the “Plan”).

GENERAL:


The financial contribution for a car parking shortfall within the CBD of Darwin is adjusted annually.

Section 5.2 Adjustment of Contributions of the Plan reads as follows:

“For the purposes of the formula in paragraph 5.1 (refer to Policy No. 004 included as Attachment A of this report), “CC” will be adjusted annually on the 1st of July in each year (“the Adjustment Date”) in accordance with the following formula:

\[ CC = CC_1 \times (1.0 + ((Z/100 + L/100)/2)) \]

Where:

CC is the adjusted contribution rate payable as and from the Adjustment Date.

CC1 is the contribution rate payable immediately prior to the Adjustment Date.

Z = the percentage increase in construction cost in Darwin over the 12 months immediately prior to the Adjustment Date (as determined by a suitably qualified local Quantity Surveyor); and
L = the percentage increase in Darwin Central Business Zone land value over the 12 months immediately prior to the Adjustment Date (as determined by the Valuer General);

* Note: The term contribution rate (CC) as provided in the Plan refers to the estimated cost to construct a single multi-storey car parking bay in the Darwin Central Business Zone.

The actual contribution per shortfall bay payable by Developers is CC/2 (refer to Section 5.1 Formula for Calculating Contribution of the Plan, assuming SFB or CB equal 1.0).

In accordance with the Plan, the percentage increase for construction cost over the 12 months prior to 1 July 2011 was obtained through the services of a suitably qualified local Quantity Surveyor (Rider Levett Bucknall). The figure obtained was 3%. A copy of the advice is included as Attachment B of this report.

The percentage increase in fringe Darwin Central Business Zone land value (as determined by the Office of the Valuer – General) over the 12 months prior to 1 July 2011 was 5%. A copy of the advice received is included as Attachment C of this report.

** Note: The term fringe CBD is used widely within Council’s Parking Strategy for Darwin Central Business District. Consequently it is deemed appropriate to base the land value increases on fringe Central Business Zone areas which are likely the areas in which Council would acquire land to construct future car parking facilities.

With these figures the adjusted contribution rate from 1 July 2011 in accordance with the Plan would be:

\[
CC = 43,044 \times (1.0 + \frac{(3.00/100 + 5.00/100)}{2})
\]

\[
= 44,766.
\]

Consequently, the financial contribution payable per car parking shortfall bay would be:

CC/2 = $22,383 per bay.

The Development Consent Authority and Property Council of Australia NT Division will be informed in writing of the adjusted Central Business Zone Parking Contribution Rate.

A notice of the adjusted contribution rate will also be gazetted. The adjusted contribution rate will be applicable from 1 July 2011.

**FINANCIAL IMPLICATIONS:**

Refer to the General section of this report.
STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

Goal
3 Assist Individual and the Community Stay Connected with the Darwin Region

Outcome
3.2 Enhance transport systems

Key Strategies
3.2.1 Review transport and parking needs.
3.2.2 Provide parking facilities and management systems which meet the needs of the community.

LEGAL IMPLICATIONS:

The updated Car Parking Contribution Plan Central Business Zone has been in place from the date of Gazettal on 15 August 2007.

Section 5.2 Adjustment of Contributions of the Plan allows for annual adjustments of the Contribution Rate on the 1st of July each year in accordance with a formula based on percentage increase in fringe Central Business Zone land value and percentage increase in construction cost of the 12 months immediately prior to the adjustment date.

ENVIRONMENTAL IMPLICATIONS:

Not assessed.

PUBLIC RELATIONS IMPLICATIONS:

It is likely that the adjusted rate will alternated both positive and negative comments as car parking and the provision of parking is an emotive issue within the community.

COMMUNITY SAFETY IMPLICATIONS:

Not assessed.

DELEGATION:

Nil.
CONSULTATION:

Office of the Valuer General  
Rider Levett Bucknall

PROPOSED PUBLIC CONSULTATION PROCESS:

The Property Council of Australia (NT) and the Development Consent Authority will be advised of the adjusted contribution rate. The adjusted contribution rate will be gazetted.

APPROPRIATE SIGNAGE

Nil.

RECOMMENDATIONS:

A. THAT Report Number 11TS0114 DL:lm entitled, Annual Adjustment to Central Business Zone Car Parking Contribution Rate, be received and noted.

B. THAT Council note the adjustment of the contribution per shortfall bay in the Car Parking Contribution Plan Central Business Zone (May 2007) from $21,522 per shortfall bay to $22,383 per shortfall bay to apply from 1 July 2011, in accordance with Section 5.2 Adjustment of Contributions of the Plan.

DROSSO LELEKIS  
MANAGER DESIGN, PLANNING & PROJECTS

LUCCIO CERCARELLI  
GENERAL MANAGER INFRASTRUCTURE

Any queries on this report may be directed to Drosse Lelekis on 89300 414 or d.lelekis@darwin.nt.gov.au
Title: Central Business District Parking Strategy and Contribution Plan

Policy No: 004

Adopted By: Council

Next Review Date: Refer 'Policy and Procedure Framework'

Responsibility: General Manager Infrastructure

Document Number: 1752463

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1 Policy Summary

This plan provides a series of policy statements and action plans designed to achieve Darwin City Council's objectives in relation to car parking within its Central Business Zone; and, in the Contribution Plan, the basis for collection of development contributions for car parking for which a need will arise as a result of development within the CBD.

2 Policy Objectives

The objective of the Central Business Zone Parking Policy is to:
- support the Central Business Zone as a viable centre of activity;
- provide adequate parking;
- promote and provide for non car options and car sharing;
- ensure that pricing structures for on and off-street parking are commercially realistic and support economic development;
- ensure that in lieu car parking contribution and shortfall rates reflect the cost that will be incurred for the provision for the provision of future facilities;
- maximise the utilisation of existing on and off-street car parking facilities;
- ensure that future facilities are planned for and appropriately funded;
- ensure that existing and future multi story parking facilities are energy efficient and that future facilities are capable of reuse.
3 Background

This plan was developed in accordance with the requirements of the NT Planning Act which enabled a development contribution to be made towards infrastructure or public car parking in accordance with a Contribution Plan which is specific to:

- a location;
- land uses of the area; and
- anticipated future developments.

