

# **Business Papers**

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## **2nd Ordinary Council Meeting**

Tuesday, 30 June 2015  
5:00 pm



# Notice of Meeting

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To the Lord Mayor and Aldermen

You are invited to attend a 2nd Ordinary Council Meeting to be held in the Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 30 June 2015, commencing at 5.00 pm.

A handwritten signature in black ink, appearing to read 'B P Dowd', is written in a cursive style.

**B P DOWD**  
**CHIEF EXECUTIVE OFFICER**

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Removed from Public Notice Board: \_\_\_\_\_

**CITY OF DARWIN**

**SEVENTY-SECOND ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL**

**TUESDAY, 30 JUNE 2015**

MEMBERS: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Ms A Malgorzewicz; Executive Manager, Mr M Blackburn; Committee Administrator, Mrs P Hart.

Enquiries and/or Apologies: Penny Hart  
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PH: 8930 0670

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**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. THE LORD'S PRAYER**

**3. MEETING DECLARED OPEN**

**4. APOLOGIES AND LEAVE OF ABSENCE**

Common No. 2695036

**4.1 Apologies**

**4.2 Leave of Absence Granted**

- A. THAT it be noted The Right Worshipful, The Lord Mayor Ms K Fong Lim is an apology due to a Leave of Absence previously granted on 28 October 2014, for the period of 23 June 2015 to 31 July 2015.
- B. THAT it be noted Member J M Anictomatis is an apology due to a Leave of Absence previously granted on 10 February 2015, for the period 9 June 2015 to 5 July 2015.
- C. THAT it be noted Member G J Haslett is an apology due to a Leave of Absence previously granted on 16 June 2015, for the period 20 June 2015 to 20 July 2015.
- D. THAT it be noted Member K J Worden is an apology due to a Leave of Absence previously granted on 16 June 2015, for the period 26 June 2015 to 1 July 2015.

**4.3 Leave of Absence Requested**

**5. ELECTRONIC MEETING ATTENDANCE**

Common No. 2221528

**5.1 Electronic Meeting Attendance Granted**

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 16/04/12, the following members were granted permission for Electronic Meeting Attendance at this the Seventy-Second Ordinary Council Meeting held on Tuesday, 30 June 2015:

- Member G J Haslett
- Member K J Worden

**5.2 Electronic Meeting Attendance Requested**

**6. DECLARATION OF INTEREST OF MEMBERS AND STAFF**

**6.1 Declaration of Interest by Members**

**6.2 Declaration of Interest by Staff**

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S**

**7.1 Confirmation of the Previous Ordinary Council Meeting**

Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 16 June 2015, be received and confirmed as a true and correct record of the proceedings of that meeting.

**8. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S**

**8.1 Business Arising**

**9. MATTERS OF PUBLIC IMPORTANCE**

## 10. DEPUTATIONS AND BRIEFINGS

## 11. PUBLIC QUESTION TIME

## 12. CONFIDENTIAL ITEMS

### 12.1 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 and the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C26.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C31.1	8(c)(i)	information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
C31.2	8(c)(i)	information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
C31.3	8(e)	information provided to the council on condition that it be kept confidential
C31.4	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C31.5	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person

### 12.2 Moving Open Items Into Confidential Common No. 1944604

### 12.3 Moving Confidential Items Into Open Common No. 1944604



**13. PETITIONS**

**14. NOTICE(S) OF MOTION**

## 15. COMMITTEE REPORTS

### 15.1 COMMUNITY & CULTURAL SERVICES (22/06/15)

#### Presentation of Report by Chairman – Member K J Worden

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 22 June 2015.

- 
1. **City of Darwin Policy No. 044 – Public Library Service - Review**  
Report No. 15P0003 KC:md (22/06/15) Common No. 1943023
    - A. THAT Report Number 15P0003 KC:md entitled, City Of Darwin Policy No. 044 - Public Library Service - Review, be received and noted.
    - B. THAT Council rescind City of Darwin Policy No. 044 - Public Library Service – at **Attachment A** of Report Number 15P0003 KC:md entitled, City of Darwin Policy No. 44 - Public Library Service – Review.
    - C. THAT Council adopt City of Darwin Policy No. 044 - Public Library Service – at **Attachment B** of Report Number 15P0003 KC:md entitled, City of Darwin Policy No. 44 - Public Library Service – Review.
  
  2. **Review of Christmas Events**  
Report No. 15C0063 KS:kl (22/06/15) Common No. 2946123
    - A. THAT Report Number 15C0063 KS:kl entitled, Review of Christmas Events, be received and noted.
    - B. THAT Council endorse the 2015 Draft Christmas Events Program at **Attachment E** to Report Number 15C0063 KS:kl entitled, Review of Christmas Events.
  
  3. **Arts Plan 2015-2020**  
Report No. 15C0072 SC:es (22/06/15) Common No. 1128483
    - A. THAT Report Number 15C0072 SC:es entitled, Arts Plan 2015 - 2020, be received and noted.
    - B. THAT Council endorse and adopt the Arts Plan 2015 - 2020 at **Attachment A** to Report Number 15C0072 entitled, Arts Plan 2015 – 2020.

## 15. COMMITTEE REPORTS

### 15.1 COMMUNITY & CULTURAL SERVICES (22/06/15)

#### Presentation of Report by Chairman – Member K J Worden

The Community & Cultural Services Committee resolved the following items under delegated authority.

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#### 4. Resolved Under Delegated Authority Common No. 2752263

THAT Council receive and note the following decisions which were made by the Committee under delegated authority.

- 4.1 Launch Festival & Training Program 2015  
Report No. 15C0066 FE:kl (22/06/15) Common No. 1437996
- 4.2 2015/2016 Community Grants Program Round 1  
Report No. 15C0069 AH:es (22/06/15) Common No. 3036430
- 4.3 Minutes Arts and Cultural Development Advisory Committee 14 May 2015  
Report No. 15C0071 SC:es (22/06/15) Common No. 3114694
- 4.4 Minutes Haikou Sister City Community Committee 11 May 2015  
Report No. 15C0071 SC:es (22/06/15) Common No. 3114694
- 4.5 Minutes Ambon Sister City Community Committee 21 May 2015  
Document No. 3122552 (22/06/2015)

## 15. COMMITTEE REPORTS

### 15.2 ENVIRONMENT & INFRASTRUCTURE (23/06/15)

#### Presentation of Report by Chairman – Member S J Niblock

Recommendations from the Environment & Infrastructure Committee Meeting held on Tuesday, 23 June 2015.

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#### 1. Proposed Modifications to Daly Street/Esplanade Roundabout

Report No. 15TS0095 DL:jg (23/06/15) Common No. 2116605

- A. THAT Report Number 15TS0095 DL:jg entitled Proposed Modifications to Daly Street/Esplanade Roundabout, be received and noted.
- B. THAT the design modifications to the Daly Street/Esplanade Roundabout as shown in **Attachment B** within Report Number 15TS0095 DL:jg entitled Proposed Modifications to Daly Street/Esplanade Roundabout be endorsed for construction.

#### 2. Cullen Bay Master Plan Funding Request

Report No. 15TS0052 LC:jw (23/06/15) Common No. 3014302

- A. THAT Report Number 15TS0052 LC:jw entitled Cullen Bay Master Plan Funding Request, be received and noted.
- B. THAT Council not provide funding to the Cullen Bay Marina Management Corporation for the development of a Cullen Bay Revitalisation Plan as it does not consider the project a priority at this time.

3. **BM Insurance Oval Name Change – Lot 9242 (20) Oleander Street - Nightcliff**

Report No. 15TS0095 BS:dj (23/06/15) Common No. 2310709

- A. THAT Report Number 15TS0092 BS:dj entitled BM Insurance Oval Name Change - Lot 9242 (20) Oleander Street - Nightcliff, be received and noted.
- B. THAT Council approve the application from the Nightcliff Football Club to rename Lot 9242 (20) Oleander Street, Nightcliff, from the previously approved name of BM Insurance Oval to the proposed name of PSC BM Oval. The naming rights of Lot 9242 (20) Oleander Street, Nightcliff, is to expire on the 31 March 2016 and subject to all other previous conditions remaining.
- C. THAT Council approves the oval naming sign as presented in **Attachment C** to Report Number 15TS0092 BS:dj entitled, BM Insurance Oval Name Change - Lot 9242 (20) Oleander Street – Nightcliff until 31 March 2016, as the proposed sign is in accordance with Council's previous decision.
- D. THAT a draft policy for sponsorship and naming rights of Council facilities be developed for consideration by Council.

## 15. COMMITTEE REPORTS

### 15.2 ENVIRONMENT & INFRASTRUCTURE (23/06/15)

#### Presentation of Report by Chairman – Member S J Niblock

The Environment & Infrastructure Committee resolved the following items under delegated authority.

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#### 4. Resolved Under Delegated Authority Common No. 2752299

THAT Council receive and note the following decisions which were made by the Committee under delegated authority.

#### 4.1 Review of the Climate Change Action Plan Report No. 15TC0041 SG:nj (23/06/15) Common No. 1792647

#### 4.2 General Business

- The Mall – Temporary Shade & Signage
- Oleander Street, Nightcliff - Taxi Rank
- PV Cells in the Mall
- Darwin City Post Office - Waste
- Nightcliff Bus Stop – Trees
- Pizza Food Van – Chapman Road
- Click N Fix – Reporting Attendance
- Nightcliff Pool – Shade Trees
- Tree Removal – Alawa Park

## 15. COMMITTEE REPORTS

### 15.3 CORPORATE & ECONOMIC DEVELOPMENT (24/06/15)

#### Presentation of Report by Chairman – Member R K Elix

Recommendations from the Corporate & Economic Development Committee held on Wednesday, 24 June 2015.

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#### 1. Review of Policy No. 016 – Elected Members – General

Report No. 15TC0044 MB:as (24/06/15) Common No. 2078949

- A. THAT Report Number 15TC0044 MB:as entitled, Review of Policy No. 016 – Elected Members – General, be received and noted.
- B. THAT Council rescind Policy 016 – Elected Members General, **Attachment A** in Report Number 15TC0044 MB .as entitled Review of Policy No.016 – Elected Members – General.
- C. THAT Council endorse Policy 016 – Elected Members – Indemnity **Attachment B** in Report Number 15TC0044 MB:as entitled Review of Policy No.016 – Elected Members – General

#### 2. Signing & Sealing of New Lease to Issue Over Shop 16 Westlane Arcade to Jacci O Designs

Report No. 15A0065 LC:mp (24/06/15) Common No. 3073873

- A. THAT Report Number 15A0065 LC:mp entitled Signing & Sealing of New Lease to Issue Over Shop 16 Westlane Arcade to Jacci O Designs, be received and noted.
- B. THAT Jacci O Designs be offered a lease for one year with two further one year options to renew the lease over Shop 16 West Lane Arcade.
- C. THAT the commencing annual rent be set at \$27,280.00 including GST.
- D. THAT pursuant to Section 26 (2) of the Local Government Act, Council authorises the affixing of the Common Seal to all documents associated with the lease to Jacci O Designs Shop 16 Westlane Arcade, Darwin and that this be attested by the signatures of the Chief Executive Officer and the Lord Mayor.

**3. Renewal of Lease to East Point Aeromodellers Club Inc.**

Report No. 15A0024 LC:mp (24/06/15) Common No. 1865891

- A. THAT Report Number 15A0024 LC:mp entitled, Renewal of Lease to East Point Aeromodellers Club Inc. be received and noted.
- B. THAT the East Point Aeromodellers Club Inc be offered a lease for five years with an option for a further five years at peppercorn rental.
- C. THAT all documents associated with the lease to East Point Aeromodellers Club Inc, be signed under the power of attorney delegated to the Chief Executive Officer and General Manager Corporate Services.



## 15. COMMITTEE REPORTS

### 15.3 CORPORATE & ECONOMIC DEVELOPMENT (24/06/15)

#### Presentation of Report by Chairman – Member R K Elix

The Corporate & Economic Development Committee resolved the following items under delegated authority.

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#### 4. Resolved Under Delegated Authority

Common No. 2752303

THAT Council receive and note the following decisions which were made by the Committee under delegated authority.

##### 4.1 Monthly Financial Report - May 2015

Report No. 15A0084 MC:mp (24/06/15) Common No. 2476534

##### 4.2 Listing of Cheques/EFT Payments - May 2015

Report No. 15A0083 MC:mp (24/06/15) Common No. 339125

##### 4.3 Provision of Insurance Services

Report No. 15A0082 TS:mp (24/06/15) Common No. 1593327

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.1  
 YES

**ADOPTION OF THE CITY OF DARWIN 2015/16 MUNICIPAL PLAN AND BUDGET**

REPORT No.: 15A0064 MC:mp COMMON No.: 2337805 DATE: 30/06/2015

**Presenter: Manager Finance, Miles Craighead**

**Approved: General Manager Corporate Services, Diana Leeder**

**PURPOSE**

The purpose of this report is for Council to adopt the City of Darwin 2015/16 Municipal Plan, which includes the Budget.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

5 Effective and Responsible Governance

**Outcome**

5.5 Responsible financial and asset management

**Key Strategies**

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

**KEY ISSUES**

- In accordance with the Local Government Act, Council has made the Municipal Plan and budget available for public consultation for a minimum period of 21 days.
- Public consultation concluded on Friday 19 June 2015, eight submissions were received.
- Of the eight submissions, two respondents sought clarification of aspects of the Municipal Plan. Responses to these specific queries have been sent, see **Attachment A**.
- Six submissions have responses drafted in **Attachment A** for approval.
- It would be timely to review the content of the section dealing with socio-economic impact prior to development of the 2016/17 plan.

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 SUBJECT: ADOPTION OF THE CITY OF DARWIN 2015/16 MUNICIPAL PLAN AND BUDGET

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## **RECOMMENDATIONS**

- A. THAT Report Number 15A0064 MC:mp entitled Adoption of the City of Darwin 2015/16 Municipal Plan and Budget, be received and noted.
- B. THAT in accordance with Section 128 of the *Local Government Act*, Council adopt the Budget contained within the 2015/16 City of Darwin Municipal Plan as provided in **Attachment B** to Report Number 15A0064 MC:mp entitled Adoption of the City of Darwin 2015/16 Municipal Plan and Budget.
- C. THAT in accordance with Section 24 of the Local Government Act, Council adopts the 2015/16 City of Darwin Municipal Plan contained in **Attachment B** to Report Number 15A0064 MC:mp entitled Adoption of the City of Darwin 2015/16 Municipal Plan and Budget.
- D. THAT Council endorse the responses to the public submissions to the 2015/16 City of Darwin Municipal Plan in **Attachment A** to Report Number 15A0064 MC:mp entitled Adoption of the City of Darwin 2015/16 Municipal Plan and Budget.

## **BACKGROUND**

Council endorsed the draft 2015/16 City of Darwin Municipal Plan and Budget at its meeting on 25 May 2015. The Plan was released on 27 May 2015 for public consultation which closed on 19 June 2015.

*DECISION NO. 21\3342 (25/05/15).*

### **Draft 2015/16 City of Darwin Municipal Plan**

*Report No. 15A0063 MC:mp (25/05/15) Common No. 2337805*

- A. *THAT Report Number 15A0063 MC:mp entitled Draft 2015/16 City of Darwin Municipal Plan, be received and noted.*
- B. *THAT Council adopt the Draft 2015/16 City of Darwin Municipal Plan contained in Attachment A to Report Number 15A0063 MC:mp entitled Draft 2015/16 City of Darwin Municipal Plan, for the purpose of public exhibition and consultation.*
- C. *THAT pursuant to Section 103 of the Local Government Act, the staffing plan approved by Council for the 2015/16 financial year be based on a total budget for employee costs of \$30.4M and an approved establishment full time equivalent (FTE) of 348.4 staff, noting that short-term projects may temporarily change the actual FTE.*

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- D. *THAT Attachment A of Report Number 15A0063 MC:dl entitled Draft 2015/16 City Of Darwin Municipal Plan, and this Decision be available to the media under embargo from 9am on Tuesday 26 May 2015 and along with Report Number 15A0063 be moved into 'Open' at 10am on Tuesday 26 May 2015.*
- E. *THAT two new internal reserves be created as follows: "Carbon Tax Reserve" (for the purpose of correctly identifying residual Carbon Tax funds and making appropriate decisions regarding final treatment of those funds) and "Street Lighting Reserve" (for the purpose of making contingency provision for additional Street Lighting charges such as capital/depreciation).*

There were eight submissions received and considered. The two submissions which were queries for clarification regarding the Municipal Plan have already been sent responses. Six other submissions have responses drafted in **Attachment A**.

## **DISCUSSION**

Council has prepared a budget for the 2015/16 financial year which seeks to balance the demand for services and infrastructure with the community's capacity to pay. Key budget information is provided in the 2015/16 City of Darwin Municipal Plan and includes rate increases, operating results, service levels, cash and investments, capital works, financial position, financial sustainability and key strategic activities of the Council.

No changes are proposed for the current plan however it would be timely to review the content of the section dealing with socio-economic impact prior to development of the 2016-17 plan.

## **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- General Manager Corporate Services
- Manager Strategy and Outcomes
- Finance Staff

## **POLICY IMPLICATIONS**

Nil

## **BUDGET AND RESOURCE IMPLICATIONS**

The 2015/16 budget is based on a balanced funding position. The Budget is contained within the 2015/16 City of Darwin Municipal Plan (**Attachment B**).

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## **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Council is not permitted to budget for a deficit under Part 10.5, Section 127(3) of the Local Government Act. In preparing the Budget the relevant sections of the Local Government Act and Regulations have been followed.

### **Municipal Plan Requirements**

The Local Government Act requires the Municipal Plan to contain the following items:

- A service delivery plan for the period of the plan;
- Indicators for judging the standard of the Council's performance; and
- Council's Budget.

The Municipal Plan must also contain or incorporate by reference:

- Any long term community or strategic plans relevant to the period of the plan;
- The Council's Long Term Financial Plan; and
- The Council's most recent assessments of:
  - Constitutional arrangements their adequacy for representation for the Council's area;
  - Opportunities and challenges for local government service delivery in the Council's area;
  - Possible changes to the regulatory and administrative framework for delivering services in the Council's area; and
  - Whether possibilities exist for improving local government service delivery by co-operation with other councils, government agencies or other organisations.

The 2015/16 City of Darwin Municipal Plan which is at **Attachment B** complies with all of the above requirements.

## **ENVIRONMENTAL IMPLICATIONS**

There are no specific environmental implications with Council adopting the 2015/16 City of Darwin Municipal Plan. The Plan does maintain a balanced approach to sustainability by considering social, cultural and environmental implications in setting the activities it plans to deliver over the next financial year.

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### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**MILES CRAIGHEAD**  
**MANAGER FINANCE**

**DIANA LEEDER**  
**GENERAL MANAGER**  
**CORPORATE SERVICES**

For enquiries, please contact Miles Craighead on 8930 0523 or email:  
m.craighead@darwin.nt.gov.au.

#### **Attachments:**

- Attachment A:** 2015/16 Municipal Plan submissions and responses  
**Attachment B:** 2015/16 City of Darwin Municipal Plan  
(Submitted under separate cover).

# ATTACHMENT A

The following table provides an overview of submissions received from the Draft 2015/16 Municipal Plan public consultation. It includes two responses which have already been sent and six drafted responses.

Respondent and date Received	Submission	Response
Responses already sent		
<p>Dr Charles Andrew Cameron 05/06/2015</p>	<p>In two perusals of the Plan, I've found no mention of the proposed Nightcliff Cafe, adjacent to the Nightcliff Pool. We support this proposal, are keen to see it proceed, and should appreciate assurance of its progress.</p>	<p>Good afternoon Charles, Thanks for your comments. The Nightcliff Café will be built this year. Council made the decision to proceed in December 2014 and the Development Consent Authority approved the application for the development in May 2015. It is expected that construction will be completed end of this year or early 2016. On this webpage below you will find links to all the relevant design, agendas and minutes about the Nightcliff Cafe: <a href="http://www.darwin.nt.gov.au/nightcliffcafe">http://www.darwin.nt.gov.au/nightcliffcafe</a> On page 33 of the Municipal Plan there is reference to finance arrangements for the Nightcliff Café - you can view the plan via the link below: <a href="http://www.darwin.nt.gov.au/sites/default/files/2015-16%20City%20of%20Darwin%20DRAFT%20Municipal%20Plan_V18_25%20May%202015%20Edits%203%25%20rates.pdf">http://www.darwin.nt.gov.au/sites/default/files/2015-16%20City%20of%20Darwin%20DRAFT%20Municipal%20Plan_V18_25%20May%202015%20Edits%203%25%20rates.pdf</a></p>
<p>Please feel free to contact me if you have any further questions.</p>		

Respondent and date Received	Submission	Response
<p>Mr Tony Griffiths 04/06/2015</p>	<p>The Plan states on page 33 that "Borrowing costs i.e. interest on loans, are included as per the existing loan schedules plus an amount for the Nightcliff Café (which ultimately will be funded by an internal loan with appropriate adjustments which should be revenue neutral)."</p> <p>What is the amount of the loan for the Cafe? What does "ultimately will be funded bby an internal loan with appropriate adjustments which should be revenue neutral" mean?</p>	<p>Thanks and regards</p> <p>Hi Tony,</p> <p>Thanks for your comments.</p> <p>I asked our Finance Manager Miles Craighead to provide further information on your query:</p> <p>The budgeted amount of the internal borrowing for the Café is \$1.35M. The borrowing costs 2015/16 of \$309k include interest of approximately \$67K for the Café. Borrowing costs on internal loans are revenue neutral (ultimately) as the internal interest expense is matched by internal interest income.</p> <p>I hope this provides you with clarification.</p> <p>Thanks and regards</p>



Respondent and date Received	Submission	Response
Drafted responses		
<p>Ms Ursula DiGregorio 04/06/2015</p>	<p>So happy to hear Council has committed \$80,000 for a dog park, something that is much needed in this community as is a standard feature in all other states.</p> <p>In order to reduce instances of dog attacks please seriously consider dividing the park into two areas- one side for medium to large dogs and the other for small dogs and puppies.</p> <p>My Miniature Dachshund was attached at a dog park by a much larger dog, a park which at the time was not segregated however in response to public pressure and increasing instances of large dogs picking on smaller dog- made the decision to segregate the park and mitigate the risk.</p> <p>Please consider this suggestion seriously.</p> <p>Many thanks, Ursula.</p>	<p>Good morning Ursula,</p> <p>Thank you for your feedback regarding the Draft 2015/16 City of Darwin Municipal Plan. The dog park will be a great asset for the community.</p> <p>The development of the dog park will be informed by community consultation, your feedback will be valuable to this process. I have forwarded your feedback to Council's Senior Community Engagement Officer and Supervisor Animal Management.</p> <p>The community consultation for the dog park is anticipated to start in the coming months. All of Council's community consultation information can be found on this webpage <a href="http://www.darwin.nt.gov.au/communityconsultation">http://www.darwin.nt.gov.au/communityconsultation</a></p> <p>Thank you again for your feedback and let me know if you have any further queries.</p> <p>Regards</p>
<p>Mr Lee Martin 03/06/2015</p>	<p>My concern is the tip. The spending of \$8Mill. making us all pay to cater to the lowest common denominator...the stupidest drivers...that are incapable of reversing up to a bin without driving in to it. The ridiculous measures that have been put in place both temporary and now half permanent are making is very difficult to unload both ute</p>	<p>Good morning Lee,</p> <p>Thank you for your feedback regarding the Draft 2015/16 City of Darwin Municipal Plan.</p>

Respondent and date Received	Submission	Response
	<p>trays and trailers alike. Having to lift every single piece of rubbish out, up and over is just crazy. How many more injuries are going to arise from this? A simpler and far cheaper alternative would be to simply put a new concrete pad underneath the skip bins. Lift them up by 400mm. This would then put the top of the bins the same 400mm higher at the top of the transfer station, hopefully making it almost impossible for even the most incapable of drivers placing their vehicles in to the bins and also making the edge of the skips less of a tripping hazard.</p> <p>Seriously...if you can't reverse up to a bin that is sitting almost half a meter high then you should not be driving on our roads in Australia. This option would then allow for most trailers and utes to be unloaded straight over the top. Some lower trailers would still need to be emptied manually, but there would be a lot less than the current crazy option of bars, bollards and concrete blocks. When will common sense come back in to fashion? Why do we as a mass population have to pay for a couple of simpletons that probably don't know how to use a round about either? The current state of the tip is a disgrace. Rubbish flying everywhere because you just can't get it in the bin sometimes because they are now so far away from the edge. Please stop punishing the majority of the public because of a few Darwin Award Nominees.</p> <p>Sometimes natural selection IS the best option.</p> <p>I sent this concept to Mr Cercarelli mid December last year, almost six months ago. I never expected it to be carried out, it's far to easy, but I would have expected a</p>	<p>The \$8M included in the Draft Municipal Plan for the Shoal Bay Waste Management Facility is for major improvements to cater for future growth and ongoing environmental management of the site. This will include significant infrastructure development, such as building a new cell, to cater for the continued growth of the city and region.</p> <p>The matter relating to the safety barriers at Shoal Bay Waste Management Facility is not related to the \$8M identified in the Draft Municipal Plan. Your concerns will be dealt with by the relevant department and have been forwarded to the Manager Technical Services.</p> <p>Thank you again for your feedback and let me know if you have any further queries.</p> <p>Regards</p>

Respondent and date Received	Submission	Response
Ms Kate Race 11/06/2015	<p>reply at least to say thanks for your rate payer input.</p> <p>It would be more engaging for residents to view the plan by location or ward</p> <p>- in terms of programs and/or projects. As it is we have to wade through the</p> <p>100 pages to try to understand what will impact us or what opportunities there will be locally.</p> <p>2 projects stand out which need further explanation - 'Dog Park' and 'Garden of Lights'. Are these really value for money, and what people are requesting??</p> <p>In terms of animal control - the requirement for owners to clean up after their pets is a major issue for the foreshore and parks/reserves. Please, please be more active in this regard - better public awareness/information and patrolling/fining people not cleaning up. We are sick of being confronted by huge amounts of dog poo on our otherwise beautiful beaches - this is a public health issue. Other Australian cities are very active in this and public awareness and compliance is now pretty standard.</p> <p>Are you doing anything to combat feral rats and cats? They seem to be in very high numbers around Nightcliff and foreshore. Also would like to see increased work with NTG on a crocodile free waterfront which is essential for us to be able to make use of our wonderful beaches.</p>	<p>Good morning Kate,</p> <p>Thank you for your feedback regarding the Draft 2015/16 City of Darwin Municipal Plan.</p> <p>Your suggestion regarding information being presented by ward will be taken into consideration for the development of the 2016/17 Municipal Plan.</p> <p>The Dog Park and Garden of Lights will be developed through community consultation to ensure the projects are informed by what the community wants.</p> <p>Council has an Animal Management Program which delivers a range of services including pet registrations, animal education, complaints, lost pets and The Pound. Details of the Animal Management Program can be found on Council's website <a href="http://www.darwin.nt.gov.au/live/animals-and-pets">http://www.darwin.nt.gov.au/live/animals-and-pets</a></p> <p>Council patrols the foreshore, parks and reserves, however, I have forwarded your concerns to Council's Animal Education Officer for consideration.</p> <p>Council has developed a process to manage complaints received about cats, please see the Animal Management Plan for details <a href="http://www.darwin.nt.gov.au/live/animals-and-pets/cats/cat-complaints">http://www.darwin.nt.gov.au/live/animals-and-pets/cats/cat-complaints</a></p> <p>For further information about Council's Animal Management Program</p>

Respondent and date Received	Submission	Response
Ms Judie Wall 18/06/2015	<p>Your Draft Municipal Plan states the following - 'The City of Darwin Long Term Financial Plan (LTFP) aims to minimise the social and economic impacts of rating on both current and future generations by ensuring the financial stability and viability of the City into the future'. Other than continuing to gouge ratepayers with annual rate increase above CPI and increased parking fees for a CBD and Smith St Mall that is not viable but remains extremely unattractive to both residents and visitors, how exactly does City of Darwin Council plan to do this? Waste more ratepayers money to change the name again? increase the number of 'sister city' jaunts that are enjoyed by Mayor and other Alderman? then have the audacity to increase rates above CPI and decrease services to ratepayers?</p> <p>'Council is responsible for the management of \$1.2 billion worth of community assets' according to the Plan,</p>	<p>please contact the Animal Education Officer on 8930 0606 or <a href="mailto:Darwin@darwin.nt.gov.au">Darwin@darwin.nt.gov.au</a></p> <p>There currently aren't any plans for projects which will provide a crocodile free waterfront. Parks and Wildlife NT have an Estuarine Crocodile Management Plan for Darwin Harbour which can be found here <a href="http://lrm.nt.gov.au/_data/assets/pdf_file/0008/7388/darwin_harbour.pdf">http://lrm.nt.gov.au/_data/assets/pdf_file/0008/7388/darwin_harbour.pdf</a></p> <p>Thank you again for your feedback and let me know if you have any further queries.</p> <p>Regards</p>
		<p>Good morning Judie,</p> <p>Thank you for your feedback regarding the Draft 2015/16 City of Darwin Municipal Plan.</p> <p>The City of Darwin's Long Term Financial Plan (LTFP) does aim to minimise the social and economic impacts of rating on both current and future generations by ensuring the financial stability and viability of the City into the future. It is reviewed annually to take into account predicted growth, CPI movements and planned efficiencies. The LTFP shows when major infrastructure projects will be developed – for example a multi storey parking facility – and how they will be funded – for example by developer contributions and loans.</p> <p>Council believes the Smith St Mall is a viable and attractive amenity enjoyed by a large number of visitors and locals and recent private</p>

Respondent and date Received	Submission	Response
	<p>however, the Council does not seem to be able to maintain or increase these assets and does not grasp the concept that the ratepayers of Darwin have paid for these 'community assets' and deserve a say in how Council maintains or disposes of them. As for Council stating that During 2014/15, Council reviewed its LTFP which continues to set out a 4.5% annual increase in rates over the life of the plan. Council is conscious of the impacts of living expenses such as housing costs, rent and fuel costs on our community and tries to ensure that rates increases do not create additional financial burden', do I take this to mean that the Council will be increasing the Mayoral and Alderman payments and allowances to ensure that this happens? Darwin Council has done nothing to push the redevelopment of the Mall so that residents AND visitors will return to the CBD and spend money. If Council would remove their heads from their travel brochures for their next jaunt and actually did something constructive for the Mall and businesses, then the increased spending from the parking would help pay for their overseas 'jaunts' that they continue to enjoy! - yes I am yet another one of the unhappy and gouged ratepayers for Darwin City Council!!!!!!!!!!!!</p>	<p>developments on its periphery will bring more activity into the area.</p> <p>In 2015/16 services to the community are increasing such as additional shade installed at playgrounds, the Darwin Safer City Program and the establishment of a dog park.</p> <p>Page 19 of the Draft Municipal Plan provides details of the factors which affect the rate setting. The cost of goods and services used to calculate CPI does not include the main cost drivers associated with services provided by local government. The cost of delivering services such as building roads generally exceeds the annual CPI index.</p> <p>The Federal Government's decision to freeze indexation on Financial Assistance Grants to local government also greatly impacts Council's ability to maintain service levels without impacting rates.</p> <p>Council is responsible for \$1.2B worth of community assets, Council's assets are increasing. Council is putting considerable effort into asset management and maintenance of its assets and would welcome more information as to where it is considered that Council is failing to maintain.</p> <p>The Draft Municipal Plan is just one opportunity for the community to provide feedback on a range of issues, including asset management. Council consults with the community in a range of ways and for many different projects, for further information on opportunities to provide feedback to Council go to <a href="http://www.darwin.nt.gov.au/communityconsultation">http://www.darwin.nt.gov.au/communityconsultation</a> or consult your ward Aldermen.</p> <p>City of Darwin Elected Members are paid in accordance with the</p>

Respondent and date Received	Submission	Response
<p>Ms Louise Fogg 4/06/2015</p>	<p>As a vibrant, flexible and tropical lifestyle is one of council's key values there are a couple of areas where I think council could focus on -</p> <ul style="list-style-type: none"> <li>• one very simple one is to ensure that the solar covers are used every year on the Nightcliff swimming pool and Parap (until the new centre is built), allowing people to swim all year round.</li> <li>• the other is not to increase rates - our rates are currently higher than Melbourne rates and there really is no comparison as to what ratepayers can experience in terms of a vibrant and flexible lifestyle. I'm sure council members could find savings in their operational budgets as well as projects that are not really directly impacting the quality of life for Darwin residents, eg Slister Cities and perhaps the Darwin Entertainment Centre could be sold off and actually managed so as to be a viable theatre providing regular quality entertainment.</li> </ul>	<p>guidelines set by the Minister for Local Government.</p> <p>Thank you for your feedback, if you have any further queries please let me know.</p> <p>Regards</p> <p>Good morning Louise,</p> <p>Thank you for your feedback regarding the Draft 2015/16 City of Darwin Municipal Plan.</p> <p>There is a solar cover used at the Nightcliff Swimming Pool to increase the water temperature throughout the Dry Season. There currently aren't solar covers being used at Parap or Casuarina Swimming Pools. Your suggestion has been forwarded to the Manager Recreation, Events and Customer Services.</p> <p>Council recognises that it must consider the affordability of rates by its residents and directed that the 2015/16 rates be held at 3%. In 2015/16 Council has identified efficiencies of \$547K through achievement of Council's targeted 1% of rate revenue efficiency dividend.</p> <p>Page 19 of the Draft Municipal Plan provides details of the factors which affect the rate setting. The cost of goods and services used to calculate CPI does not include the main cost drivers associated with services provided by local government. The cost of delivering services such as building roads generally exceeds the annual CPI index.</p> <p>The Federal Government's decision to freeze indexation on Financial</p>

Respondent and date Received	Submission	Response
Mr Wayne Wood 12/06/2015	See below	<p>Assistance Grants to local government also greatly impacts Council's ability to maintain service levels without impacting rates.</p> <p>Council has elected to increase the level of service in 2015/16 in areas such as playground shading and creating a safer city environment.</p> <p>Thank you for your feedback, if you have any further queries please let me know.</p> <p>Regards</p>
	See below	See below

*Council has not provided justification for the rate rise as required by S127 of the Local Government Act. It has **not** made an assessment of the social and economic effects of its rating policies; **no measure** of the Price Index for Consumers or Municipalities has been included and there is **no data** about the increasing cost of housing, rent, or fuel that has adversely affected ratepayers ability to pay.*

As predicted, the 15/16 Municipal Plan is the same old copy and paste of 2010 numbers. Slavishly following the increase mandated by an out of date 10 year plan [mentioned at least 30 times], focussed on the “*intention that there is a predictable trend in the overall rate setting*” [Page 6], i.e. every year will see an increase in rates, regardless of the actual circumstances.

While reference is continually made to Section 23 (1) (b) (i) of the Local Government Act [Pp 10 – 17 Strategic Direction] no mention is made of:

(2) a council must make or revise an assessment of the matters mentioned in subsection (1)(c) **at least once** in the council's term ...

Constantly referencing a plan that is demonstrably out of date, every year for the term, is in breach of the spirit of the Act.

In place of the obligation to properly consider S127 of the Act, viz ;

(2) (e) contain an assessment of the social and economic effects of its rating policies;

- Council indicates it is **conscious of the impacts** of living expenses such as housing costs, rent and fuel costs on the community and **tries** to ensure that rates increases do not create additional financial burden.

Council has again [for at least 4 consecutive years failed] to include a current assessment of the social and economic effects of its rating policies. The information contained on P19 of the current Municipal Plan does not even contain the data that was in the 2014/15 plan which was largely a copy of the previous information [see P18/19 of the 2013/14 plan] and the year before that [see P21 2012/13 Municipal plan] based upon the same graph produced in 2011 by DAE with the dates changed to artificially justify the increase in rates.

While the CPI measures costs such as clothing, household goods and the price of fruit and vegetables, not the price of asphalt, building materials and labour costs, it nonetheless does impact upon the ability of ratepayers [especially those who cannot expect a 7% increase in salary] to cope with an unjustified increase in rates.



A number of factors have changed since the LTFP was prepared, e.g. the Federal Government decision to freeze indexation on Financial Assistance Grants to local government and new initiative operational costs such as the Darwin Safer City Program, the Digital Strategy project and the creation of an Urban Development Policy and Strategy.