4 Policy Statement

**Area Of Application**
For the purposes of this policy, the "Central Business Zone" is the historical Central Business Zone area bounded by the Esplanade, Daly Street and McMinn Street. It is also the area to which the Council's rateable shortfall levy applies, and the area to which the Council's data base on private parking spaces relates.

The policy comprises of the following policy statements and action plans:

**Policy Statement No. 1**

To facilitate the availability and efficient operation of on and off-street parking facilities, whereby operating costs are met by the users, is consolidated over the next decade.

It will be necessary to continue the use of Council's detailed economic model for staged implementation of legislative and financial action plans to achieve the desired outcome within an acceptable time frame.

**Policy Statement No. 2**

Where consistent with other planning objectives, encourage the maximum usage of public parking facilities throughout the entire day.

This policy acknowledges the need to maximize use of the public asset (day and night) to increase both the community benefit and economic viability.

**Policy Statement No. 3**

Seek to achieve equity in costs for car parking by the developers who:

- have provided on-site parking;
- have not provided parking facilities, but who have paid in-lieu;
- have not provided parking or in-lieu contribution payment.
The effective implementation of this policy will involve the development of strategies and actions which account in a balanced way for parking bays provided under previous legislative arrangements, and those currently prevailing. In particular, it acknowledges that annual parking levies under the Darwin Parking Local Rates Regulations will remain in force and recognises that Council has in place an exit mechanism for those who do not wish to continue payment.

Policy Statement No. 4

Ensure that in-lieu car parking contributions and shortfall rate charges reflect realistic costs that would be incurred in the provision of convenient city public car parking in the vicinity of the development and that appropriate legislative arrangements including Contribution Plans are put in place.

This policy acknowledges the public responsibility of Council to ensure that contributions or rate levies under the Planning Act or the Darwin Parking Local Rates Regulations are consistent with real costs of providing those spaces not accommodated within the development. Similarly it acknowledges the obligation to establish a physical and economic plan to provide those spaces so funded within an appropriate location and time frame. The outcome is a funded and staged city car park implementation business plan.

Policy Statement No. 5

Maintain forward physical and financial plans for the upgrading, development and redevelopment of public on and off-street parking facilities in accordance with the principles of the Contribution Plans required under the Planning Act.

This is a requirement of the Planning Act.

Policy Statement No. 6

In choosing sites for future multi-level public parking facilities to serve the Darwin Central Business Zone, have regard for the location of the site in relation to the Central Business Zone core area, as well as future site access and future traffic flows as a consequence of the construction of the future Barneson Street connector road and all other relevant issues.

This policy will ensure that future public parking facilities are developed in the optimum location to serve the Central Business Zone core area.
Policy Statement No. 7

Develop public car parking facilities on Council land in as efficient a manner as possible, having regard for sustainability, optimum design criteria, optimum usage of the lot for parking purposes, and optimum financial benefit to the Council.

Council land designated for public parking purposes should be used and developed for that purpose unless there are compelling reasons to the contrary. If commercial development is permitted, the net number of additional public parking spaces required on the lot, in terms of the relevant parking strategy, should always be attained.

Policy Statement No. 8

Maintain a pricing structure for on and off-street parking which is economically viable and fosters good economic development in the best interest of the city, having regard for all issues relating to the supply and demand of car parking in the Darwin Central Business Zone.

Charges in respect of both on and off-street facilities should be increased, in real terms, every few years in accordance with pre-determined parking strategies. Council should strive to ensure that, at the very least, charges keep pace with inflation at other times.

Policy Statement No. 9

Council supports the use of non car options such as public transport, cycling, walking, motor cycles and car sharing.

This policy statement reflects Council's support for non car options and other alternatives which will lead to positive environmental and health outcomes.

Policy Statement No. 10

Council will strive to ensure that existing and future multi-storey parking facilities maximise energy efficiency and will be designed to be capable of reuse by not allowing sloping floor decks or low floor to ceiling clearances.
Action Plans

Action Plan No. 1

Review current parking operations to assess if income and expenditure for both on and off-street parking are at optimum levels.

Action Plan No. 2

More actively market off-street parking facilities to maximise usage of current infrastructure.

Action Plan No. 3

Review on-street parking time limits, disability and special zones to ensure optimum supply and durations at intervals of not greater than 2 years.

Action Plan No. 4

Prepare concept plans for the construction of an 800 bay multi-level public parking facility on the Council-owned existing Cavenagh Street ground level public parking facility (at about population level 135,000 for Greater Darwin area), and, in the medium term, the retention of approximately 200 of the existing 393 ground level parking bays. Particular attention should be given to the possibility of direct access to the new facility being gained from the proposed Barneson Street connector road.

Action Plan No. 5

Take the necessary steps to acquire a portion of Lot 5649 McMinn Street, located in the western corner of the lot at the intersection of McMinn Street and Barneson Street, in the vicinity of the old Shell depot, and which has an area of approximately 4,500 square metres, for the purposes of:

(a) Initially, constructing a ground level public parking facility to accommodate approximately 200 vehicles when the existing McMinn Street facility is resumed by the N.T. Government for the duplication of McMinn Street, and;

(b) Constructing a multi-level public parking facility, (at about population level 160,000 for Greater Darwin area), to accommodate approximately 800 vehicles.
Policy

Action Plan No. 6

In the event that the portion of Lot 5649 McMinn Street is not available for the development of future parking facilities, explore other options, including the staged construction of two multi-level facilities on the Cavenagh Street site, at approximate population levels for Greater Darwin of 135,000 and 155,000, and the option of constructing the second multi-level facility on the Mitchell/Daly street site at approximate population level 155,000.

Action Plan No. 7

In conjunction with the Northern Territory Government, carry out a detailed review of car parking generation rates in the Central Business Zone, with a view to requesting the Northern Territory Government to appropriately amend the Planning Scheme if the review finds significant differences between the actual rates and the provisions of the Planning Scheme.

Action Plan No. 8

Encourage the Northern Territory Government to implement similar parking strategies and pricing regime to maintain consistencies and commodity value.

Action Plan No. 9

Actively support and promote non car options and car sharing and upgrade cycling facilities within the Central Business Zone.