- ❖ Where is the data supporting these “impacts”?
- ❖ How has the cost of housing changed since the LTFP was prepared?
- ❖ Where are the numbers showing that Darwin rent is the highest in Australia?
- ❖ How do the lowest interest rates on record influence Council’s ability to fund long term project with external borrowings?

For many years it has been stated *“it is illegal for Council to budget for a deficit”*, and at all costs rates must be structured ‘to break even’. It is a measure of the misleading nature of the plan that it talks about ‘internal loans’ and artificially high depreciation, that leads to obfuscation of the real position.

<b>Operating surplus (deficit)</b>	Break Even	(\$2.1M)	(\$0.2M)	(\$1.18M)
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This indicator is designed to provide information on the result of ordinary operations and does not include capital income. Trend analysis may enable the Council to determine if the current level of services can be sustained into the future. (The budget 2015/16 does not meet the break even target and is a deficit of \$1.18M. Depreciation expense increase due to revaluation/review of assets is a major factor. The deficit however remains close to break-even, Council will continue to monitor and transition this indicator in future budgets.)

<b>Operating surplus before depreciation</b>	> Break Even	\$14.3	\$16.6M	\$20.0M
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This indicator is designed to provide information on the result of ordinary operations before depreciation which is a non-cash expense. Excluding depreciation gives the amount of operating income over and above operating expenses that is available to fund capital expenditure.

<b>Asset sustainability ratio</b>	>50%	32.2%	61%	48.3%
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This indicator is designed to indicate the extent to which Council is renewing its assets. A ratio of 100% or more indicates that Council spends at least the amount of depreciation each year on renewing assets. (The budget 2015/16 renewal spending is 48.3% of depreciation based on Asset Management Planning for the amount necessary to optimise and maintain service levels now - this is close to target of 50%).

Many assets currently owned by Council could be leased [e.g. motor vehicles, IT] which would considerably reduce the need for depreciation. In addition, Council needs to review ownership of assets [particularly real estate] in line with recommendations from expert review. Both actions would obviate the necessity to make the silly statements in the KPI table.

*The Municipal Plan proposes the funding of long term capital works from current revenue in direct contravention of Council policy regarding intergenerational equity. If the expenditure of \$16 million were funded by long term 'external' loans from NT Treasury, it is unlikely that rates would have to be increased from 2015 levels.*

It is misleading to refer to 'internal' borrowings to fund capital works. Funds raised from current ratepayers being spent on long term assets [with useful lives measured in decades] are NOT loans, they are simply 'hidden' in unrestricted reserves and totally negate any pretence of intergenerational equity.

More than \$26M will be spent on the capital works program, \$10 million on refurbishment and about \$16 million on capital works. How much of the following will be funded by long term borrowings?

- ❖ \$300K for solar panel installations,
- ❖ \$350K for sea wall construction
- ❖ \$8M dedicated to Shoal Bay Waste Management Facility
- ❖ \$1.5M Darwin City Centre Master Plan
- ❖ ?? The Esplanade Resurface & Reconstruction [over and above the 41.7 million from the Federal Government]
- ❖ \$778K Playground Shade Project
- ❖ \$300K Solar Panel Project
- ❖ \$500K Parap Leisure and Sports Centre Project

Council policy is supposed to use debt where necessary to fund new capital works and ensure a balance of intergenerational equity with respect to funding long-life community assets. Council has long been scrutinised with respect to its position regarding borrowing and the use of reserves, and the proposal to fund significant future projects such as the Multi-Storey Car Parking Development at an estimated cost of \$32M, with the majority from reserves is clearly against policy.

The ludicrous situation is made more farcical by the intention to use restricted reserves [Off & On Street Parking] to fund new capital works at Shoal Bay.

*Council continues to propose plans contrary to the best interests of ratepayers, in breach of the Act and in contravention of policy and best practice. It takes no notice of ratepayers concerns, expressed formally [in written submissions], informally at public forums or through the public press. The municipal plan is misleading and obfuscatory, does not explain the reason for maintaining unreasonably high reserves and does not regularly review the Long Term Financial Plan upon which it bases its decisions.*

Council continues its policy of paying lip service to consulting with its ratepayers. It is not 'consultation' to ask for comments on decisions that have already been made, e.g. spending on social programs concentrated in the CBD that do not benefit the vast majority of ratepayers [e.g. \$543K for the continuation of the Darwin Safer City Program to broker partnerships that foster a safer community and to reduce adverse impacts of public intoxication on community life].

Also, S24 (2) requires Council to:

(d) consider the submissions made in response to the invitation and make any revisions to the draft the council considers appropriate in the light of the submissions.

For many years I have submitted comments that have not, under any reasonable analysis, been properly considered. For instance, I first raised the subject of carbon emissions at a meeting in 2009 [copy attached] but, in the words of the song, "they weren't listening then, they're not listening still". I raised the subject again in 2012 [see email to Richardson ward representatives dated 30 June 2012] forecasting that the method being used to calculate the obligation under the carbon pricing mechanism would lead to 'outrageously unfair fees' being levied upon ratepayers. Council now has to admit that "the level of reserves is significantly influenced by the carbon tax reserve" [page 49] but resolutely refuses to confront reality and "to make a decision on the appropriate treatment of this fund". The solution to the problem is simple. Give it back to the ratepayers from whom it was stolen. Or at very least, use it to upgrade the waste management facility.

Dear Wayne

Thank you for your submission on the Draft 2015/16 City of Darwin Municipal Plan. Below I have attempted to address each of the points you raise by referring to your page numbers and commenting on your points:

Page 1 – summary box

- The Municipal Plan provides the rationale behind the rate rise as required by S 127 of the Local Government Act, including assessment of the social and economic effects of its rating policies; inclusion of the level of consumer price index use and what it covers. It is acknowledged that no specific data on the increasing cost of housing, rent or fuel is included.

Page 1 - other

- Section 23 (1) (c) – Council's Strategic Plan was approved by the current Council on 11 December, 2012 and is considered to meet the requirement of this section.
- The Municipal Plan assessment of the social and economic effects of its rating policies is not a cut and paste of previous years as claimed by you. It has been revised since the 2014/15 Plan and further work will be done prior to next year's Plan to deal more specifically with the issues you believe are not adequately covered. Although Council's Long Term Financial Plan indicates a constant rate increase is required to meet the level of operational and capital projects identified, Council recognises that it must consider the affordability of rates by its residents and directed that the 2015/16 rates be held at 3%. Notwithstanding this Council has elected to increase the level of service in areas of playground shading and creating a safer city environment. It is the responsibility of Council's management to manage the resources available so as to deliver the service levels required. Council's EBA provides for a 4% increase in salaries and wages in 2015/16. Additional employee costs relate to increased staff numbers to deliver increased services, incremental increases and other associated staff costs.
- The CPI used is quoted as the ABS figure of 1.9% for the 12 months ended 31 December 2014 (page 28).

Page 2

- Data supporting the changes since the adoption of the Long Term Financial Plan can be found on page 46.
- *(3) Subject to the regulations, a council must not budget for a deficit* - Council has not budgeted for a deficit in terms of LGA S127 and LG Accounting Regs. S13, Page 48 of the Municipal Plan is Council's Budgeted Statement of Cash/Fund Flows and demonstrates a break even position. (The Local Government Accounting Regulations S13 define deficit budgeting as: A deficit occurs if overall expenditure for a financial year (disregarding depreciation) exceeds income. Transfers into, and out of, specific reserves are to be taken into account).
- *'Artificially high depreciation'* - Depreciation is calculated strictly in accordance with Australian Accounting Standards. Council has worked closely with its external auditors to achieve full compliance.
- *'Leasing of assets such as motor vehicles to considerably reduce depreciation expense'* - Leasing does not provide Council with income tax advantages as it might in the private sector. Depreciation expense is reduced but it is replaced by the capital costs of the vehicle within the lease and more importantly the Council is negatively impacted by the

fact that the cost of capital included in lease repayments will be higher. However where Council perceives a high risk of financial loss when implementing new technology it does take leasing into consideration (on a costs and benefits basis).

Page 3

- *'Funds raised from current ratepayers being spent on long term assets[...] are NOT loans, they are simply hidden in unrestricted reserves and totally negate any pretence of intergenerational equity.'* - When and if Council borrows it considers the principle of intergeneration equity. However intergeneration equity is not synonymous with borrowing. It is about whether or not the costs charged through rates bear an appropriate relationship to the costs relevant to that year. Council's annual revenues approximate to its annual expenses including depreciation which is independently audited. Therefore Council considers that its addressing of intergeneration equity is reasonable and appropriate.
- *Use of car parking funds to meet costs of capital works at Shoal Bay* - The Off and On Street Car Parking Reserve funds meet the requirements of Council's adopted Car Parking Strategy. Council has decided to utilise some of these funds in the meantime for the Shoal Bay works rather than externally borrow. Its preference at this stage is to defer any car parking multi storey development. Income from waste management activities will repay these funds prior to the future construction of a multi storey car park.

Page 4 – summary box

- Council is not in breach of the Local Government Act.

Page 4 - other

- *Your view that Council does not take notice of ratepayers concerns, that the Draft Municipal Plan is misleading, obfuscatory, does not explain the reason for unreasonably high reserves and does not regularly review the LTFP* - There is no intention whatsoever to mislead people. Explanations for the cash backed reserves are provided on pages 71-73 and the Long Term Financial Plan is reviewed annually, with the last such review endorsed in March 2015.
- Carbon tax funds held in reserve – Council will consider its options for these funds in July this year.

Council does take into account the comments provided by rate payers and your full submission and attachments were presented to Council prior to it considering adoption of the Municipal Plan on 30 June 2015, along with other submissions received. Council believes it has produced a Municipal Plan which is fiscally responsible, appropriately balances service levels with rates and is financially sustainable.

Should you wish to discuss any of your submission in greater detail please contact me and I can arrange for you to meet with the Finance Manager to discuss your concerns about financial management and viability.

Yours sincerely

Diana Leeder

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.2  
NO

**2015-16 DECLARATION OF RATES AND CHARGES**

REPORT No.: 15A0080 MC:mp COMMON No.: 3105073 DATE: 30/06/2015

**Presenter:** Manager Finance, Miles Craighead

**Approved:** General Manager Corporate Services, Diana Leeder

**PURPOSE**

This report provides for the adoption of 2015-16 Rates and Charges that support the Budget contained in the City of Darwin 2015-16 Municipal Plan.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

5 Effective and Responsible Governance

**Outcome**

5.5 Responsible financial and asset management

**Key Strategies**

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

**KEY ISSUES**

The Declaration of Rates is scheduled to be published on 8 July 2015 in accordance with the budget timetable.

**RECOMMENDATIONS**

- A. THAT Report Number 15A0080 MC:mp entitled 2015-16 Declaration Of Rates And Charges, be received and noted.
- B. THAT pursuant to Section 149 of the *Local Government Act* ("the Act"), Council adopts the Unimproved Capital Value method as the basis of the assessed value of allotments within the Darwin Municipality.

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 SUBJECT: 2015-16 DECLARATION OF RATES AND CHARGES

- C. THAT pursuant to Sections 155-157 of the Act, Council declares that it intends to raise, for general purposes by way of rates, the amount of \$58,011,891 which will be raised by the application of differential valuation-based charges (“differential rates”) with differential minimum charges (“minimum amounts”) being payable in application of each of those differential rates. Council hereby declares the following differential rates and minimum amounts payable in the application of those differential rates for the financial year ending 30 June 2016;

For the purposes of this paragraph C, “residential parts or units” means a dwelling house, flat or other substantially self-contained residential unit or building:

<u>RATES</u>	<u>ALLOTMENTS OF LAND TO WHICH RATES APPLY AND MINIMUM AMOUNTS</u>
i) 0.401687%	<p>of the assessed value of all rateable land within the municipality zoned SD, RR, R or RL under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,042.00 multiplied by :-</p> <p>(a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(b) the number 1, whichever is the greater.</p>
ii) 0.401687%	<p>of the assessed value of all rateable land within the municipality zoned MD, MR or HR under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,096.00 multiplied by :-</p> <p>(c) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(d) the number 1, whichever is the greater.</p>
iii) 0.381961%	<p>of the assessed value of all rateable land within the municipality zoned CV under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,042.00 multiplied by :-</p> <p>(a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(b) the number 1, whichever is the greater.</p>

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- iv) 0.463621% of the assessed value of all rateable land within the municipality zoned CB under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,319.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- v) 0.357343% of the assessed value of all rateable land within the municipality zoned PS or CN under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- vi) 0.323316% of the assessed value of all rateable land within the municipality zoned OR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$430.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- vii) 0.401687% of the assessed value of all rateable land within the municipality zoned FD, SU, CP, CL, RD or U under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,096.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.



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- viii) 0.530761% of the assessed value of all rateable land within the municipality zoned C, or SC under the *NT Planning Scheme* other than those classes of allotments described in paragraphs (ix) and (x) below, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- ix) 0.957144% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area equal to or greater than 40,000m<sup>2</sup> and being allotments on which is situated a major shopping centre, with the minimum amount payable in the application of that differential being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- x) 0.530761% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area less than 40,000m<sup>2</sup> and being allotments on which is situated a major shopping centre, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- xi) 0.540950% of the assessed value of all rateable land within the municipality zoned TC or HT under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.

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- xii) 0.325200% of the assessed value of all rateable land within the municipality zoned LI under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.
- xiii) 0.275204% of the assessed value of all rateable land (other than the small allotments identified below) within the municipality zoned GI or DV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,087.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.

Council considers the following classes of allotments within the municipality zoned GI to be a different class of allotments and small allotments for the purposes of section 148(3)(b) of the Act and the example given at the foot of that section:

- Units 1 to 3 and Units 5 to 98 comprised in Unit Plan No. 95/95;
- Units 101 to 216 in Unit Plan 97/112;
- Units 17 to 32 comprised in Unit Plan 98/32;
- Lots 6244 to 6285 Hundred of Bagot; and
- Lots 6330 to 6336 Hundred of Bagot.

Council considers that an inequity would result if the minimum amount declared in respect of rateable land within Zone GI were applied to these small allotments, and accordingly, Council declares a lesser minimum amount, being \$271.00, to be payable in respect of each of these small allotments.

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xiv) 0.401687% of the assessed value of every allotment of rateable land within the municipality not otherwise described above, with the minimum amount payable in the application of that differential rate being \$1,042.00 multiplied by :-

- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
  - (b) the number 1,
- whichever is the greater.

D. THAT pursuant to Section 156 of the Act Council declares the following special rate ("the Parking Local Rate"):

- i). The purpose for which the Parking Local Rate is to be imposed is to defray the expense of and in relation to on-street and off-street parking within the central business district ("the Central Business District") as defined in Schedule 1 of the *Local Government (Darwin Parking Local Rates) Regulations* ("the Regulations"), it being the opinion of the Council that such on-street and off-street parking is and will be of special benefit to the ratepayers of the Central Business District.
- ii). The amount to be raised by the Parking Local Rate is \$1,029,240.
- iii). The Parking Local Rate is to be an amount of \$240.28 per car parking space which will be assessed and levied in accordance with the Regulations. Notification of the parking usage schedule 2015-16 has been duly prepared in accordance with Regulation 4 of the Regulations and notified in the Northern Territory Government Gazette and in the Northern Territory News on 10 June 2015.
- iv). The Parking Local Rate will be levied on all rateable land in the Central Business District in accordance with the Regulations.
- v). Appeals against the assessment of the Parking Local Rate may be made in accordance with regulation 7 of the Regulations. The period for appeals under regulation 7 of the Regulations expires on 9 July 2015.
- vi). Proceeds of the Parking Local Rate shall be applied by the Council for the provision, operation and maintenance of land, facilities, services and improvements for and in connection with the parking of vehicles in the Central Business District, including both on-street and off-street parking facilities.

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- E. THAT pursuant to Section 157 of the Act, Council declares that it intends to raise \$6,325,375 and makes and declares the following charges for the financial year ending 30 June 2016 for the purpose of enabling or assisting Council to meet the cost of the garbage collection and recycling collection services it provides for the benefit of all residential land within the municipality (except such land as the Council from time to time determines to be exempt or excluded from the provisions of such services) and the occupiers of such land.

For the purposes of this paragraph E:

- “residential dwelling” means a dwelling house, flat or other substantially self contained residential unit or building on residential land and includes a unit within the meaning of the *Unit Titles Act* and the *Unit Title Schemes Act*.
  - “residential land” means land used or capable of being used for residential purposes (but does not include land on which there is no residential dwelling).
- i). A charge of \$235.00 per annum per residential dwelling in respect of kerbside garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality other than a residential dwelling as described in Parts 1, 2 and 3 of the Schedule below.

The services are –

- a kerbside garbage collection service of one visit per week; and
- a kerbside recycling collection service of one visit per fortnight,

with a maximum of one 240 litre mobile bin per garbage collection or recycling collection visit.

- ii). A charge of \$214.00 per annum per residential dwelling in respect of non kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where the number of residential dwellings (as the case may be) exceeds three (3) other than a residential dwelling as described in Parts 2 and 3 of the Schedule below.

The services are as described in Part 1 of the Schedule below.

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iii). A charge of \$237.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where:

(a) the number of residential dwellings exceeds twelve (12);

(b) the dwellings and the facilities in and about the dwellings meet the requirements of the Council for the purposes of providing the services; and

(c) the owners of the dwellings have notified the Council in writing of their wish to be provided with these services.

The services are as described in Part 2 of the Schedule below.

iv). A charge of \$179.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where:

(a) the number of residential dwellings exceeds forty (40);

(b) the dwellings and the facilities in and about the dwellings meet the requirements of the Council for the purposes of providing the services; and

(c) the owners of the dwellings have notified the Council in writing of their wish to be provided with these services.

The services are as described in Part 3 of the Schedule below

v). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative recycling service is being provided to that residential dwelling, a charge of \$108.00 per annum shall apply to that residential dwelling in respect of the garbage collection service provided to, or which Council is willing and able to provide to all or any such residential dwellings within the municipality.

The garbage collection service shall be a kerbside collection service of one garbage collection visit per residential dwelling per week, with a maximum of one 240 litre mobile garbage bin per visit.

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- vi). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative garbage collection service is being provided to that residential dwelling, a charge of \$108.00 per annum shall apply to that residential dwelling in respect of recycling collection service provided, or which Council is willing and able to provide to all or any such residential dwellings within the municipality.

The recycling collection service shall be a kerbside collection service of one recycling collection visit per residential dwelling per fortnight, with a maximum of one 240 litre mobile recycling bin per visit.

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**SCHEDULE**  
**CITY OF DARWIN**  
**GARBAGE AND RECYCLING COLLECTION SERVICES**

**PART 1 –**

**Communal Services for more than 3 residential dwellings** (refer paragraph E (ii) of declaration)

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

<b>NUMBER OF HOUSEHOLDS</b>	<b>GARBAGE BINS 240 LITRE</b>	<b>RECYCLING BINS 240 LITRE</b>	<b>TOTAL NUMBER 240 LTR BINS</b>
<b>4</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>5-6</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>7-8</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>9-12</b>	<b>3</b>	<b>2</b>	<b>5</b>
<b>13-16</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>17-18</b>	<b>5</b>	<b>3</b>	<b>8</b>
<b>19-20</b>	<b>5</b>	<b>4</b>	<b>9</b>
<b>21-24</b>	<b>6</b>	<b>4</b>	<b>10</b>
<b>25-28</b>	<b>7</b>	<b>5</b>	<b>12</b>
<b>29-30</b>	<b>8</b>	<b>5</b>	<b>13</b>
<b>31-32</b>	<b>8</b>	<b>6</b>	<b>14</b>
<b>33-36</b>	<b>9</b>	<b>7</b>	<b>16</b>
<b>37-40</b>	<b>10</b>	<b>7</b>	<b>17</b>
<b>41-44</b>	<b>11</b>	<b>8</b>	<b>19</b>
<b>45-48</b>	<b>12</b>	<b>8</b>	<b>20</b>

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**PART 2 –**

**Communal Services for more than 12 residential dwellings that meet the requirements of Council** (refer paragraph E(iii) of declaration)

The services are –

(a) two (2) non-kerbside garbage collections per week; and

(b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

<b>NUMBER OF HOUSEHOLDS</b>	<b>GARBAGE BINS 1,100 LITRE</b>	<b>RECYCLING BINS 240 LITRE</b>	<b>TOTAL NUMBER MIXED BINS</b>
<b>13-16</b>	<b>1</b>	<b>3</b>	<b>4</b>
<b>17-18</b>	<b>2</b>	<b>3</b>	<b>5</b>
<b>NUMBER OF HOUSEHOLDS</b>	<b>GARBAGE BINS 1,100 LITRE</b>	<b>RECYCLING BINS 1,100 LITRE</b>	<b>TOTAL NUMBER 1,100 LTR BINS</b>
<b>19-24</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>25-32</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>33-48</b>	<b>3</b>	<b>2</b>	<b>5</b>
<b>49-64</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>65-71</b>	<b>5</b>	<b>3</b>	<b>8</b>
<b>72-80</b>	<b>5</b>	<b>4</b>	<b>9</b>
<b>81-96</b>	<b>6</b>	<b>4</b>	<b>10</b>
<b>97-112</b>	<b>7</b>	<b>5</b>	<b>12</b>



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### PART 3 –

#### Communal Services for more than 40 residential dwellings that meet the requirements of Council (refer paragraph E (iv) of declaration)

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

NUMBER OF HOUSEHOLDS	3 CUBIC METRE GARBAGE BIN	RECYCLING BINS 1,100 LITRE	TOTAL NUMBER MIXED BINS
41-48	1	2	3
49-50	1	3	4
51-71	2	3	5

- F. THAT the relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 18.0% per annum and is to be calculated on a daily basis.
- G. THAT rates and charges declared under this declaration may be paid by four (4) approximately equal instalments on the following dates, namely:-
- First Instalment: 30 September 2015
  - Second Instalment: 30 November 2015
  - Third Instalment: 31 January 2016
  - Fourth Instalment: 31 March 2016

Instalments falling due on a weekend or public holiday may be paid by the following business day, without incurring any penalty.

- (a) Details of due dates and specified amounts will be listed on the relevant Rates Notice.
- (b) Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.

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(c) A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges. If rates are payable by the owner of the land and are not paid by the due date, they become a charge on the land to which they relate, except within an Aboriginal community living area. In addition, Council may apply to register its charge over the land and sell the land to recover unpaid rates and charges.

H. THAT the certification provided by the Chief Executive Officer pursuant to Regulation 24(1) of the Local Government (Accounting) Regulations, as tabled at the meeting, be received and noted.

### **BACKGROUND**

Council has now adopted the City of Darwin 2015-16 Municipal Plan and Budget pursuant to Section 128 of the *Local Government Act*.

### **DISCUSSION**

The City of Darwin 2015-16 Municipal Plan contains Council's key rating proposals for the 2015-16 financial year.

The General Rate for rateable properties within the Municipality has been increased by 3.0%

The format of the Recommendation differs slightly from that used in previous years following receipt of advice from Council's legal advisors, HWL Ebsworth. The amendments are minor "housekeeping" in nature and do not alter the effect of the Declaration.

The rate for the domestic Garbage and Recycling collection service in 2014/2015 was originally \$260.00 for Kerbside Collection and \$240.00 per service for Manual Collection. These amounts included a Carbon Tax component of \$29.67. Following the repeal of the requirement to collect the Carbon Tax by the Federal Government, the rates were reduced to \$230.33 per service for Kerbside Collection and \$210.33 per service for Manual Collection.

The rates for both collection services have been increased by 2%, which after rounding, increase the rate for Kerbside Collection to \$235.00 per service and for Manual Collection to \$214.00 per service.

The rate applied for Car Parking Shortfall has increased by 1.9% to \$240.28 in line with the GST adjusted Consumer Price Index applicable to Darwin for the period December 2013 to December 2014 and the decision of Council 17/4383 which stated as follows:-

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“That Council retain the current annual CBD parking rate levy at \$151.50 for 1999/2000 varying annually in accordance with CPI.”

Council has previously recognised that strata titled Self-Storage Units should attract a lesser Minimum General Rate than other strata titled units situated within the GI Town Planning Zone. A General Rate of \$263.00 was levied for 2014-15, this has been increased for the 2015-16 rating year to \$271.00, being approximately one quarter of the standard non-residential minimum rate of \$1,087.00. A lesser Minimum General Rate may be declared for these types of properties in accordance with Section 148 (3)(b) of the *Local Government Act*.

The penalty interest rate imposed pursuant to Section 162 of the *Local Government Act* has been retained at 18%. Relief from part or all of penalty interest accruals is available to ratepayers that are experiencing severe financial hardship and meet payment arrangement criteria, upon application.

## **CONSULTATION PROCESS**

### **Internal Consultation**

The budget estimates have been discussed in depth with Council and the Chief Officers Group. The estimates were published in the City of Darwin 2015-16 Draft Municipal Plan and Budget and made available for public inspection and comment for a period of 21 days following publication on Council’s website on Wednesday, 27 May 2015 and advertisement in the NT News on Wednesday, 27 May 2015.

### **External Consultation**

The draft Declaration of Rates and Charges report and public notice has been reviewed by HWL Ebsworth Lawyers to ensure compliance with the requirements of the Local Government Act.

## **POLICY IMPLICATIONS**

Nil

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### **BUDGET AND RESOURCE IMPLICATIONS**

General Rate	\$58,011,891	Zone	<u>Rate (%UCV)</u>	Minimum
		SD, RR, R, RL	0.401687%	\$1,042.00
		MD, MR, HR	0.401687%	\$1,096.00
		CV	0.381961%	\$1,042.00
		CB	0.463621%	\$1,319.00
		PS, CN	0.357343%	\$1,087.00
		OR	0.323316%	\$430.00
		FD, SU, CP, CL, RD, U.	0.401687%	\$1,096.00
		Major Shopping Centres over 40,000m <sup>2</sup> in parcel area	0.957144%	\$1,087.00
		Major Shopping Centres less than 40,000m <sup>2</sup> in parcel area	0.530761%	\$1,087.00
		C, SC	0.530761%	\$1,087.00
		TC, HT	0.540950%	\$1,087.00
		LI	0.325200%	\$1,087.00
		GI, DV	0.275204%	\$1,087.00
All other land	0.401687%	\$1,042.00		
Garbage/Recycling Charges:	\$6,325,375	\$235.00	Detached Dwellings and Flats/Units Receiving a Kerbside Service	
		\$214.00	Flats/Units Receiving a Communal Service	
		\$237.00	Flats/Unit development exceeding Twelve (12) Residential Units or Dwellings that have requested the provision of a 1,100 Litre Bin	
		\$179.00	Flats/Unit development exceeding Forty (40) Residential Units or Dwellings that have requested the provision of a 3 Metre Bin	
		\$ 108.00	Weekly Waste Collection Service Only	
		\$ 108.00	Fortnightly Recycling Collection Service Only	
Parking Local Rate:	\$1,029,240	\$240.28	Per shortfall space	

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### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Section 155 of the *Local Government Act* states that Council shall declare its rates “on or before 31 July in each year”.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**MILES CRAIGHEAD**  
**MANAGER FINANCE**

**DIANA LEEDER**  
**GENERAL MANAGER**  
**CORPORATE SERVICES**

For enquiries, please contact Miles Craighead on 8930 0523 or email:  
[m.craighead@darwin.nt.gov.au](mailto:m.craighead@darwin.nt.gov.au).

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.3  
 YES

### DALY STREET / SMITH STREET INTERSECTION UPGRADE

REPORT No.: 15TS0039 DL:jg COMMON No.: 2116605 DATE: 30/06/2015

**Presenter:** Manager Design, Planning & Projects, Drosso Lelekis

**Approved:** General Manager Infrastructure, Luccio Cercarelli

#### **PURPOSE**

The purpose of this report is to provide a final concept design for Council to consider for the upgrading of the intersection of Smith Street and Daly Street, Darwin to allow construction to occur.

#### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

2 Vibrant, Flexible and Tropical Lifestyle

#### **Outcome**

2.1 Improved access and connectivity

#### **Key Strategies**

2.1.3 Manage the road network to meet community needs

#### **KEY ISSUES**

- The Darwin City Centre Master Plan has been adopted by Council.
- The intersection of Smith Street and Daly Street has been identified as a critical, short-term project within the Darwin City Centre Master Plan.
- This intersection is currently a roundabout configuration and has been identified as not being user friendly to bike riders and pedestrians and limits connectivity in the City.
- There have been 22 recorded accidents at the intersection in the last five years of which nine were casualty accidents.
- A number of proposed intersection treatments have been considered, including traffic signals and a signalised roundabout with the upgrade to a signalised intersection being determined as the appropriate treatment.
- The Smith Street and Daly Street intersection has been recognised as a Black Spot and \$550,277 of funding has been approved for the traffic signal upgrade in the 2015/16 Northern Territory Federal Black Spot Program.

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- The aim of the upgrading project is to deliver improved outcomes for all road users including motorists, bike riders and pedestrians.
- This report seeks Council direction regarding treatment of on-road cyclists to allow the project to proceed to construction.

### **RECOMMENDATIONS**

- A. THAT Report Number 15TS0039 DL:jg entitled Daly Street / Smith Street Intersection Upgrade, be received and noted.
- B. THAT Council endorse the concept design for the upgrade to a signalised intersection at the intersection of Smith and Daly Street Darwin, including on-road bicycle hook turn boxes, as shown at **Attachment B** to Report Number 15TS0039 DL:jg entitled Daly Street / Smith Street Intersection Upgrade and to proceed with implementation of this concept.
- C. THAT Council notes that as a part of the upgrade the on-road bicycle lanes will be limited to the immediate intersection legs.

### **BACKGROUND**

The Darwin City Centre Master Plan (Master Plan) has been adopted by Council and a priority of the Master Plan is to provide for a resource efficient walkable city.

Design rationale 4 of the Master Plan identifies the following goals:

- To prioritise walking in the City of Darwin;
- To reduce car dependence; and
- To support walking and encourage alternative transport.

Master Plan Project 32 identifies the Smith Street/Daly Street intersection as an area that requires improvement to achieve these goals. Spatial analysis shows that Smith Street has the potential to be a connectivity location.

The intersection of Daly Street / Smith Street is identified within the Darwin City Centre Master Plan as a critical project that should be undertaken in the short term to deliver an improved outcome at the intersection for all road users.

The 2014/15 Municipal Plan identified funding of \$3 million dollars to deliver nine key concept projects from the Darwin City Centre Master Plan. The redevelopment of the intersection is as one of the projects to be delivered as part of this program.

The Smith Street / Daly Street intersection is currently a roundabout configuration with a semi-mature rain tree (*Albizia saman*), planted as a central feature.

The roundabout configuration at this location currently prioritises motor vehicles over other road users and is not considered to provide a balanced approach to meet the needs of pedestrian or bike riders.

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Jacobs Group has been engaged to assess the performance of the intersection and to develop concept options for Council's consideration. The option identified is an upgrade to traffic signals and removal of the roundabout. Other options of retaining the roundabout and signalisation of the roundabout were considered. The upgrade to signals was recommended as the appropriate treatment as it improves connectivity for all users and is the appropriate remedial treatment for crashes.

This intersection has been acknowledged as a Black Spot in the 2015/16 Black Spot program as there have been 22 crashes over the past five years at this location. Nine of these crashes had casualties and two of these involved pedestrians being struck by vehicles.

As previously reported to Council at its 1<sup>st</sup> Ordinary Council meeting on 24 February 2015 Council resolved as follows;

*DECISION NO.21\3023 (24/02/15)*

**Black Spot Funding Submission Outcome**

*Report No. 15TS0020 DL:jg (17/02/15) Common No. 2839189*

- A. *THAT Report Number 15TS0020 DL:jg entitled Black Spot Funding Submission Outcome, be received and noted.*
- B. *THAT Council notes the NT Black Spot Program Consultation Panel recommendation is subject to final Ministerial approval for the Daly Street and Smith Street intersection upgrade and signalisation consisting of \$550,277 funding from the Black Spot Program and \$280,000 funding from Council.*
- C. *THAT Council refer the following projects and Government funding offers to the 2015/2016 Council Budget for consideration;*
  - *Ryland Road and Clarke Crescent intersection upgrade*
  - *Ryland Road and Rossiter Street intersection upgrade*

The Northern Territory Government has recognised the significance of Master Plan projects, contributing \$1 million towards delivery of short term projects, of which \$200,000 has been identified for this location.

This report presents the finalised concept design for Councils endorsement prior to proceeding to construction.

**DISCUSSION**

Traffic analysis has found that the existing roundabout design caters for the current traffic volumes but will not be able to cater for the projected traffic volumes expected from future development in the area.

Currently the intersection caters for approximately 27,000 vehicle movements through it per day and this is likely to increase to approximately 35,000 vehicle movements per day in the short term.



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It should be noted that the land use in the vicinity of the intersection at the time of implementation of the roundabout differs significantly with the much higher densities of development that surround the intersection in the present. It is expected that the densities will increase further over time and that these higher densities in the area will result in increased traffic at this intersection, including pedestrians and bike riders.

Information pertaining to future developments taken from the Northern Territory Government's Development Applications Inline Website identifies that the new developments will generate a total of 2,433 two-way trips each day and this represents an increase of 30% to the current AM and PM peak traffic flows.

An assessment of the performance of the existing roundabout identified that:

- Although the existing roundabout is able to cater for existing vehicular traffic volumes, it will be unable to cater for the expected near future traffic volumes.
- The existing intersection is a recognised Black Spot and requires upgrading.
- The existing intersection does not cater for pedestrians and bike riders and is considered unsafe for these and other non-vehicular road users.

In developing the final solution, consideration was given to alternatives and a snapshot of this is provided in **Attachment A**. The upgrade to a signalised intersection with pedestrians and cyclists being adequately catered for was identified and recommended as the most appropriate treatment for this intersection to cater for current and future conditions. This treatment has been previously reported to Council and was the basis of funding applications such as the Black Spot program approved by Council.

The key elements of the project are:

- Removal of roundabout
- Installation of traffic signals
- Landscape upgrading, ie. some new trees
- Provision for on road cyclists
- Controlled pedestrian movement via signals
- The use of pedestrian countdown timers
- Traffic signals controller back up power supply.

Council is now preparing to construct this project and is finalising the design concept. Direction is sought regarding the on-road cycle treatment. Two options for cyclists have been identified as follows;

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The following upgrading options regarding on road cycling facilitates as part of the signalised intersection were examined:

#### OPTION A. Signalised Intersection with Protected Left Turn For Bicycles



Figure 1. demonstrates the signalised intersection including future on road bike lanes, bike rider storage boxes and protected left hand turning lanes.

An assessment of the performance of a four way signalised intersection identified that:

- Signalisation of the intersection will inevitably cause some additional delay to vehicles over the current level of service provided by the roundabout.
- There is very little impact on the wider road network when considering whole of journey within the CBD.
- Improved pedestrian, bike rider and other road user safety.