Proposed Action Plan No. 10

Conduct an energy audit at West Lane and Chinatown Car Park’s and implement findings.

Proposed Action Plan No. 11

Optimise parking management by ensuring that cost effective durable technology is in place and undertake high levels of enforcement.

Proposed Action Plan No. 12

Review the role, function and composition of the Central Business Zone Parking Advisory Committee.

Proposed Action Plan No. 13

Review the Parking Policy and Action Plans at not more than five year intervals.
The Strategy is supported by the Central Business Zone Car Parking Contribution Plan – attached to this Policy. Refer Attachment 1

5 Legislation, terminology and references

NT Planning Act
Central Business Zone Car Parking Contribution Plan

6 Implementation and delegation

Implementation is by way of the attached contribution Plan.

7 Evaluation and review

It is proposed to review the Parking Policy and Action Plans at not more than five year intervals.
Attachment 1 - Car Parking Contribution Plan
Central Business Zone

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Policy Area
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3.2 Policy Area

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4.4 Estimate of, and Method for Calculating Capital Costs of Car Parking

Formulae for Calculating Contribution and Adjustments
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5.2 Adjustment of Contributions
5.3 Basement Discounting Mechanism
policy

Payment of Contribution

6.1 Method of Payment
6.2 Timing of Payment
6.3 Interest for Late Payment
1 Introduction

1.1 Definitions

"Act" means the Planning Act (NT) or any Act amending or in substitution for that Act.

"Council" means the Darwin City Council, being a "service authority" within the meaning of the Act.

"Planning Scheme" means the Northern Territory Planning Scheme, being a planning scheme under the Act.

"Policy Area" means the Central Business Zone of the Darwin Municipality as described in the Planning Scheme.

1.2 Purpose of the Plan

This plan provides the basis for collection of development contributions for public car parking for which a need will arise as a result of development within the Policy Area.

This plan has been developed by Darwin City Council in accordance with the requirements of the Act.

The establishment of a Contribution Plan for infrastructure capital works in relation to public car parking is consistent with the Infrastructure Management goal as detailed in the Darwin City Council Action Plan 2004-2008. In particular, with respect to Car Parking, this is "to provide adequate and appropriate parking facilities in a timely manner".

1.3 Administration

Developer contributions received by the Darwin City Council under this Plan will be kept in a separate Trust Account for Car Parking Development Contributions in accordance with the requirements of section 72 of the Act.

Expenditure will be auditable, and within a reasonable period of time, having regard to all of the circumstances, expended on the provision of public car parking infrastructure in the Policy Area.

All interest in this account will be retained in and accrue to the balance standing in the account and expended on public car parking infrastructure within the Policy Area.
Any expenditure from car parking reserves is identified in Darwin City Council's annual budget. Details on the infrastructure funded from this Contribution Plan and/or other funding sources is also provided within Darwin City Council's annual budget.

1.4 Standards

The minimum standards of car parking infrastructure to be implemented are those provided by "Australian Standards".

1.5 Other Issues

Council has established the Darwin CBD Car Parking Advisory Committee, which will provide advice to Council with respect to car parking provision and management within the Central Business Zone. This Committee is made up of representatives from Elected members, the NT Government, the private sector and the community.

This Contribution Plan will be reviewed periodically to ensure that it reflects changing circumstances, such as:

- changes to land and construction costs;
- population trends and community needs and expectations; and
- modifications to proposed capital works.

Contribution plans are developed using information available at the present time. A number of variables will be monitored by Council to facilitate the review process, such as:

- land costs;
- construction costs;
- projected development rate;
- levels of demand / need;
- land use intensity / development intensity;
- infrastructure standards;
- anticipated population;
- tourist activity; and
- public transport provision and use.
Notwithstanding the annual changes, where major changes are observed to key variables used in determining contributions, Council may review this plan at any time.

2. **Policy**

2.1 **Introduction**

The overall policy of the Darwin City Council is to have a Contribution Plan for car parking infrastructure that provides certainty to the Darwin City Council, to developers and to the community with respect to the funding and provision of such infrastructure through:

- setting of infrastructure standards and service provision;
- consideration of the impact of the proposed development;
- consideration of Council's policies;
- consideration of the type and capacity of infrastructure already in place; and
- the methodology for determining the amount and timing of the developer contribution.

2.2 **Policy Objectives**

The over-arching policy objectives with respect to car parking infrastructure provision of the Darwin City Council relate to:

- the Darwin City Council's financial position;
- appropriate infrastructure standards;
- orderly development within the Policy Area; and
- appropriate management of infrastructure.

Darwin City Council recognises that developers are seeking the efficient supply of affordable land and housing to the community and the provision of commercially viable development projects.
2.3 Underlying Philosophy

Darwin City Council supports the philosophy that:

"Developers should contribute to the cost of physical and community infrastructure to the extent that the demand for such infrastructure is generated by their specific development, at appropriate standards and to meet threshold demand, in accordance with legislative provisions" (Urban Development Institute of Australia, 1998).

Darwin City Council supports the view that the requirements of the existing population should be provided for separately from the development. That is, development is viewed as incremental to the existing situation and costs of infrastructure (new or enhanced) should be borne by the Developer (i.e. the beneficiary).

Darwin City Council also recognises that the obligation to fund infrastructure beyond the extent to which it is required by a specific development and beyond the appropriate standard must rest with the community.

2.4 Other Issues

The implementation of a Contribution Plan for car parking infrastructure is underpinned by the following elements:

- an infrastructure need must exist;
- equity in the apportionment of the cost of car parking infrastructure;
- a nexus between proposed development and infrastructure provision; and
- accountability in the expenditure of the developer contributions.

3. Policy Area

3.1 Introduction

Development will result in an increased need for car parking facilities due to:

- an increase in the local population; and/or
- a change in land use; and/or
- the development of vacant land resulting in additional total demand.

Increased intensity of land use can also increase the infrastructure requirement.
3.2 Policy Area

The Policy Area relating to this Contribution Plan is the Central Business Zone in the Municipality of Darwin.