**OPTION B. Signalised Intersection with Protected Left Turn and Bicycle Hook Turn**

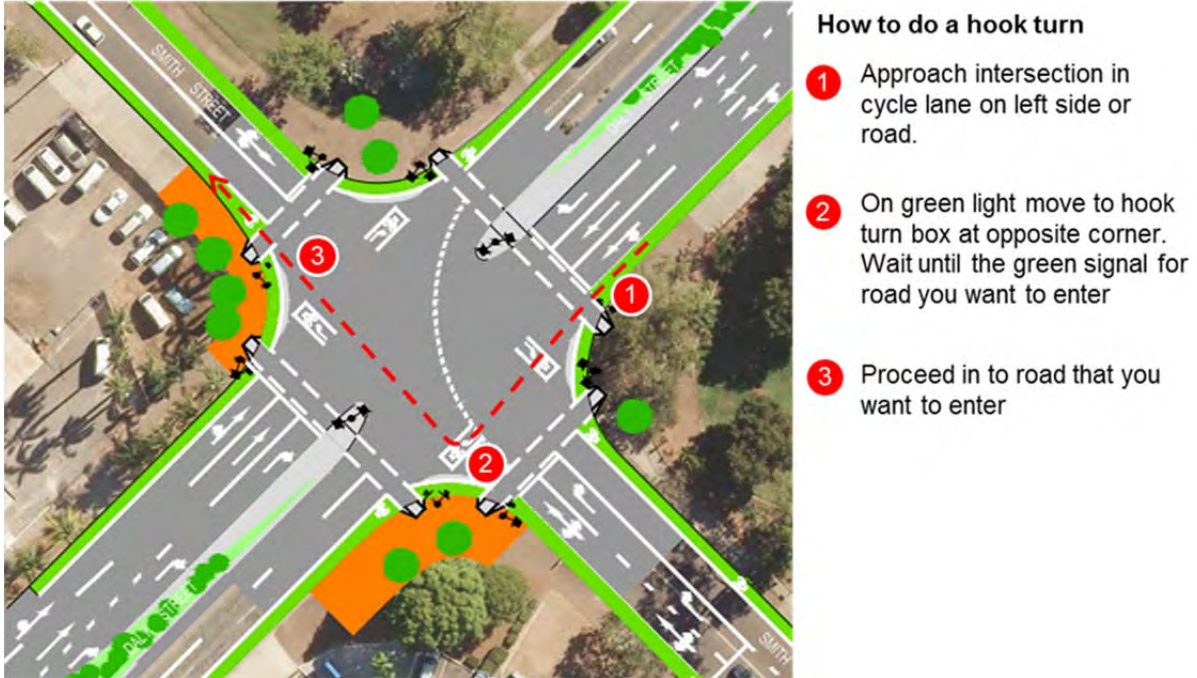


Figure 2. indicates the signalised intersection including future on road bike lanes, protected left hand turning lanes and Bicycle hook turn operation.

Further analysis of providing for bicycle hook turns was undertaken to identify if this treatment would provide additional functionality and safety for bike riders undertaking right hand turning manoeuvres at the intersection.

It has been identified that right turn manoeuvres account for a significant number of bike rider crashes and that providing for hook turns may provide a safer option for bike riders at this intersection.

There is little understanding within the community of the concept of bicycle hook turns and as such, a public education campaign will need to be undertaken to develop an awareness and understanding of the hook turn manoeuvre for all road users, should this treatment be employed.

Providing infrastructure to facilitate the use of hook turn manoeuvres at the intersection will negate the requirement for bike rider storage boxes at the intersection.

A summary of the advantages and disadvantages of providing for hook turns for bike riders is provided in the table below.

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Advantages	Disadvantages
Cyclists not required to move across lanes of moving traffic to get to right turn lane.	Not enough space for high numbers of cyclists.
Hook turn lane is away from moving through traffic.	Cyclists may not recognise hook turn if not used elsewhere
Cyclists do not need to find a gap in traffic to make the turn	Cyclists perform move in two stages.
Cyclists positioned in view of motorists with advanced stop box or dedicated lane.	Not to be used if placed in front of a left turn signal lane (cyclists waiting whilst vehicles trying to turn left).
Can help cyclist's connectivity where this facilitates a right turn for cycling where normal right-hand turns may be prohibited for cars.	Additional detection loops may be required to sense when cyclists are at the hook turn.
Provides assistance to cyclists on the road in a dedicated and managed facility where there may be limitations of space or no alternative off road facilities.	Can place cyclists in a vulnerable position where they need to watch for traffic from all directions.
The right turn manoeuvres account for a significant number of cyclists crashes. Provision of this facility may be able to help address one of the key problematic safety concerns.	Lack of community understanding of hook turn manoeuvre.
Helps promote cycling, attractiveness, coherence and highlights cycling as an alternative mode and presence in the intersection.	Reduces signal phasing flexibility
The main constraints to developing cycle routes on both local and arterial roads are insufficient or lack of facilities at intersections	

### Recommended Intersection Treatment

It is recommended that **Attachment B** intersection concept that allows for bicycle hook turns, be the treatment applied to the Smith Street/Daly Street intersection as it provides a balance of outcomes and benefits for all road users.

Traffic Signal control hardware installed at the intersection of Smith Street and Daly Street will allow for the synchronisation of traffic signals along Daly Street. This will enable the intersections along Daly Street to operate at optimum levels.

The table below provides activities and a timeline for the implementation of the signalised intersection.

Task	Commencement	Completion
Detailed design and documentation	July 2015	August 2015
Tender Process	September 2015	November 2015
Construction of intersection	February 2016	May 2016
Public education program	April 2016	May 2016

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## **Community Consultation**

Should Council endorse the recommended changes to the Smith Street/Daly Street intersection, a community consultation plan will be developed and implemented prior to the implementation of the works to inform the community.

A public education program will also be developed and implemented prior to completion of the works on bicycle hook turns.

## **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Team Leader Capital Works
- Senior Community Engagement Officer

In preparing this report, the following External Parties were consulted:

- Design Urban
- Jacobs Group

## **POLICY IMPLICATIONS**

The City of Darwin supports the use of alternative transport in the Darwin Municipality and strives to achieve a safe road network for the use of all road users.

Any community engagement plan for changes to the Smith Street/Daly Street intersection will be in accordance with the City of Darwin's Community Consultation Policy (Policy No: 025).

## **BUDGET AND RESOURCE IMPLICATIONS**

The estimated cost of the project is \$850,000

Council has funding for the project as follows;

- \$550,000 in Black Spot funding has been approved for the Smith Street/Daly Street signalisation upgrade project and accepted by Council.
- \$200,000 has been contributed to projects in this location by the Northern Territory Government.
- \$280,000 of funding exists in Council's 2014/2015 approved capital works budget for this project.

## **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

The intersection has had 22 recorded accidents in the last five years and any improvement to reduce the number and severity type or limit the potential for future accidents reduces the risk to the community.

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The community may consider signals less effective for motorists than the roundabout. If the project is not undertaken the intersection will reach saturation in the short term resulting in potential increased delays, ineffective connectivity, increased number of accidents and potential severity of same.

### **ENVIRONMENTAL IMPLICATIONS**

Through the provision of a signalised intersection treatment that also supports alternative transport modes at this location, opportunity will be provided for the community to reduce its car dependence.

The proposed works are considered to improve the safety of the City of Darwin's road network for all road users.

The loss of the existing tree will be offset by new tree plantings in the immediate area.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN PLANNING & PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

For enquiries, please contact Drosso Lelekis on 8930 0414 or email: darwin@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Analysis of the Performance of a Signalised Roundabout at Smith Street/Daly Street intersection

**Attachment B:** Proposed Installation of Traffic Signals at Smith Street/Daly Street Intersection

## Signalised Roundabout Analysis



Figure 3 Signalised Roundabout

An assessment of the performance of a signalised roundabout at this location identified that:

- The existing roundabout configuration is too small to function as a signalised roundabout.
- There would be significant queuing and delays to traffic in both the AM and PM peak times.
- In all instances queues would back up to the adjacent intersections or along the length of Smith Street.

A summary of the advantages and disadvantages of retaining the existing roundabout and implementing signals at this intersection is provided in the table below.

Intersection option	Advantages	Disadvantages
Retain existing roundabout	<ul style="list-style-type: none"> <li>• Familiar layout</li> <li>• Low cost option</li> <li>• Least overall delays to traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address black-spot road safety concerns.</li> <li>• No controlled pedestrian crossings</li> <li>• No allowance for future cycle facilities</li> <li>• Does not result in improved connectivity for all users.</li> <li>• Likely to become saturated in the short term requiring upgrade</li> </ul>
Signalised intersection	<ul style="list-style-type: none"> <li>• Addresses Black-Spot road safety concerns</li> <li>• Controlled pedestrian crossings</li> <li>• Can accommodate future cycle network</li> <li>• Linked to other traffic signals</li> <li>• Signals can be adjusted to accommodate changes in traffic flows and optimize their performance</li> </ul>	<ul style="list-style-type: none"> <li>• Small increase in overall delay to traffic movements over unsignalised roundabout, particularly in PM peak.</li> </ul>
Signalised Roundabout (Figure 3)	<ul style="list-style-type: none"> <li>• Addresses black-spot road safety concerns</li> <li>• Controlled pedestrian crossings</li> <li>• Can accommodate some cycle network easily and safely</li> <li>• Linked to other traffic signals</li> <li>• Signals can be adjusted to accommodate changes in traffic flows</li> </ul>	<ul style="list-style-type: none"> <li>• Significant delay to traffic movements.</li> <li>• Has challenges regarding safety of cyclists which cannot be easily or cost effectively controlled.</li> </ul>



ATTACHMENT B



ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.4  
 YES

**EAST POINT ROAD – FUTURE VERGE USE**

REPORT No.: 15TS0106 ND:jw COMMON No.: 1697323 DATE: 30/06/2015

**Presenter:** Manager Technical Services, Nadine Douglas

**Approved:** General Manager Infrastructure, Luccio Cercarelli

**PURPOSE**

The purpose of this report is to consider the future direction Council wishes to take in relation to the widened section of verge between 94 and 110 East Point Road.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

5 Effective and Responsible Governance

**Outcome**

5.5 Responsible financial and asset management

**Key Strategies**

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

**KEY ISSUES**

- On East Point Road, the verge adjacent to 8 properties (numbers 94 to 110) ranges between 6.5m to 40m approximately, with the road reserve being 25m to 50m.
- The suggested road reserve width along East Point Road is 23m to 25m to align with the width along the remainder of East Point Road.
- In the past there have been requests to purchase the road reserve adjacent to properties, which have been declined.
- More recently there have been requests to extensively landscape the extensive verge width or be provided with a Permit to Occupy the verge.
- A review of the road reserve and wide verges has been carried out to consider all options that may be available to Council.

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- Some options to treatment of the extensive verge adjacent to these properties include:
  - Sell the verge
  - Allow for a Permit to Occupy to be granted with an agreed intended use by the owner.
  - Allow approved landscaping only.

### **RECOMMENDATIONS**

- A. THAT Report Number 15TS0106 ND:jw entitled East Point Road – Future Verge Use, be received and noted.
- B. THAT Council undertake a level 3 community consultation to gauge community opinion on the treatment of the wide verge adjacent to 94-110 East Point Road.
- C. THAT a further report be presented to Council at the conclusion of the community consultation.

### **BACKGROUND**

Following a request from the owner of 102 East Point Road, Fannie Bay, Council considered the matter at its Environment and Infrastructure Committee Meeting held on the 19 May 2015 and laid the matter on the table:

**Application to Construct Fence on Verge – 102 East Point Road, Fannie Bay**  
 Report No. 15TS0085 ND:jw (19/05/15) Common No. 1697323

### **Procedural Motion**

*THAT this item lay on the table pending further information and be referred to the 1st Ordinary Council Meeting held on Tuesday, 16 June 2015.*

*Carried*

*THAT it be a recommendation to Council:-*

- A. *THAT Report Number 15TS0085 ND:jw entitled Application To Construct Fence On Verge – 102 East Point Road, Fannie Bay, be received and noted.*
- B. *THAT Council endorse Option 3 – Decline a Permit to Occupy at 102 East Point Road, Fannie Bay, as detailed in Report Number 15TS0085 ND:jw entitled Application To Construct Fence On Verge – 102 East Point Road, Fannie Bay, and the owner be advised that they are able to make an application to upgrade landscaping on the verge at this area.*

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Currently the road reserve adjacent properties on East Point Road, between numbers 94 and 110 (inclusive), are extensive. The verge width this side of East Point Road ranges from 6.5m to 40m. The current standard requirement for a verge width is between 3.5m and 4.5m. The verge width in this location is calculated from the back of the cement concrete spoon drain to the property boundary.

Previously the Council has been approached to sell the land in this area. In 2011 94 East Point Road was granted sale of land along Ross Smith Avenue, but this didn't impact on the verge along East Point Road.

In March 2013 the owner of 102 East Point Road approached Council for approval to purchase a section of land (approximately 780 m<sup>2</sup>) adjacent to their property at 102 East Point Road. In April 2013 Council declined the request for the sale of road reserve;

**Request by John Halikos to Purchase Road Reserve Adjacent 102 East Point Road, Fannie Bay**

*Report No. 13A0064 LC:ns (24/04/13) Common No. 2442160*

- A. *THAT Report Number 13A0064 LC:ns entitled Request by John Halikos to Purchase Road Reserve Adjacent to Lot 2409 Town of Darwin – 102 East Point Road, Fannie Bay, be received and noted.*
- B. *THAT Council decline the request for the sale road reserve adjacent to Lot 2409 Town of Darwin – 102 East Point Road, Fannie Bay to Mr John Halikos.*

*DECISION NO.21\1034 (30/04/13)*

In 2015 the owner of 108 East Point Road was granted a permit to extensively landscape the verge adjacent to 108 East Point Road, with a verge width of 3.5m to be maintained free of landscaping.

The owner of 102 East Point Road has now approached Council requesting the approval for a Permit to Occupy the road reserve adjacent to the property. This has led Council to consider the intent of the verge surplus to requirements and the best course of action for the future in relation to this land and requests.

A report went to Council regarding this matter, Report No. 15TS0085 – Application to construct fence on verge – 102 East Point Road, Fannie Bay. The report was laid on the table subject to further information and review.

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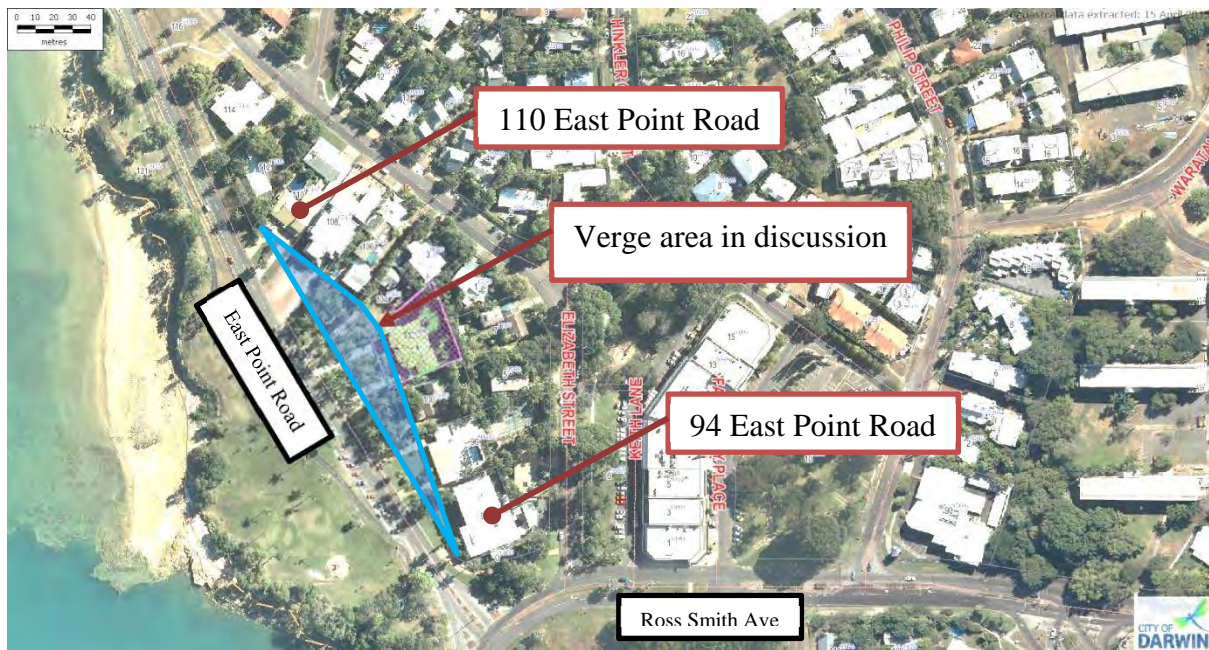


Image 01 – Locality Map

## **DISCUSSION**

The request by the owner for a Permit to Occupy the verge adjacent to 102 East Point Road brought to question the intent behind the wide road reserve widths and the potential benefit it might give the community, if income could be generated from sale, or leasing some of the verge area.

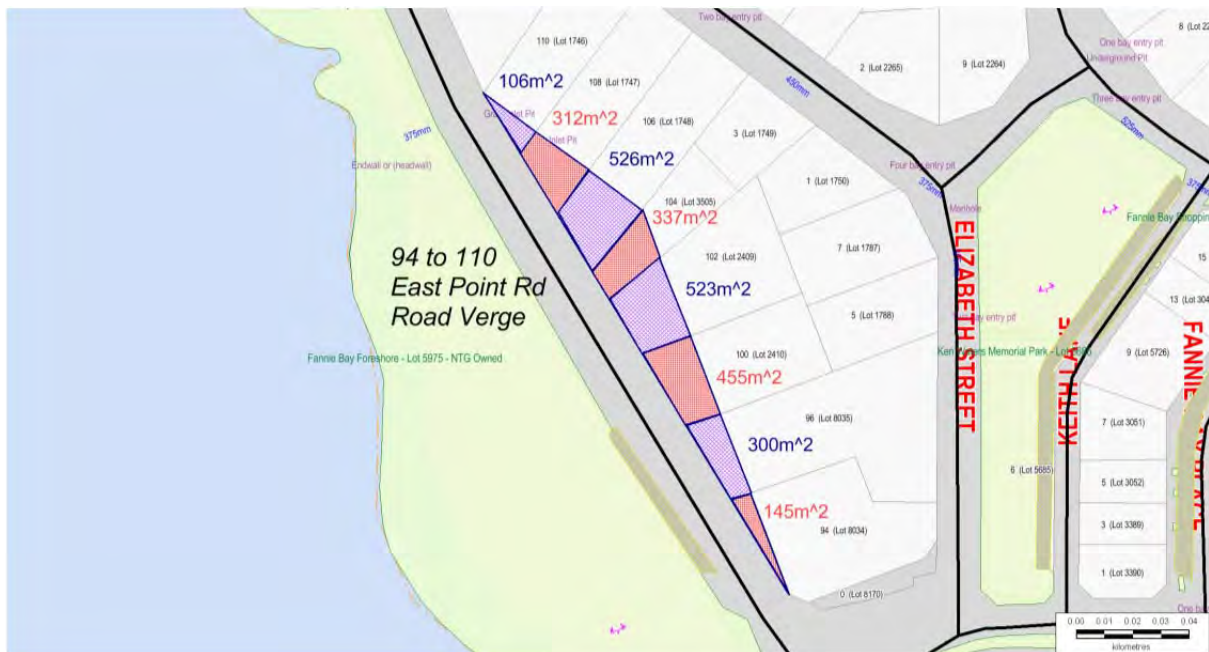
Currently there could be the perception that the wide verge area adjacent to properties 94 to 110 East Point Road is part of the property, and is not used for any community purposes, or pedestrian movement.