Council will endeavor to ensure that future car parking facilities are provided within a reasonable distance of the development(s) for which contributions have been collected. Where this is not practical, Council will endeavor to ensure that reasonable and sensible location of facilities is undertaken. Council is not able to guarantee that facilities will be provided in a single site in close proximity to the development(s). Provision for car parking may be over a number of facilities.

It is proposed that new public car parking facilities in the Policy Area will be multi-storey:

Council will provide to Developers (upon request) details of the existing car parking facilities such as:

- location;
- entry / exit points;
- revenue collection devices;
- signage; and
- capacities.

4. Description, Staging and Costings for Parking Facilities in Policy Area

4.1 Requirements of Section 69 of the Act

Subsections 69(4)(a), (b) & (c) of the Act require a Contribution Plan to contain:

(a) a description of the public car parking facilities that is or will be required in the Policy Area;

(b) a statement of the intended order in which works relating to the development of the public car parking is to occur.

(c) An estimate of, and the method of calculating, the capital cost of the works relating to each public car park.
4.2 Description of Car Parking Required

Development within the Policy Area will lead to increased demand for car parking facilities. Much of this additional capacity will be provided by Developers under existing planning requirements. Where car parking is not provided at the prescribed level under planning requirements, Council will ensure that adequate provision is made.

In preparing capital works programs for future investment by Council (which will be designed to accommodate growth in population and other outcomes of growth in economic activity, such as demand for car parking spaces), it will be necessary to provide assessments of the key ‘drivers’ of demand for infrastructure or infrastructure enhancement, including:

- identification of sites within the Municipality in terms of location, area (total and developable), likely development timeline, car parking requirements, itemized capital costs, and population (density, occupancy ratios etc.);

- likely changes to land use density in the Municipality;

- expected trends in commercial and residential construction (density, style of development etc.);

With respect to car parking provision within the Central Business Zone, a key input for consideration in terms of demand (needs analysis) and Council's expected capital works in this area is Attachment A to Council's Report Number 06TS0291 which is Report Number 3/2005 (Amendment No. 3, Updated to October, 2006) entitled Parking Strategy for Darwin Central Business District). This strategy provides estimates of the future requirement for Council-provided car parking within the Central Business Zone.

A key element of this strategy is that future Council-provided car parking facilities within the Central Business Zone will be by way of multi-storey facilities. Temporary ground level facilities may, in the short term, be provided on land which is designated for future multi-level development in the longer term.

The strategy incorporates the following elements in the short to medium term:

- Construction of 800 bay multi-level public parking facility at existing Cavenagh Street car park at year 2014 or thereabouts;

- Acquisition of land on Central Business Zone periphery for future longer term development of '1000 bay multi-level public parking facility at year 2024 or thereabouts;
• Construction of temporary 200 bay ground level car park, at year 2010 or thereabouts, on land on Central Business Zone periphery, which has been designated for future long term multi-level car park development;

• Construction of 1000 bay multi-level public parking facility, at year 2024 or thereabouts, on designated land on Central Business Zone periphery.

4.3 Intended Order for Development

Staging with respect to facilities in the Central Business Zone are detailed in Report Number 3/2005 (Amendment No. 3, Updated to October, 2006) entitled Parking Strategy for Darwin Central Business District as described in the previous section. In general terms, staging of the car parking infrastructure investment associated with development, in all policy areas, will be dependent on:

- rate of growth / take up of development sites;
- car parking occupancies;
- land acquisition processes / site availability; and
- funding availability.

4.4 Estimate of, and Method for Calculating Capital Costs of Car Parking

Consistent with Council's objective of certainty, cost estimates of future works and developer contributions charges contained within the Contribution Plan have been assessed on the basis of (Sections 67 to 74 inclusive) of the Act and derived from information provided by a suitably qualified local Quantity Surveyor.

An estimate of and method for calculating capital cost for each car park is set out and described below:

• The estimated construction cost of a 800 bay multi-level public parking facility at existing Cavenagh Street car park at year 2014 or thereabouts is 800 x $31,000 = $24,800,000 in 2007 dollars;

• The estimated cost of the acquisition of land on Central Business Zone periphery for future longer term development of 1000 bay multi-level public parking facility at year 2024 or thereabouts is $1,500,000 in 2007 dollars;
• The estimated construction cost of temporary 200 bay ground level car park, at year 2010 or thereabouts, on land on Central Business Zone periphery, which has been designated for future long term multi-level car park development is 4,500 square meters x $136 = $612,000 (excluding land) in 2007 dollars;

• The estimated construction cost of 1000 bay multi-level public parking facility, at year 2024 or thereabouts, on designated land on Central Business Zone periphery is 1,000 x $31,000 = $31,000,000 in 2007 dollars.

The above mentioned costings are based on estimated construction and land value rates supplied by an independent Quantity Surveyor, using land values as provided by property consultants within Darwin on the value of various lots within the Central Business Zone.

The calculations were based on the following:

• Average area per ground level bay = 28 square metres;

• Average area per multi-storey bay = 30 square metres;

• A construction cost for ground level bays of $124 per square metre;

• A construction cost for multi-storey bays of $760 per square metre;

• An average land value in the peripheral area of the Central Business Zone of $1,000 per square metre;

These estimated construction and land value costs including GST and are current as at March, 2007. It should be noted that these costings will be subject to review every 12 months, in accordance with Section 5.2 of this document. (Adjustment of Contributions).

The annual future adjustments included in 5.3 Adjustment of Contributions of this Contribution Plan will be based on percentage construction cost increases over the previous 12 months, as determined by a suitably qualified local Quantity Surveyor and on percentage increases in land values over the previous 12 months, as determined by the Valuer General.
5. **Formulae for Calculating Contribution and Adjustments**

5.1 **Formula for Calculating Contribution**

If a condition of a development permit granted under the Act in respect of land within the Policy Area requires that a contribution be paid to Council instead of providing a specified number of car parking spaces as part of the development, the contribution to be paid to Council is to be calculated in accordance with the following formulae:

A.) Where no basement parking is provided,

\[
\text{Contribution} = \frac{\text{SFB} \times \text{CC}}{2}
\]

Where:

\[
\text{SFB} = \text{the number of car parking spaces specified in the development permit, being the shortfall between the number required under the Planning Scheme and the number to be actually provided.}
\]

\[
\text{CC} = \text{the contribution rate, namely $31,000$, (adjusted in accordance with Section 5.2 of this document, Adjustment of Contributions, annually).}
\]

CC has been based on the estimated construction costs (including GST) and land values of a 500 bay multi-storey facility in the Central Business Zone as at 21 March 2007, namely $15.5m.

B.) Where basement parking is provided,

\[
\text{Contribution} = \frac{\text{CB} \times \text{CC}}{2}
\]

Where:

\[
\text{CB} = \text{the number of shortfall bays in respect of which a contribution to Council for a parking shortfall will apply, after consideration of the basement discounting mechanism defined in Section 5.3 of this document, Basement Discounting Mechanism.}
\]

\[
\text{CC} = \text{the contribution rate, namely $31,000$, (adjusted in accordance with Section 5.2 of this document, Adjustment of Contributions, annually).}
\]
5.2 Adjustment of Contributions

For the purposes of the formula in paragraph 5.1, "CC" will be adjusted annually on the 1st of July in each year ("the Adjustment Date") in accordance with the following formula:

$$CC = CC^1 \times (1.0 + ((Z/100 + L/100)/2))$$

Where:

CC is the adjusted contribution rate payable as and from the Adjustment Date.

CC$^1$ is the contribution rate payable immediately prior to the Adjustment Date.

Z = the percentage increase in construction cost in Darwin over the 12 months immediately prior to the Adjustment Date (as determined by a suitably qualified local Quantity Surveyor); and

L = the percentage increase in Darwin Central Business Zone land value over the previous 12 months immediately prior to the Adjustment Date (as determined by the Valuer General).

5.3 Basement Discounting Mechanism

In order to encourage developers in the Central Business Zone to provide as much of the required parking spaces (as determined by the Development Consent Authority) below ground level, the Council has adopted a policy whereby developers can be granted a reduction in the total number of parking spaces in respect of which a contribution to the Council must be made, if basement parking is incorporated within the development.

This discounting mechanism applies only to developments in the Central Business Zone, and is applied in terms of the following formula.

$$CB = SFB - (0.3 \times BB) \text{ or zero, whichever is the greater, where:}$$

CB = Number of shortfall bays in respect of which a contribution to Council for a parking shortfall will apply, after consideration of basement discounting mechanism

SFB = Number of shortfall bays as originally determined by the Development Consent Authority, prior to consideration of basement discounting mechanism

BB = Number of Basement Car Parking Bays in the development which meet the required standards.
6. **Payment of Contributions**

6.1 Method of Payment

The method of payment will be by way of a cash payment.

6.2 Timing of Payment

(a) Where a development is associated with a change of use to which the land may be put or is a new development (other than a subdivision), payment is required prior to commencement of the new use or occupation. A *Certificate of Occupancy* will not be acceded to until all contribution payments have been received by Council.

(b) Where payment is associated with a subdivision, payment is required on completion of physical infrastructure and prior to issue of titles. Darwin City Council will not support the issue of a *Certificate of Completion* or clear its conditions within the Development Permit until all contribution payments are received.

(c) Council and the holder of a Development Permit may enter into other arrangements for payment of developer contributions as otherwise specified in a written agreement.

(d) If the payment of car parking contributions is a condition on a Development Permit, then payment is due at the completion stage of the project and before commencement of use. Council will not clear its conditions within the Development Permit until all contribution payments are received.

6.3 **Interest for late payment**

Late payment of contributions shall incur interest at the same rate as those charged from time to time on late payment of Council rates under the *Local Government Act*. 
RLB | Rider Levett Bucknall

M: 0427 727 619
E: paul.lassemillante@au.rlb.com

J11378

26 July 2011

Darwin City Council
Harry Chan Avenue
DARWIN NT 0800

ATTENTION MR DROSSO LELEKIS

Dear Drosso

Darwin Construction Prices

Please be advised that we expect construction prices in Darwin to have increased by an estimated 3% over the period 1 July 2010 to 30 June 2011.

Trusting this satisfies your current requirements, please feel free to contact us should you have any queries or require any further information.

Yours sincerely

[Signature]

Paul Lassemillante
Director
13/07/2011

Drosso Leekis
Manager Design, Planning and Projects
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Drosso

We wish to advise that the Valuer General regards the fringe Central Business Zone commercial land value to have increased by 5% over the past 12 months, 1 July 2010 to 30th June 2011.

If you have any questions in regards to this matter or any other proposal, please do not hesitate in contacting me on 08 8943 9175 or john.love@avo.gov.au

Yours sincerely

John Love
A/g Managing Valuer
Certified Practicing Valuer
Australian Valuation Office
Darwin NT 0800
13 OFFICERS REPORTS

13.5 Community Consultation Policy
Report No. 11TC0047 MB:as (21/06/11) Common No. 1612461

Report Number 11TC0047 MB:as attached.
ITEM NO: 13.5

SYNOPSIS:

Council requested a review of Policy 025 – Community Consultation.

This report recommends that Council rescinds existing Policy 025 and adopt the Community Consultation Policy (Attachment A). The Policy is expressed in terms of the level of consultation.

GENERAL:

Community consultation allows Council access to wider sources of information, points of view and potential solutions. It give the community a better understanding of the issues behind the decision making process and the related constraints or opportunities that exist. Further, community consultation enhances the quality of decision making impacting upon community life and builds authentic opportunities for partnership for and with the community.

There are three major levels of community consultation; informing, consulting and active participation. The level of involvement is based upon the relationship between Council and the community and the degree of contribution Council seeks to its decision making from its community of interest.
Community consultation is an essential component of local governance. Council listens to and considers the communities’ views, acknowledges them and provides feedback on how its input has influenced the decision making.

There are a number of alternative methods of consultation recognised as providing the opportunity for people to have meaningful input into decision-making processes. The most appropriate process for consultation will be dependant largely on the issue upon which consultation is occurring and the community of interest.

Every significant project, policy development and strategy should have a consultation plan as part of the overall project plan.

The time frame for consultation needs to be chosen carefully. School holidays, Christmas etc may not allow stakeholders with adequate information or opportunity to participate. In some cases the consultation phase is triggered by another source e.g. NT Govt. such as town planning applications which must be advertised and decided regardless of the time of year.