The current subdivisional guidelines require a minimum of a 4.5m verge for new developments; however older areas have 3.5m wide verges as this was the standard at the time. It is considered that 3.5m is the minimum suitable width that allows for services, tree planting and pedestrian areas.

The road reserve widths of 112-138 East Point Road range from approximately 23m to 25m and 94-110 East Point Road range from approximately 25m to 50m. To enable a consistent road reserve boundary for 94 - 138 East Point Road it is suggested a 23m – 25m road reserve width is adopted.

On the Western (foreshore) side of East Point Road there is a wide cycle track, community infrastructure and wide open spaces. Within the road reserve there is a 1.5m to 10m verge/ parking area between the edge of the trafficked roadway and the property boundary (owned by NTG)

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Council Officers consider 23m to 25m to be the most appropriate road reserve width for this area and that it would be an option to sell or lease the verge area considered surplus to requirements. This will allow for verge widths of 7m to 14m adjacent to properties 94 – 110 East Point Road, whilst keeping in character with the adjacent road corridor of East Point Road.

The options considered available to Council are:

### **Option 1 – Sale of Land**

The sale of the verge surplus to suggested road reserve width of 23-25m would provide significant revenue. The revenue gained could be put towards community projects and/or infrastructure. Council Officers believe that specific projects for the revenue should be identified through community consultation, and that this is undertaken prior to any sale of land.

### **Advantages**

- If all the verge surplus to suggested road reserve width of 23-25m is sold at current market rates valued against existing SD properties the total revenue would be approximately of \$3.3 Million as detailed in the valuation report (**Attachment A**). Council is able to sell the land at a greater value.
- Projects benefitting the community would benefit greatly from the revenue gained.
- The proposed road reserve width of between 23-25m would still provide for any future services or pedestrian movement.
- Although the residents currently maintain the verge, it is the responsibility of Council should the residents cease to do so. There would be less resources required to maintain the verge should Council be required to do so.

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### Disadvantages

- If the revenue gained is not dedicated to specific projects the community may perceive it as a loss of infrastructure and a 'money grab' by Council.
- The Council would lose control of the verge and owners may construct up to the boundary. This may result in the loss of amenity in the area.
- Not all owners may choose to purchase the land. This would cause a jagged boundary line along East Point Road and create pockets of large verges adjacent to the proposed 23-25m road reserve.

It is recommended that community consultation is undertaken and a further report is written on the outcome of the consultation in relation to the options available.

### **Option 2 –Permit to Occupy**

Provide the owners with a permit to occupy the verge surplus to suggested road reserve width of 23-25m. The owners would be responsible for the cost associated with the maintenance and removal of any infrastructure installed as a part of the Permit at the end of the permit period, unless a renewal was provided. The permit would be in place for a period of 10 years.

Council would need to ensure that the permit included a condition that the rights of the permit could not be transferred to a new owner if the property exchanged ownerships.

### Advantages

- Council maintains control of the verge.
- Revenue can be gained from rental. If all areas are rented the total revenue would be \$164,750 per annum at current market rates.
- A standard verge width would still be provided for any future services or pedestrian movement.
- Strict conditions could be applied to the permit restricting any further construction or use unless a supplementary approval is sought through the City of Darwin.

### Disadvantages

- The owner may wish to fence and gate the area preventing any general public pedestrian or vehicular access to the verge area.
- The permanent nature of the fence construction would give a sense of ownership over the land. At the end of the permit period it may be a contentious issue over the perceived ownership of the land.
- Loss of amenity due to the wide open verge being cut off by potentially fencing.
- The community may perceive the loss of the public land and not see any difference to it being sold.

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It is recommended that community consultation is undertaken and a further report is written on the outcome of the consultation in relation to the options available.

### **Option 3 – Verge remains as is – Allow Landscaping on request**

This option is essentially leaving the current situation as it is and allowing owners to landscape only the verge in accordance with the relevant policies. The verges along East Point Road have been landscaped by a few owners; most recently 108 East Point Road.

#### **Advantages**

- Allows pedestrian access to the verge.
- Community benefit from increased amenity in the area.
- The land remains in Council's control. No future issues over perceived ownership by the adjacent land owners.

#### **Disadvantages**

- It may not meet the owner's desires for the land, which they maintain.
- Community may still perceive the area to be privately owned.
- No revenue will be generated from the verge area.

### **Summary**

It is the recommendation of City of Darwin Officers that Council conduct community consultation and include consideration of the options and potential projects that could be funded through any revenue generated from the road reserve. The income generated by selling or leasing road reserve the community through the projects identified to receive the money.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Team Leader Development
- Graduate Civil Engineer
- Property Officer
- Business Manager

### **POLICY IMPLICATIONS**

#### **Verge**

*Policy No. 051 – Verges states 'the predominant functions of verges are to provide a corridor for safe and convenient access by pedestrians as well as a service corridor for public utilities'.*



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It further states that:

*'An owner may gain a permit under By Law 94 to privately develop the verge area provided the type or for of development does not:*

- *Prevent any pedestrian from walking safely along the verge area...*
- *Prevent any Service Authority or the Council from installing new services or maintaining existing services.*

*Policy No. 51 – Verges* discusses the use of temporary barriers, allowing them for the establishment of landscaping to a maximum of 3 months. The use of permanent barriers as proposed by the owner is considered in the policy.

### Sale of Land

Council's Land Acquisition, Disposal and Lease Policy, No. 010 provided guidance in relation to the sale of Council land.

Council is able to undertake an alternative process from the standard disposal in an open market for the disposal of land where in Council's opinion, an alternative disposal approach will achieve greater benefits to the ratepayers than could be achieved through a public process and will entertain a direct sale, lease or similar to the exclusion of a public process.

The circumstances which give rise to an alternative process include:

*"Where there is only one identifiable purchaser. For example where a site is not large enough for development in its own right and is surrounded by public roads on all sides other than the adjoining owner."*

## **BUDGET AND RESOURCE IMPLICATIONS**

No resource implications identified.

As per the majority of verges, the road reserve area under consideration is currently maintained by the adjacent land owner.

### Option 1 - Sale of Land

The current unimproved capital value collectively is valued at \$15,245,000. The purchase of the subject land will increase the collective property size from 12,694m<sup>2</sup> to an area of 15,398m<sup>2</sup>. As shown in the valuer's report (**Attachment A**) the value of the land is \$3,295,000. The breakdown of values per lot can be found within the valuation report.

All costs associated with the sale of this land are to be borne by the proponent.

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### Option 2 - Permit to Occupy

The owner will be responsible for any costs associated with the maintenance and removal of infrastructure put in place as part of the permit. A rate based on a valuation of the property will be applied to the Permit to Occupy which is to be paid monthly. The value as identified in the valuation report will be \$164,750 per annum. The breakdown of values per lot can be found within the valuation report.

If a Permit to Occupy was granted the proponent would be required to meet all legal fees and out of pocket expenses of Council and pay an annual occupation fee as determined by independent valuation.

### Option 3 – Verge remains as is – Allow Landscaping on request

A works permit would be required for any landscaping undertaken and the fee for this would be in accordance with Council's fees and charges.

## **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

### Option 1 - Sale of Land

There is a risk that If the revenue gained is not dedicated to specific projects the community may perceive it as a loss of infrastructure and a 'money grab' by Council.

Sale of road reserve requires Ministerial approval and for the road closure process to occur.

### Option 2 - Permit to Occupy

If the permit expires and there is not an approved permit reissued there may be further legal implications as the resident may refuse or be reluctant to remove any infrastructure installed as a part of the permit.

Council would need to ensure that the permit included a condition that the rights of the permit could not be transferred to a new owner if the property exchanged ownerships.

### Option 3 – Verge remains as is – Allow Landscaping on request

Adjacent owners wishing to purchase may not be willing to continue to maintain 'Council' land.

## **ENVIRONMENTAL IMPLICATIONS**

### Option 1 - Sale of Land

With the sale there is also a loss of control allowing the owners to develop the land, potentially losing a loss of amenity.

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### Option 2 - Permit to Occupy

The amenity of the area may be affected if infrastructure is constructed as a part of the permit. Currently there are wide open, landscaped verges which will be in contrast to potential fencing.

### Option 3 – Verge remains as is – Allow Landscaping on request

There are no identified environmental implications.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**NADINE DOUGLAS**  
**MANAGER TECHNICAL**  
**SERVICES**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact James Whyte on 89300413 or email:  
j.whyte@darwin.nt.gov.au.

### **Attachments:**

**Attachment A:** Valuation Report for proposed area for Permit to Occupy



**Valuations NT**  
certified practising valuers

## VALUATION REPORT

**Portions of Road Reserve to be Offered  
For Sale to Adjoining Owners Along  
East Point Road, Fannie Bay NT 0820**



Acting on instructions from Liam Carroll  
Our Reference: 150050

**Valuations NT**  
ABN 41 603 036 844  
GPO Box 4489, Darwin NT 0801  
08 8981 3885  
emma@valuationsnt.com.au

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**Appendices**

- Plan of Portions of Road Reserve to be Offered For Sale to Adjoining Owners

## 1.0 Executive Summary

### 1.1 Instructions

<b>Client</b>	City of Darwin
<b>Instructing Party</b>	Liam Carroll
<b>Valuation Purpose</b>	Market value assessment for sales purposes.

### 1.2 Property Details

<b>Property Address</b>	East Point Road, Fannie Bay NT 0820
<b>Property Description</b>	The subject properties comprise 8 portions or road reserve of between 106m <sup>2</sup> and 526m <sup>2</sup> in area, that are located along the eastern side of East Point Road and that are to be offered for sale to the respective adjoining owners of Lots 8034, 8035, 2410, 2409, 3505, 1748, 1747 & 1746 Town of Darwin.
<b>Area of Parcels to be Offered for Sale</b>	Lot 8034 - 145m <sup>2</sup> Lot 8035 - 300m <sup>2</sup> Lot 2410 - 455m <sup>2</sup> Lot 2409 - 523m <sup>2</sup> Lot 3505 - 337m <sup>2</sup> Lot 1748 - 526m <sup>2</sup> Lot 1747 - 312m <sup>2</sup> Lot 1746 - 106m <sup>2</sup>
<b>Zoning</b>	MD (Multiple Dwelling Residential)

### 1.3 Conditions and Assumptions

<b>Key Assumptions</b>	<ul style="list-style-type: none"> <li>The instructions and subsequent information supplied contain a full disclosure of all information that is relevant</li> </ul>
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## 1.4 Valuation

### Consolidated Market Value of the Parcels to be Offered For Sale:

<b>THREE MILLION TWO HUNDRED AND NINETY FIVE THOUSAND DOLLARS</b>	<b>\$3,295,000</b>
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<b>Interest Valued</b>	Freehold
<b>Date Issued</b>	1 June 2015
<b>Date of Inspection</b>	29 May 2015
<b>Date of Valuation</b>	29 May 2015
<b>Currency of Valuation</b>	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

### Inspecting Valuer



Emma Jackson  
AAPI, MBus (Prop)  
Certified Practising Valuer  
AAPI 64371  
Licensed Valuer (WA) 44637

<b>Important</b>	<i>This Executive Summary must be read in conjunction with the remainder of this report. The Executive Summary is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.</i>
<b>Third Party Disclaimer</b>	<i>This report has been prepared for the private and confidential use of our client, City of Darwin. It should not be reproduced in whole or part without the express written authority of Valuations NT Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>
<b>Reliance on Whole Report</b>	<i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>



## 2.0 Instructions

Instructions have been received to undertake a valuation of the property as per the details below.

<b>Client</b>	City of Darwin
<b>Instructing Party</b>	Liam Carroll
<b>Property Address</b>	Portions of Road Reserve along the eastern side of East Point Road, Fannie Bay NT 0820
<b>Date of Instructions</b>	29 May 2015
<b>Valuation Purpose</b>	Market value assessment for sale purposes.
<b>Specific Instructions</b>	<p>To assess the market value of eight portions of road reserve as per the plan provided.</p> <p>We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.</p>
<b>Documentation Provided</b>	<p>Information we have been provided with and relied upon in undertaking our valuation includes:</p> <ul style="list-style-type: none"> <li>• Plan of the Verges to be Offered for Sale</li> </ul>
<b>Scope of Work</b>	<p>The scope of work undertaken by the valuer in completing the valuation has included:</p> <ul style="list-style-type: none"> <li>• Review of the information provided and instructions in respect of the subject property;</li> <li>• Undertake assessment of current market and sales information required to determine an appropriate market value in respect of the subject parcels;</li> <li>• Site inspection;</li> <li>• Provide a written report outline outlining the methodology, observations, sales data, assumptions and current market value as assessed.</li> </ul>
<b>Compliance</b>	Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

### 3.0 Basis of Valuation & Definitions

This valuation has been prepared in accordance with definitions and Valuation Applications of the International Valuation Standards Council (IVSC) and endorsed by the Australian Property Institute.

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**Market Value**                      “Market Value is the estimated amount for which an asset should exchange on the Date of Valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion”.

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**Highest & Best Use**              Market Value is based on the highest and best use of the asset that may not necessarily be the existing use. Highest and Best Use is “The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the property being valued”.

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### 4.0 Date of Valuation

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**Valuation Date**                      29 May 2015

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**Date of Inspection**                29 May 2015

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**Currency of Valuation**            90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

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## 5.0 Location

### 5.1 Region

The subject properties are located along the East Point Road foreshore in the premium residential suburb of Fannie Bay, approximately 7 kilometres north of the Darwin central business district by road. Surrounding properties are a mix of low and medium density housing and a commercial precinct including the local Fannie Bay shops.

#### Location Map



Image courtesy of Google Earth.

### 5.2 Specific Location

**Specific Location**

The subject properties are located on the eastern side of East Point Road, approximately 7 kilometres north of the Darwin central business district by road. East Point Reserve is located within 1 kilometre to the north-east of the subject properties.

**Google Earth Map**



### 5.3 Easements, Encumbrances & Other Interests

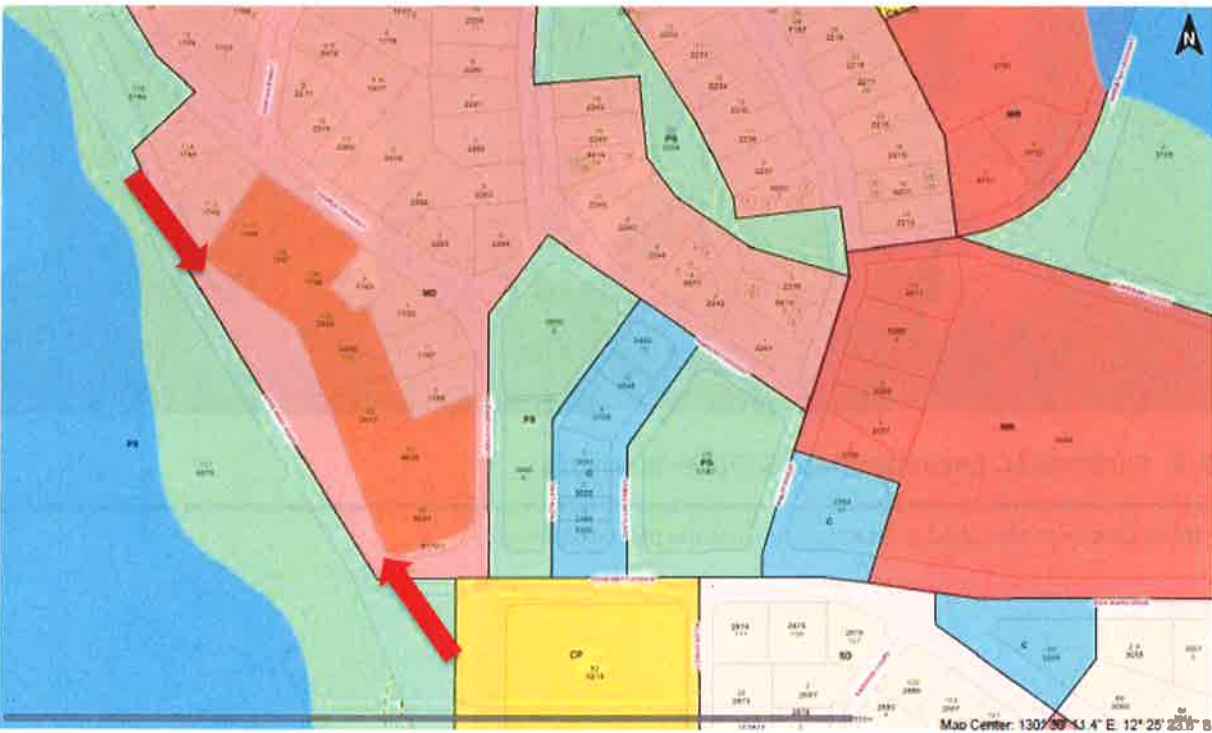
None have been identified as relating to the portion of land to be sold.



## 6.0 Planning

<b>Local Government Area</b>	City of Darwin.
<b>Planning Scheme</b>	Northern Territory Planning Scheme
<b>Zoning</b>	The subject lots are zoned MD (Multiple Dwelling Residential) under the Northern Territory Planning Scheme.
<b>Zoning Effect</b>	The primary purpose of <b>Zone MD</b> is to provide for a range of housing options to a maximum height of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. A single dwelling on a lot less than 600m <sup>2</sup> should be integrated in terms of design and site layout with adjacent development and street infrastructure.  Minimum lot size under MD zoning is 300m <sup>2</sup> .

**Zoning Map**



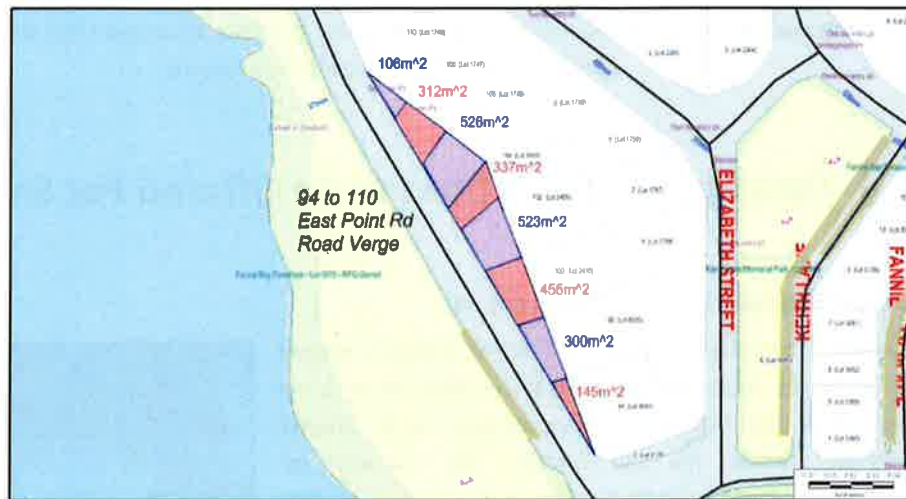
Surrounding zones are predominantly similar MD zoned as depicted in light pink, PS (Public Open Space) to the west and east as depicted in light green and C (Commercial) to the east as depicted in light blue.

## 7.0 Site

### 7.1 Site Details

#### Site Descriptions

The subject portions to be offered for sale are all irregular in shape, lie on the eastern side of East Point Road and vary in size from 106m<sup>2</sup> to 536m<sup>2</sup> depending on how the adjoining parcels lie relative to the road.



#### Roads and Access

Access to the portions to be acquired are directly off the eastern side East Point Road which runs off Ross Smith Avenue to the south-east. All roads are bitumen sealed with concrete kerbing.

#### Source of Site Area

Plan as attached.

#### Area of Parcels to Be Offered For Sale

Lot 8034 - 145m<sup>2</sup>  
 Lot 8035 - 300m<sup>2</sup>  
 Lot 2410 - 455m<sup>2</sup>  
 Lot 2409 - 523m<sup>2</sup>  
 Lot 3505 - 337m<sup>2</sup>  
 Lot 1748 - 526m<sup>2</sup>  
 Lot 1747 - 312m<sup>2</sup>  
 Lot 1746 - 106m<sup>2</sup>

### 7.2 Services

#### Services

All portions have access to standard residential services including town power, town water, sewer, Telstra services and garbage collection.

## 8.0 Environmental Issues

### 8.1 Contamination

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**Environmental Audit** We have not been provided with an environmental audit, nor are we aware of the property being affected by soil contamination. We have not investigated the site beneath the surface or undertaken vegetation or soil sampling.

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**Contamination Assumption** Our valuation has been based upon the assumption that there are no actual or potential contamination issues affecting the property.

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## 9.0 Description of Portions to be Offered For Sale

### Lot 8034 (94) East Point Road, Fannie Bay NT

The subject parcel comprises a small 145m<sup>2</sup>, triangular shaped parcel to the south-western side of Lot 8034 which is an improved 2,010m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 6 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 2,155m<sup>2</sup> which will increase the development potential to 7 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.



### Lot 8035 (96) East Point Road, Fannie Bay NT

The subject parcel comprises a small 300m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 8035 which is an improved 2,860m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 9 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 3,160m<sup>2</sup> which will increase the development potential to 10 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.



**Lot 2410 (100) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 455m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 2410 which is an improved 1,260m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 4 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 1,715m<sup>2</sup> which will increase the development potential to 5 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.

**Lot 2409 (102) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 523m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 2409 which is an improved 1,580m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 5 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 2,103m<sup>2</sup> which will increase the development potential to 7 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.

**Lot 3505 ( 104) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 337m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 3505 which is an improved 654m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 2 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 991m<sup>2</sup> which will increase the development potential to 3 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.





**Lot 1748 (106) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 526m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 1748 which is an improved 1,460m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 4 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 1,986m<sup>2</sup> which will increase the development potential to 6 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.

**Lot 1747 (108) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 312m<sup>2</sup>, irregular shaped parcel to the south-western side of Lot 1747 which is an improved 1,390m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 4 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 1,702m<sup>2</sup> which will increase the development potential to 5 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.

**Lot 1746 (110) East Point Road, Fannie Bay NT**

The subject parcel comprises a small 106m<sup>2</sup>, triangular shaped parcel to the south-western side of Lot 1746 which is an improved 1,480m<sup>2</sup> parcel of MD zoned land. Under the NT Planning Scheme, the site currently has potential for development into 4 multiple dwelling units. The consolidation of the portion of road reserve will increase the area of the land to 1,583m<sup>2</sup> which will increase the development potential to 5 multiple dwellings. This factor has been taken into consideration in the determination of the fair market value 'once consolidated'.



## 10.0 Unimproved Capital Values

The Unimproved Capital Values (UCV) of the properties of the adjoining properties that the subject parcels will be consolidated with as determined by the NT Valuer General as at 1 July 2014 were as follows:

- Lot 8034 - \$2,210,000 which equates to a rate of \$1,100/m<sup>2</sup> or \$368,333 per potential unit site.
- Lot 8035 - \$2,610,000 which equates to a rate of \$913/m<sup>2</sup> or \$290,000 per potential unit site.
- Lot 2410 - \$1,410,000 which equates to a rate of \$1,119/m<sup>2</sup> or \$352,500 per potential unit site.
- Lot 2409 - \$1,810,000 which equates to a rate of \$1,146/m<sup>2</sup> or \$362,000 per potential unit site.
- Lot 3505 - \$850,000 which equates to a rate of \$1,300/m<sup>2</sup> or \$425,000 per potential unit site.
- Lot 1748 - \$1,605,000 which equates to a rate of \$1,019/m<sup>2</sup> or \$401,250 per potential unit site.
- Lot 1747 - \$1,560,000 which equates to a rate of \$1,122/m<sup>2</sup> or \$390,000 per potential unit site.
- Lot 1746 - \$1,660,000 which equates to a rate of \$1,122/m<sup>2</sup> or \$415,000 per potential unit site.

It should be noted that the UCV is specifically for rating and taxing purposes and may not necessarily be reflective of the current fair market value however they have been accepted by the owners as being fair and reasonable.

## 11.0 Sales Evidence

We have examined market activity within the locality and also searched transaction records for details of comparable sales evidence. Sales used as a guide in assessing the market value for the property included, but were not limited to, the following:

### **Lot 3416 (126) East Point Road, Fannie Bay NT**

Sold **\$2,600,000** (ex GST) on 2 December 2013. A 1,530m<sup>2</sup> allotment of MD zoned land with potential for development into 5 multiple dwellings. Improvements comprise of a 6 bedroom, 4 bathroom two storey dwelling with a front balcony with sea views. The improvements are dated and considered to represent a holding income for the future redevelopment of the site. Added value of the improvements estimated as **\$500,000**. Land value therefore estimated as **\$2,100,000**. Equates to a land rate of **\$1,372/m<sup>2</sup>** or **\$420,000 per unit site**.

### **Lots 1690 & 5233 (120) East Point Road, Fannie Bay NT**

Sold for **\$2,800,000** (ex GST) on 21 October 2011. An irregular shaped MD zoned allotment with two street frontages and adjoining parkland comprising 1,591m<sup>2</sup> in area with potential for development into 5 multiple dwellings. Improvements consist of two residences over two levels, one with 4 bedrooms and 2 bathrooms and the other with 2 bedrooms and 1 bathroom returning a total of \$1,100 per week in rental. The improvements are dated and considered to represent a holding income for the future redevelopment of the site. Added value of the improvements estimated as \$600,000. Land value therefore estimated as **\$2,200,000**. Equates to a land rate of **\$1,383/m<sup>2</sup>** or **\$440,000 per unit site**.

**Lot 8035 (96) East Point Road, Fannie Bay NT**

Sold for **\$3,488,888** (ex GST) on 20 March 2014. A 2,860m<sup>2</sup> allotment of MD zoned land with two street frontages with potential for development into 9 multiple dwellings. The improvements comprise two residences; one with 3 bedrooms and 4 bathrooms with ocean views, an inground pool and full size tennis court and the other with Elizabeth Street frontage, being a caretaker's cottage with its own pool, double garage and workshop. The improvements are substantial and although the future highest and best use of the site is considered to be as a redevelopment site, dated and considered to represent a holding income for the future redevelopment of the site. Added value of the improvements estimated as \$688,888. Land value therefore estimated as **\$2,750,000**. Equates to a land rate of **\$961/m<sup>2</sup>** or **\$305,000 per unit site** or **\$400,000 per unit site** for 4 ocean fronting units and **\$230,000 per unit site** for the 5 Elizabeth Street fronting units.

**Lot 689 (6) Schultze Street, Larrakeyah Bay NT**

Sold for **\$940,000** (ex GST) on 3 March 2012. A 955m<sup>2</sup> allotment of MD zoned land with subsequent approval for development into 3 x 3 bedroom multiple dwellings in 1 x 2 storey building. Equates to a land rate of **\$984/m<sup>2</sup>** or a rate of **\$313,333 per unit site**.

**Lot 5486 (13) Bayview Street, Fannie Bay NT**

Sold for **\$1,350,000** (ex GST) on 2 July 2013. A 1,420m<sup>2</sup> allotment of MD zoned land with approval in place for development into 3 x 3 and 2 x 4 bedroom multiple dwellings in 2 x 2 storey buildings. Equates to a land rate of **\$950/m<sup>2</sup>** or a rate of **\$270,000 per unit site**.

**Lot 2261 (7) Hinkler Crescent, Fannie Bay NT**

Sold for **\$1,050,000** (ex GST) on 9 July 2013. A 1,190m<sup>2</sup> allotment of MD zoned land with subsequent approval in place for development into 3 x 4 bedroom and 1 x 4 bedroom (plus study) multiple dwellings in a 2 storey building. Equates to a land rate of **\$882/m<sup>2</sup>** or **\$262,500 per unit site**.

**Lot 2229 (25) Philip Street, Fannie Bay NT**

Sold for **\$1,200,000** (ex GST) on 17 May 2013. A 1,410m<sup>2</sup> allotment of MD zoned land with subsequent approval in place for development into 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings. Equates to a land rate of **\$851/m<sup>2</sup>** or **\$240,000 per unit site**.

**Lot 1747 (108) East Point Road, Fannie Bay NT**

Sold for **\$980,000** on 10 June 2003. A 1,390m<sup>2</sup> allotment of MD zoned land with potential for development into 4 multiple dwelling units with uninterrupted sea views. The existing improvements have subsequently been demolished and a single dwelling erected. The sale price equates to a land rate of **\$705/m<sup>2</sup>** or **\$245,000 per unit site**.

**Lot 2409 (102) East Point Road, Fannie Bay NT**

Sold for **\$1,400,000** on 2 October 2003. A 1,580m<sup>2</sup> allotment of MD zoned land with potential for development into 5 multiple dwelling units with uninterrupted sea views. The existing improvements have subsequently been demolished and a single dwelling erected. The sale price equates to a land rate of **\$886/m<sup>2</sup>** or **\$280,000 per unit site**.

**Lot 2409 (16) George Crescent, Fannie Bay NT**

Sold for **\$955,000** on 24 September 2003. A 1,280m<sup>2</sup> allotment of MD zoned land with potential for development into multiple dwelling units with uninterrupted sea views. The existing improvements have subsequently been demolished and 4 multiple dwellings have been erected. The sale price equates to a land rate of **\$746/m<sup>2</sup>** or **\$238,750 per unit site**.

**11.1 Sales Reconciliation**

Giving consideration to the above sales, our analysis indicates that properties along the East Point Road foreshore that are subject to MD zoning reflect land rates reflective of between **\$400,000** and **\$430,000** per potential unit site.

As there have been no sales of sites that have been developed in recent years, we have included sales of MD zoned development sites in Fannie Bay and Larrakeyah that do not have water views. These reflect rates of between **\$240,000** and **\$313,333** per unit site.

The historical sales of the adjoining parcels relating to the subject parcels reflected land rates of between **\$705/m<sup>2</sup>** and **\$886/m<sup>2</sup>** or between **\$238,750** and **\$280,000 per unit site** 11 and a half years ago.

Additionally we note that **2/106 East Point Road, Fannie Bay** is a 3 bedroom, 2 bathroom townhouse unit that sold in March 2004 for **\$370,000** and in April 2015 for **\$650,000**. The unit presented in original condition throughout, reflecting a **1.75 factor increase** over the 10 year period. This supports our analysis of the underlying land of the improved sales along East Point Road as being conservative.

**12.0 Valuation Considerations**

**12.1 Highest and Best Use**

Highest and best use is defined as the most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property.

The highest and best use of the subject property once consolidated is considered to be as a mixed use re-development site.

**12.2 Valuation Methodology**

The most appropriate method of valuation in this instance is known as "Before and After Approach". This approach considers the value of the underlying land for which the subject is to be consolidated with in its current state to the market and then again after the proposed consolidation.

In order to determine the before and after values of the property, the "Direct Comparison Approach" is used where the parcel the subject is to be consolidated with is compared to sales of other properties which are considered to be somewhat comparable to determine an appropriate rate/m<sup>2</sup> or rate/unit site to be applied to the property.

In assessing the before and after market values the physical characteristics including location, size, zoning and development potential have been taken into consideration.

## 13.0 Valuation Calculations

The market value of the adjoining lots before and after consolidation with the subject parcels have been detailed in the table below. These differential rates equate to the fair market value of the parcels to be offered for sale.

Adjoining Parcel Number	Area Before Consolidation (m <sup>2</sup> )	Area to be Sold	Area After Consolidation (m <sup>2</sup> )	Market Value Before Consolidation	Market Value After Consolidation	Market Value of Land to be Sold
Lot 8034	2,010	145	2,155	\$ 2,240,000	\$ 2,360,000	\$ 120,000
Lot 8035	2,860	300	3,160	\$ 2,750,000	\$ 3,125,000	\$ 375,000
Lot 2410	1,260	455	1,715	\$ 1,660,000	\$ 2,175,000	\$ 515,000
Lot 2409	1,580	523	2,103	\$ 2,100,000	\$ 2,800,000	\$ 700,000
Lot 3505	654	337	991	\$ 900,000	\$ 1,320,000	\$ 420,000
Lot 1748	1,460	526	1,986	\$ 1,800,000	\$ 2,490,000	\$ 690,000
Lot 1747	1,390	312	1,702	\$ 1,720,000	\$ 2,125,000	\$ 400,000
Lot 1746	1,480	106	1,586	\$ 2,075,000	\$ 2,150,000	\$ 75,000

## 14.0 Rental Assessment

Where there is no active rental market, land rental values are generally determined by applying a rental rate of between 5 and 10 percent per annum to the underlying land value depending on the intended use. The lower end of the scale being attributed to residential use with the higher end reflective of industrial/commercial use.

On the basis of the assessed market values above and the ongoing residential use, the annualised rental values have been determined as 5% of the underlying land value as shown in the table below:

Adjoining Parcel Number	Annual Market Rental Value (ex GST)
Lot 8034	\$ 6,000
Lot 8035	\$ 18,750
Lot 2410	\$ 25,750
Lot 2409	\$ 35,000
Lot 3505	\$ 21,000
Lot 1748	\$ 34,500
Lot 1747	\$ 20,000
Lot 1746	\$ 3,750

## 15.0 Goods & Services Tax

<b>Treatment of GST</b>	All amounts and values expressed in this report are exclusive of GST unless otherwise specified.
<b>Recommendation</b>	If there is any uncertainty as to the GST treatment on the sale of a property then we recommend you seek further information regarding the nature of any potential transaction and parties involved and confirmation from a qualified accountant in relation to potential GST liability.