Community consultation is designed to inform the decision making process, however it is not a substitute for the decision making role which forms part of the governance role of the Council.

Great community consultation happens when people know what to do, how to do it and when. The Chief Officers Group has recently approved purchasing products and training from the International Association for Public Participation, (IAP2). The IAP@ Public Participation Tool Box outlines techniques that will support the implementation of the attached Community Consultation Policy. Council staff will be skilled in consultation practice and supported in ongoing ways through training, advise and mentoring.

Practising our values through genuine consultation strengthens our community relations and improves our information and decision-making.

Darwin City Council’s public consultation process will be complemented by other community collaborative processes including:

- Continued community participation on Advisory Committees with Council providing clear terms of reference.
- Open forum public question times immediately prior to each 2\textsuperscript{nd} Ordinary Council Meeting.
- A mix of web based applications, public phone-ins (hotlines), social media tools, questionnaires and professional surveys, as appropriate.
- Information packages consisting of information sheets, brochures and pamphlets are used as appropriate to assist in the public consultation process.
FINANCIAL IMPLICATIONS:

Community Consultation as proposed in the attached draft policy will be funded through Council’s approved operational budget.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:–

Goal
1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome
1.2 Effectively engage with community

Key Strategies
1.2.2 Develop ways in which Council can enhance relationships and work collaboratively with Community Groups

Goal
5 Facilitate and Maintain a Cohesive Community

Outcome
5.3 Support harmony within the community.

Key Strategies

5.3.2 Develop and support programs to promote community spirit, cohesion and safety.

LEGAL IMPLICATIONS:

Local Government Act 2008

ENVIRONMENTAL IMPLICATIONS:

Nil

PUBLIC RELATIONS IMPLICATIONS:

Council is demonstrating an ongoing commitment to enhancing community consultation by requesting a review of its Policy.
COMMUNITY SAFETY IMPLICATIONS:

Nil

DELEGATION:

Nil

CONSULTATION:

Nil

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE

Nil

RECOMMENDATIONS:

A. THAT Report Number 11TC0047 MB:as entitled, Community Consultation Policy, be received and noted.  

B. THAT Council rescinds Council Policy 025.  


MARK BLACKBURN 
EXECUTIVE MANAGER

BRENDAN DOWD 
CHIEF EXECUTIVE OFFICER

Any queries on this report may be directed to Mark Blackburn on 8930 0516 or m.blackburn@darwin.nt.gov.au
Title: Community Consultation
Policy No: 025
Adopted By: Council
Next Review Date: Refer 'Policy and Procedure Framework'
Responsibility: General Manager Corporate Services
Document Number: 1752555

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1 Policy Summary

Council’s strategy for consultation involves the concept that:
- Consultation plans will be developed by officers responsible for projects affecting the community.
- The Communications and Marketing Section will be consulted on all public consultation plans beyond level 1 Issues.
- The development of budgets include the requirement for consultation.

2 Policy Objectives

Darwin City Council will engage in a program of community consultation whenever change that will affect peoples environment, or service delivery expectations, is to occur.

3 Background

Consultation provides opportunities for the public and interested groups to provide information which is important for the planning and managing of Council services. Consultation involves a two way communication process where Council provides consultation opportunities as well as feedback to participants on how their information has been considered.
4 Policy Statement

Council's public consultation strategy will incorporate the following:

- The use of the four levels of public awareness campaigns listed in the procedure below as a guide when undertaking public consultation or public relations campaigns.

- The continued use of community participation on Advisory Committees with Council providing clear terms of reference, a Council officer to facilitate administrative and organisation support, a concrete connection to a Council Committee or Council, a time limit (where appropriate) to complete the task and feedback from Council to the Advisory Committee on completion of the work.

- Open forum public question times immediately prior to each Ordinary Council Meeting.

- A mix of web based applications, public phone-ins (hotlines), questionnaires and professional surveys, as appropriate, be used to assist in the assessment of community attitudes and opinions.

- Information packages consisting of information sheets, brochures and pamphlets be used as appropriate to assist in the public consultation process.

- User-friendly letters, newsletters, letterbox drops, presentation evenings, forums, information displays and booths, public meetings, media interaction and contact with community groups and schools all to be used as appropriate to facilitate public consultation.

A public awareness campaign needs to be carefully defined before commencement. The goal, the target audience, the information to be delivered and the desired result needs to be clearly stated at the outset if the campaign is to be effective.

Four levels of public awareness campaigns are defined in this procedure as a guide to Council. There will be times when "mixing and matching" between levels will be appropriate.

**Level 1**

- Community Radio Notices.
- Notices is the local and relevant (and very targeted community halls, shops and other appropriate outlets.)
- Staff delivered letter drop.
- Use of DCC Information Sheets.
- Use of DCC A5 'Have your Say' series.
- Media Releases as appropriate.
• DCC Website

This level campaign would be most appropriate for localised works eg footpaths, roads, playgrounds etc. depending on the size of the area. Whilst it might be appropriate for a small park and surrounds, or a small street, upgrading to level two might be considered, eg for several streets in the area.

**LEVEL 2**

- 2 X medium sized advertisements in the NT News or 4 smaller advertisements
- Public Meeting and display
- Computer Artwork
- Use of DCC Information Sheets
- Use of DCC A5 'Have your Say' series
- Radio Community Notices
- Media Releases as appropriate
- DCC website

This level campaign would be appropriate for general community contact at a basic level. It could be used for a park development in a local area, for a section of cycleway or extended footpath or roadwork.

**LEVEL 3**

- 4 medium sized advertisements NT News or 8 smaller advertisements as appropriate
- 20,000 brochures (enough for the municipality
- plus 3,000 for general distribution)
- Public Meetings/Display
- Computerised Artwork
- Community Notices, Radio
- DCC Information Sheets
- DCC A 'Have your Say' series
- Media Releases as appropriate
- DCC website

This level would be appropriate to introduce new garbage services, to push awareness regarding East Point Reserve Management, to provide lead-ups and opportunities for feedback and community input/exchange etc.
LEVEL 4

- Basic TV advertisement/announcement
- (One week's coverage)
- Radio Advertising - 2 week's campaign
- Marketing Services Questionnaire
- (2 questions) (or an extra week's TV advertising)
- 4 medium sized advertisements NT News
- or 8 smaller advertisements as appropriate
- 20,000 brochures (enough for the municipality
- plus 3,000 for general distribution)
- Public Meetings/Display
- Computerised Artwork
- Community Notices, Radio
- DCC Information Sheets
- DCC A 'Have Your Say' series
- DCC website
DARWIN CITY COUNCIL

Aldermen/Council Officers

- Issues identified with Council
- Development of Consultation Plan and budget
- Identification of Responsible Officer
- All elements of Plan considered
- Consideration of community views together with other inputs
- Final Plan developed incorporating response of community
- Recommendations considered by Council

COMMUNITY

- Information Provision
- Information Gathering
- Feedback on issues considered
- Response to feedback
- Information on final plan
- Community informed of Council decision
5 Legislation, terminology and references

Community Consultation Manual
The Council has developed a “Community Consultation Manual” and staff are encouraged to refer to and make use of all or parts of the manual.
Title: Community Consultation Policy

Policy No:

Adopted By:

Next Review Date:

Responsibility: Chief Executive Officer

Document Number:

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1 Policy Summary

Community consultation allows Council access to wider sources of information, points of view and potential solutions. It gives the community a better understanding of the issues behind the decision making process and the related constraints or opportunities that exist.

Darwin City Council has a standing commitment to effectively consult with its community. Council’s Community Consultation Policy is executed through communication, awareness, participation and inclusion.

The level of community consultation undertaken relates directly to the nature, complexity and impact of the issue, plan or strategy.

This Policy provides the framework for community involvement in Council’s planning and decision making.

2 Policy Objectives

Council aims to:

- Provide good governance by supporting and establishing open, equitable, and purposeful consultation with the community;
- Encourage active community participation by encouraging involvement and inclusion.
- Provide a framework for community involvement in Council planning and decision making; and
- Promote Council decision making which is open transparent, responsive and accountable to the community.
3 Background

Darwin City Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the Council and the community.

Council believes it is important to consider the views of a community when making decisions about projects and resources that affect their local area or the city as a whole.

Community consultation complements, but does not replace, the decision making role of Council.

4 Policy Statement

This Policy has been informed by the International Association for Public Participation (IAP2) products for public participation processes.

Darwin City Council recognises that community consultation and participation processes are a vital part of local democracy. Effective consultation is critical to good governance.

Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community.

Community consultation is a two-way process, providing opportunities to clarify information, raise issues, discuss ideas, options and views.

Consultation processes identified in this Policy should be seen as complementing any prescribed statutory requirements.

In circumstances where the level of involvement requires members of the public to make submissions to Council, all submissions received will be regarded as public information and available for general access unless the writer specifically requests that they want their personal details to be suppressed.

5 The Principles

The Darwin City Council Community Consultation Policy is underpinned by the following principles:

- The community will be involved in and informed about key decisions that may affect them.
- Consultation will be structured to maintain a focus on the issue/s being addressed.
- The Council will identify potential stakeholders in each specific circumstance.
Policy

- The Council will ensure information is easily understood and accessible to identified stakeholders, and will include contact details for obtaining further information in all communications.
- A range of appropriate opportunities will be provided for people to access information and to be involved, taking account of barriers due to language, disability or cultural issues.
- The Council will listen to community views and take into account all submissions made by various stakeholders.
- The best interests of the community will prevail over the individual or vested interests.
- The Council’s desire to balance community views and interests with other influences such as budgetary constraints.

6 Consultation Categories

The Community Consultation Policy specifies three levels designed to suit all consultation requirements, ranging from the most basic public notification, to seeking input on a major project or issue of communitywide significance.

Most important however is the realisation that each participation level involves a promise made to the public.

- **Level 1** – we will keep you informed.
- **Level 2** – we will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.
- **Level 3** – we will work to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the public influenced the decision.

Where there is no statutory requirement for consultation, selection of the appropriate level will determine the resources to be allocated for consultation.

A certain degree of flexibility is required to suit the community consultation for specific situations. While setting out minimum standards, each activity level reflects this need by not being too prescriptive.

The applicant will meet the costs of any community consultation associated with the proposed commercial use or changes to a commercial use of any Council land or facility, excluding those permitted by other Council policies.

The following list indicates which level may apply for certain activities. Clearly, according to community interest and perception at the time, the appropriate level can change and so the following list indicates only which level is more likely to apply to certain activities. These are examples only and should not be regarded as comprehensive.
### EXAMPLES

<table>
<thead>
<tr>
<th>Level 1 - inform</th>
<th>Level 2 - consult</th>
<th>Level 3 - participate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City wide</strong></td>
<td><strong>City wide</strong></td>
<td><strong>City wide</strong></td>
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<tr>
<td>• Changes to dates, times and venues to Council and Committee meetings</td>
<td>• Municipal Plan</td>
<td>• Strategic Plan</td>
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<td>• Changes to Council operating hours</td>
<td>• Major upgrade to Council facilities.</td>
<td>• Major Projects</td>
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<tr>
<td>• Temporary closure to Council facilities.</td>
<td>• Regional -Playground – installation / removal of equipment</td>
<td>• Review of representation, Council boundaries and amalgamation.</td>
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<td>• Permanent road closures</td>
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<td></td>
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<td>• Sale of Council facility</td>
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<tr>
<td><strong>Techniques - timeframe</strong></td>
<td><strong>Techniques - timeframe</strong></td>
<td><strong>Techniques - timeframe</strong></td>
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<tr>
<td>• No minimum period required</td>
<td>• Allow a minimum three weeks for response</td>
<td>• Minimum six weeks response</td>
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<td></td>
<td>• Compliance with statutory requirements (if any)</td>
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<td></td>
<td>• Council's website</td>
<td>• Council’s website</td>
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<td>• Advertisement in local media</td>
<td>• Advertisement in local media</td>
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<td></td>
<td>• Media release,</td>
<td>• A letter box drop may be done as well as, or instead of press advertising.</td>
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<td></td>
<td>• A letter box drop may be done as well as, or instead of advertising.</td>
<td>• Public comment</td>
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<td>• Focus groups</td>
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<td>• Surveys</td>
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<td>• Social media tools</td>
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<tr>
<td>Level 1 - inform</td>
<td>Level 2 - consult</td>
<td>Level 3 - participate</td>
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</tr>
<tr>
<td><strong>Neighbourhood</strong></td>
<td><strong>Technique - timeframe</strong></td>
<td><strong>Neighbourhood</strong></td>
</tr>
</tbody>
</table>
| - Notice of works.  
- Change of parking restrictions.  
- Traffic management proposal | - Minimum 3 weeks for response  
- Compliance with statutory requirements (if any).  
- Letter or survey to affected properties, or properties within 250m of site, as appropriate.  
- Copies of major reports/plans made available in the libraries and customer service areas.  
- Report to Council summarising submissions for formal Council decision. | - Lighting of sporting ovals.  
- Lighting of public spaces |
| **Technique - timeframe** | **Neighbourhood** | **Technique - timeframe** |
| - Compliance with statutory requirements (if any).  
- Letter of advice to affected properties, or properties within 250m of site, as appropriate. | - Minimum 6 weeks for response  
- Compliance with statutory requirements (if any).  
- Letter or survey to affected properties, or properties within 500m of site, as appropriate.  
- Neighbourhood forums.  
- Copies of major reports/plans made available in the libraries and customer service areas.  
- Report to Council summarising submissions for formal Council decision. | - Minimum 6 weeks for response  
- Compliance with statutory requirements (if any).  
- Letter or survey to affected properties, or properties within 500m of site, as appropriate.  
- Neighbourhood forums.  
- Copies of major reports/plans made available in the libraries and customer service areas.  
- Report to Council summarising submissions for formal Council decision. |

Darwin City Council’s public consultation process will be complemented by:

- Continued community participation on Advisory Committees.
- Open forum public question times immediately prior to 2\textsuperscript{nd} Ordinary Council Meeting.
- A mix of web based applications, public phone-ins (hotlines), questionnaires, social media and professional surveys, as appropriate.
- Information packages consisting of information sheets, brochures and pamphlets.
7 Legislation, terminology and references

In a number of areas the Council is required to comply with specific legislative requirements – such as minimum periods, publication in the newspaper.

Consultation processes identified in this Policy should be seen as complementing any prescribed statutory requirements.

8 Implementation and delegation

The Policy will apply to Council Elected Members, staff, contractors, and agents or consultants acting on behalf of the Council.

The Chief Executive Officer will be responsible for implementation of the Policy.

9 Evaluation and review

This Policy will be reviewed once during the term of the Council.
14 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

14.1 **Chief Minister's Response, 22/06/11 – Changing the Date of the NT Legislative Assembly and Local Government Elections**

Document No. 2031388 (22/06/11) Common No. 1849292

THAT the incoming Letter from the Chief Minister dated 22 June 2011, regarding Changing the Date of the NT Legislative Assembly and Local Government Elections, Document Number 2031388, be received and noted.

DECISION NO.20\(\) (16/08/11)
The Right Worshipful the Lord Mayor
Mr Graeme Sawyer
Darwin City Council
GPO Box 84
Darwin NT 0801

Dear Lord Mayor

I write in response to your letter of 17 May 2011 regarding the timing of Northern Territory Legislative Assembly and Local Government elections. In your letter, you recommended changing the date of Legislative Assembly elections to precede Local Government elections.

I have considered your request and options for the timing of elections, and I note that there are a number of issues associated with changing the date of Northern Territory Legislative Assembly elections.

Firstly, the NT Government announced on 26 November 2008 that it had committed to fixed four-year terms in order to: increase transparency and accountability, and to reduce speculation and public uncertainty around elections. The fixed four-year terms are enshrined in section 23 of the Electoral Act and any alteration to this arrangement would require an amendment to the Act.

Secondly, I am concerned that the recent Legislative Assembly redistribution process would be undermined by any change to the Electoral Act. The most recent redistribution, based upon the current four year electoral cycle, was announced on 1 June 2011, and any change to the timing of the Legislative Assembly elections would risk undermining the outcome of the recent redistribution, as this was based on the anticipated number of electors at the polling date of 25 August 2012. It would also compromise the work already undertaken by the Electoral Commissioner on redistribution in the current election cycle.

Lastly, the Local Government Act already provides a mechanism to allow local government members who stand as a candidate for the Legislative Assembly to resume their position with local government if unsuccessful.
In light of these concerns, I consider that it may be worthwhile exploring other options to address occurrences where By-elections are required to fill vacancies created by the resignation of elected local government members who become Members of the Legislative Assembly. In the first instance, I would suggest that the Darwin City Council consider establishing an internal process to address this situation.

Alternatively, if a more formal mechanism is considered necessary, Darwin City Council could liaise with the Department of Housing, Local Government and Regional Development to discuss possible amendments to the *Local Government Act*.

Yours sincerely

[Signature]

PAUL HENDERSON

17/1/11
14 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

14.2 Minister for Local Government Response, 24/06/11 – Postal Voting in Local Government Elections
Document No. 2040244 (05/07/11) Common No. 1872889

THAT the incoming Letter from the Minister for Local Government, Malarndirri McCarthy dated 24 June 2011, regarding Postal Voting in Local Government Elections, Document Number 2040244, be received and noted.

DECISION NO.20\() (16/08/11)
The Right Worshipful Lord Mayor of Darwin
Mr Graeme Sawyer
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor

Thank you for your letter of 9 May 2011 regarding the use of postal voting in local government elections.

I appreciate your concerns however, no other councils have raised this issue to date and I would like to see broader support from the sector before considering the matter further.

I am therefore, referring this matter to the Administration and Legislation Advisory Committee for advice.

Yours sincerely

MALARINDIRRI McCARTHY

24 JUN 2011
15 REPORTS OF REPRESENTATIVES

16 QUESTIONS BY MEMBERS
17 GENERAL BUSINESS

18 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 30 August 2011, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.20\() (16/08/11)

19 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

DECISION NO.20\() (16/08/11)

20 ADJOURNMENT OF MEETING AND MEDIA LIAISON