## 16.0 Valuation

We are of the opinion that as at 29 May 2015, the consolidated market value of the parcels to be offered for sale to the adjoining owners, subject to the comments in this report, is:

**THREE MILLION TWO HUNDRED AND NINETY FIVE THOUSAND DOLLARS**

**\$3,295,000**

**(Exclusive of GST)**

<b>Interest Valued</b>	Freehold
<b>Date of Inspection</b>	29 May 2015
<b>Date of Valuation</b>	29 May 2015
<b>Currency of Valuation</b>	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
<b>Inspecting Valuer</b>	 Emma Jackson AAPI, MBus (Prop) Certified Practising Valuer AAPI 64371 Licensed Valuer (WA) 44637

## 17.0 Assumptions, Conditions & Limitations

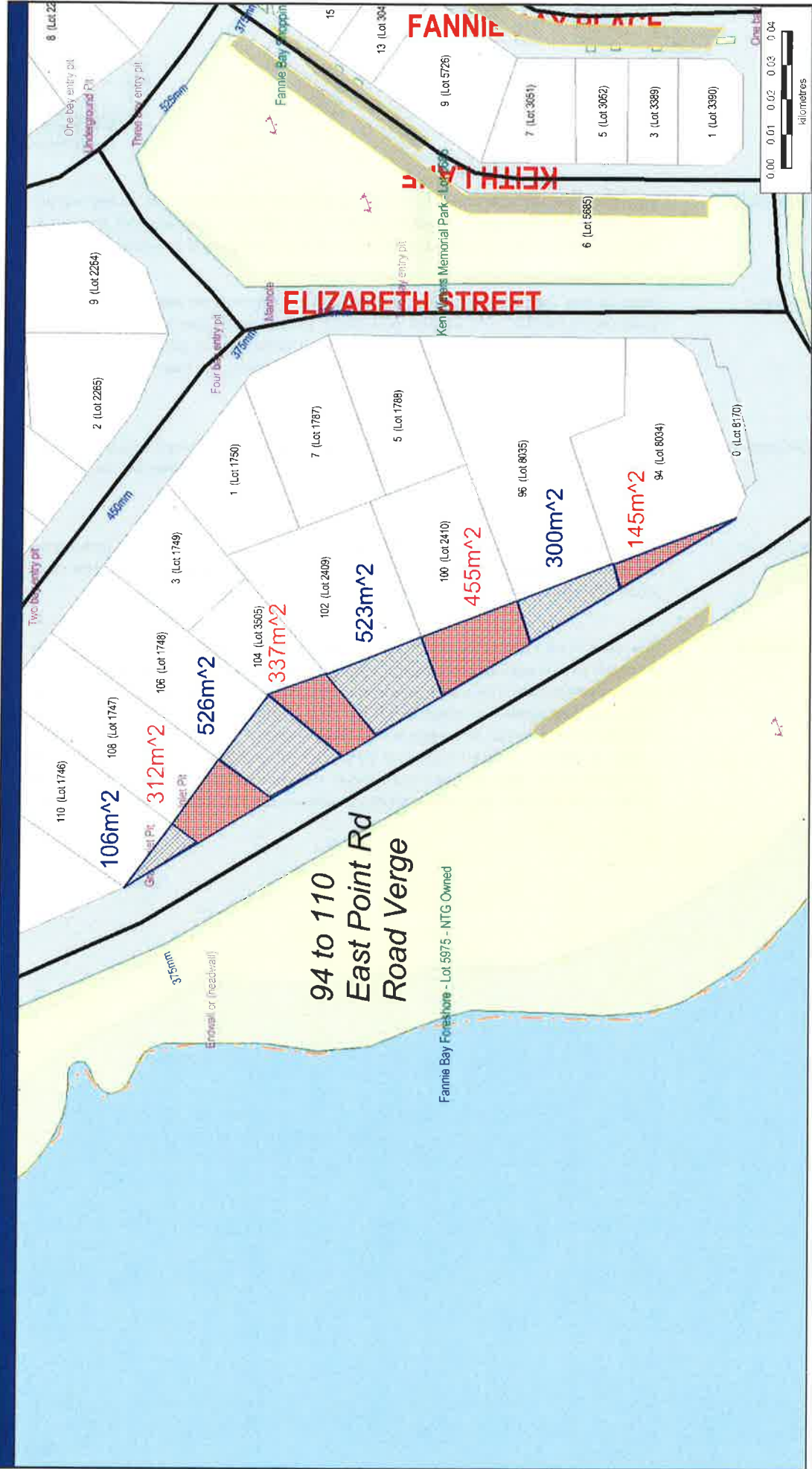
Additional Information	In the event additional information becomes available this may affect the opinion expressed by the valuer. Nevertheless the valuation is based on information and market evidence reasonably available to the valuer as at the date of the valuation in accordance with usual valuation practices.
Encroachments	The valuation is made on the basis that there are no encroachments (unless otherwise noted) by or upon the property and this should be confirmed by a current survey report and/or advice from a land surveyor. If any encroachments are noted by the survey report the valuer should be consulted to assess any effect on the value stated in this report.
Environmental Disclaimer	This report is not an environmental audit and no advice is given in any way relating to environmental or pollution matters. Any comments given as to environmental or pollution factors in relation to the property are not given in the capacity as an expert. This assessment of value is on basis that the property is free of contamination. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have an impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist. Our valuation has been based upon the assumption that there are no actual or potential environmental issues affecting the property.
Full Disclosure Disclaimer	Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith and contains a full disclosure of all information that is relevant. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.
Geotechnical	We have not sighted a geotechnical engineers' survey of the property. We are not experts in the field of civil or geotechnical engineering and we are therefore unable to comment as to the geotechnical integrity of the ground and soil conditions. It is specifically assumed that there are no adverse geotechnical conditions that compromise the utility of the property for the current or highest and best use. In the event there is found to be adverse ground conditions we recommend the matter be referred to this Company for comment.
Market Change	This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property or factors that the Valuer could not have reasonably become aware as at the date of the Report). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of issue of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.
Market Evidence Information Availability	In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the market evidence information provided to be accurate, not all details can and have been formally verified.

Native Title Assumption	We are not experts in native title or the property rights derived there from and have not been supplied with appropriate expert advice or reports. Therefore, this valuation is made assuming there are no actual or potential native title interests affecting the value or marketability of the property.
Planning Disclaimer	Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.
Professional Standards	Our valuation has been assessed in accordance with applicable International Valuation Applications and Technical Information Papers of the International Valuation Standards Committee and the Australian Property Institute Practice Standards and Guidance Notes.
Publication of Report	The publication of the valuation or report in whole or any part, or any reference thereto, or the names and professional affiliations of the valuers is prohibited without the prior written approval of the valuer as to the form and context in which it is to appear.
Site Survey Disclaimer	This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of the Certificate of Title plans. Should the addressee require absolute certainty in relation to the site area, dimensions or possible encroachments we recommend that a surveyor be engaged to provide appropriate advice and a survey of the property if considered necessary. In the event there are any fundamental inconsistencies between any site survey undertaken and site detail adopted in this valuation, the survey should be referred to the valuer for comment on any valuation implications (including amendment of our valuation if considered necessary).





Created on Monday, 25 May 2015 by DARWIN\ndreibeirgs



**Contact Details**  
 General Enquiries: 089 336 4400 or 089 336 4401  
 Fax: 089 336 4402, Email: [enquiries@darwin.nt.gov.au](mailto:enquiries@darwin.nt.gov.au)

**Disclaimer**  
 This map is a representation of the information currently held by the City of Darwin. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.5  
 YES

### STREET FOOD POLICY

REPORT No.: 15C0078 LC:mp COMMON No.: 2444489 DATE: 30/06/2015

**Presenter:** Business Manager, Liam Carroll

**Approved:** General Manager, Community and Cultural Services, Anna Malgorzewicz

#### **PURPOSE**

The purpose of this report is to review City of Darwin Policy No. 079 – Mobile Food Vending.

#### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

2 Vibrant, Flexible and Tropical Lifestyle

#### **Outcome**

2.2 A sense of place and community

#### **Key Strategies**

2.2.2 Develop vibrant suburban centres of activity

#### **KEY ISSUES**

- Development and implementation of a Street Food (Vending) Policy to provide a framework for the operation of mobile food vending in the City of Darwin and ensure a consistent approach to determining Mobile Food Vending applications.
- The revised policy deals with contemporary thinking in relation to Street Food vending, the length of terms of permits and site allocations processes.

#### **RECOMMENDATIONS**

- A. THAT Report Number 15C0078 LC:mp entitled Street Food Policy, be received and noted.
- B. THAT Council endorse the Draft policy, Street Food at **Attachment B** of Report Number 15C0078 LC:mp entitled Street Food Policy.

PAGE: 2  
 REPORT NUMBER: 15C0078 LC:mp  
 SUBJECT: STREET FOOD POLICY

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- C. THAT Council conduct a public consultation process in relation to the amended City of Darwin Policy No. 079 – Mobile Food Vending, Policy No. 079 – Street Food.

## **BACKGROUND**

DECISION NO 21\2860 (25/11/14)

### **Mobile Food Vending – Policy Issues**

Report No. 14A0197 DL:mp (19/11/14) Common No. 2444489

- A. *THAT Report Number 14A0197 DN:mp entitled Mobile Food Vending – Policy Issues, be received and noted.*
- B. *THAT Council extend current Mobile Food Stall permits in the Nightcliff foreshore and Rapid Creek areas until 30 April 2015 whilst finalisation of site allocation and related issues is undertaken.*

## **DISCUSSION**

Mobile, temporary and pop-up street food operations are growing in demand and popularity and Council needs to ensure its policy settings are relevant and accommodate community need. Temporary or mobile food operations can be conducted at established markets, special community and cultural events or in public places.

This draft policy considers the key drivers for street food operations, the term that permits are issued for and matters of site allocation. The policy enables single event permits to a maximum of three months (renewable, subject to allocation provisions).

It also provides assessment criteria to ensure a high quality experience for customers and the community while maintaining a high standard of participation by food operators.

To ensure the policy reflects community need and preserves community amenity, activates public places and supports opportunities for business enterprises, it is vital that a process of community consultation be undertaken. Stakeholders to be involved in the consultation process include existing and previous permit holders, emergent food enterprises, residents and business operators within the vicinity of street food operations, user groups and organisations such as the AHA, retailers and traders associations and market organisers.

### **CONSULTATION PROCESS**

It is proposed that Policy No. 079 - Street Food Policy undergo a public consultation process with stakeholders. A Community Consultation plan (Level 2) has been prepared to provide a framework for the consultation process (**Attachment C**).

PAGE: 3  
 REPORT NUMBER: 15C0078 LC:mp  
 SUBJECT: STREET FOOD POLICY

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### **POLICY IMPLICATIONS**

Council last updated this policy on 29 July 2014.

### **BUDGET AND RESOURCE IMPLICATIONS**

Council currently charges (2015/16) the following fees for mobile food vending:

Per Day	\$41.00
Per month	\$272.00
Per Quarter	\$804.00
Per annum	\$3314.00

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Permit holders will be required to effectively manage waste as a result of their vending activities.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**LIAM CARROLL**  
**BUSINESS MANAGER**

**ANNA MALGORZEWICZ**  
**GENERAL MANAGER,**  
**COMMUNITY & CULTURAL**  
**SERVICES**

For enquiries, please contact Anna Malgorzewicz on 8930 0633 or email:  
[a.malgorzewicz@darwin.nt.gov.au](mailto:a.malgorzewicz@darwin.nt.gov.au).

#### **Attachments:**

**Attachment A:** Draft Amended Policy No. 079 - Mobile Food Vending (Tracked Changes)

**Attachment B:** Draft Amended Policy No. 079 - Street Food

**Attachment C:** Community Consultation Plan: Level 2 Consult – Street Food Policy

## Policy



Title: Street Food Policy

Policy No: 079

Adopted By: Council

Next Review Date: 29/07/2018

Responsibility: General Manager, Corporate Services

Document Number: 2957088

Version	Decision Number	Adoption Date	History
1	21\2431	29 July 2014	Adopted by Council
		<u>26 May 2015</u>	

### 1 Policy Summary

The City of Darwin's Street Food policy seeks to promote an active, vibrant street food culture within the Darwin municipality by encouraging new and creative casual food vending activities.

### 2 Background

Darwin's climate, open spaces, and outdoor culture is an ideal setting for the development of street food experiences and activities.

The City of Darwin acknowledges street food enterprises are growing in popularity and demand and this policy responds to this. The City of Darwin welcomes applications from time to time in respect to the use of roads and public places under Council's care and control, for this purpose.

### 3 Policy Objectives

This Policy encourages casual Street Food mobile business operations within the City of Darwin. This policy aims to ensure a high quality experience for customers and the community while maintaining a high standard of participation by street food operators. The following values underpin the City of Darwin Street Food Policy:

- Diversity – a unique culinary experience in an innovative way that increases the diversity of street food options;
- Innovation – a unique cultural experience through creative presentation of vehicles and menus;
- Quality – incorporates and promotes fresh and healthy ingredients into a quality food experience;
- Sustainability – incorporates and promotes ethical, environmental and sustainable practices;
- Value – adds economic and cultural value to the city by activating open

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¶ **Part 2.8.(1) Meaning of food business**

¶ In this Act:¶ **food business** means a business, enterprise or activity (other than a¶ business, enterprise or activity that is primary food production) that involves: (a) . handling f[... [1]

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spaces and places.

The key policy objectives are;

- To encourage Street Food in areas that are suited to the purpose including appropriate areas of the central business district; To activate and revitalise public places and encourage social interaction and enhance the community sense of safety and wellbeing;
- To encourage novel and creative entrepreneurial activities, start-up businesses stimulating the local economy;
- To provide a unique outdoor dining experience;
- To ensure street food businesses operate within the intent of the values of this policy; and.
- To ensure equity of access to public spaces

**4 Policy Statement**

Street Food within the municipality of Darwin requires a permit from the City of Darwin. Council will issue permits for Street Food operations in the following locations, subject to the assessment criteria attached to this Policy:

- |  |   |
|--|---|
| a) CBD inclusive of the Esplanade (excluding The Mall) | 4 |
| b) East Point Reserve                                  | 4 |
| c) Jingili Water Gardens                               | 2 |
| d) Nightcliff Foreshore                                | 6 |
| e) Rapid Creek Foreshore                               | 2 |

and

- f) Suburban parks or suitable public spaces, the number of permits to be allocated will be determined at the discretion of the delegated officer under this Policy.

Permit fees are determined under the following categories and duration of operation:

1. Category of operation

- a) Not-for-profit and charitable organisations;
- b) One-off activities;
- c) Commercial operations.

2. Duration of operation

- a) Single Event Permit – issued for a single occasion
- b) Short-term or Seasonal Permit – issued for two or more repeat operations in a given period of time
- c) Three month Permit – issued for repeat operations over the course of three months which may be renewed subject to allocation provisions detailed in this Policy.

Permits will generally be restricted to outside normal business hours, weekends and public holidays. Permits in residential areas will be restricted to hours of operation that preserve neighbourhood amenity and do not cause a general

**Deleted:** to activate and enhance the amenity of streets and public places, while providing added convenience and social and economic benefits to the community. Permits are issued as casual permits only for a maximum period of three (3) months which is reflected in the casual permit fees charged by Council. Where two or more application are received for the same site, allocation of the permit will be made in accordance with the procedure detailed in the attached allocation of sites criteria.

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disturbance.

## 5 Legislation, terminology and references

Street Food Vendors are considered 'food businesses' under the NT Food Act.

### Part 2.8.(1) Meaning of food business

In this Act:

**food business** means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves:

(a) handling food intended for sale; or

(b) selling food.

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves handling or selling food on one occasion only.

In line with the NT Food Act and under this Policy, Street Food Vending is defined as the use of public spaces for **preparing, handling and or dispensing food products for the purpose of sale, commercial consideration or promotion**

All food businesses in the Northern Territory must be registered and all food operators must comply with the *Food Safety Standards*. The Northern Territory *Food Act* is the controlling legislation for all food businesses.

The following City of Darwin policies are also applicable to Street Food operations:

Policy No. 011      *Outdoor Dining*  
 Policy No. 042      *Outdoor Advertising Signs Code*

City of Darwin Fees and Charges Register

#### **Fees**

Fees are required to be paid in advance commensurate with the permit period issued.

## 6 Evaluation and review

The Street Food Policy will be reviewed within the term of the Council.

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# Assessment Criteria

## Street Food



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The City of Darwin's Street Food Policy (Policy No. 079) provides a set of clear objectives for pop up and street food operations in the municipality and identifies an appropriate operating framework and fee structure. The Policy is supported by these criteria against which all Street Food permit applications (including applications for permit renewal) will be assessed.

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The criteria are as follows:

### 1. Business

1.1 The business must provide for the sale of food and/or non-alcoholic drink only. Pop Up bars are not permitted.

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1.2 The applicant must have a registered business name and ABN and be registered with the Department of Health.

1.3 The applicant must have (or provide on confirmation of Council's intention to grant a permit) public and product liability insurance for the amount of at least \$20 million.

1.4 The applicant must demonstrate a community and business need for the proposed Street Food operation.

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1.5 The nature of Street Food is to encourage the use of mobile vans or vehicles. The applicant must demonstrate that the business complies with the intent and aims of this policy.

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1.6 If the applicant is a not-for-profit or charitable organisation, the applicant must demonstrate its bona fides.

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### 2. Allocation of Sites

The Policy provides for a total of 18 (eighteen) dedicated locations in the municipality. Additional sites will be allocated on a case by case basis subject to this assessment criteria.

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The City of Darwin welcomes applications at any time for the operation of Pop Up Street Food and from time to time, will also seek expressions of interest for special programs.

Permits are issued as casual permits only for a maximum period of three (3) months which is reflected in the casual permit fees charged by Council. Where two or more applications are received for the same site, allocation of the permit will be made in accordance with the procedure detailed in this criteria.

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Where a site is unoccupied, allocation will be issued on a "first come first serve basis" and will expire at the end of March, June, September, and December each year.

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# Assessment Criteria

## Street Food



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Where a site is occupied and no other applications have been received; allocation will be reissued to the existing occupant for a further three months if so requested to the end of March, June, September, and December each year.

Where a site is occupied and additional applications have been received for the same site allocations will be conducted by a selection panel process, and will expire at the end of March, June, September, and December each year. The selection panel will be comprised of officers from across the City of Darwin and applications will be assessed against the criteria contained in sections (1), (4), (5), (6) and (7) of this document and the following underpinning values of the policy;

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- Diversity
- Innovation
- Quality
- Sustainability
- Value

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### 3. Location

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3.1 The proposed operating site(s) must be suitable for the purpose of ~~Street~~ Food and not be in an excluded area.

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3.2 The proposed facility and activities **must not** compromise public safety, cause obstruction, or impede the flow and use of the area by pedestrians, road users, emergency response personnel, maintenance crews, patrons and staff of surrounding businesses, occupants of and visitors to surrounding residential properties, and other street activities.

3.3 Exemptions may be made to access to parking spaces for operations that support and promote the night time economy in the central business district.

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### 4. Amenity and Appearance

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4.1 All applications must include a detailed site plan of the proposed operation, including the vehicle ~~or~~ food vending facility, the proposed area(s) of operation and any power and water requirements (including the use of generators).

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4.2 The proposed ~~Street~~ Food operation **must not**:

- compromise pedestrian and traffic flow or obstruct access to parking, taxis, and bus and loading zones;
- obstruct access to public space facilities such as bike paths, drinking fountains, BBQs, toilets, park and street furniture, rubbish bins, telephones and post boxes;
- operate on a footpath with a width less than 3.2 metres;
- operate within 1.8 metres of a building front and within 600mm from the kerb line;
- operate adjacent to construction zones, disabled parking spaces and bus, taxi and loading zones;
- operate in a manner that causes undue distraction to vehicular traffic; and

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# Assessment Criteria

## Street Food



- modify, cover, remove, or relocate trees and shrubs and other public property (such as park furniture, public art, signs, and bins).

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### 5. Operating Days and Times

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5.1 The proposed days and times of operation must be conducive to the enhancement of the area through the provision of food and or drink services.

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The proposed days and times of operation must not compromise:

- the safety of public space users;
- other street and public space activities and uses;
- neighbourhood amenity;
- acceptable noise levels; and
- ingress and egress to surrounding sites and premises.

5.2 A limited number of Street Food permits will be available at the locations described in the Street Food Policy.

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5.3 Permits will not be issued in instances where the City of Darwin determines that the granting of a permit may result in the oversupply of Street Food operations within a given area and or at a given time.

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### 6. Advertising and Marketing

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6.1 All proposed outdoor advertising must comply with the Outdoor Advertising Signs Code (City of Darwin Policy No. 042).

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6.2 All applications must include detailed plans or diagrams which includes dimensions of proposed advertising.

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### 7. Cleaning, Maintenance and Waste Management

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7.1 All applications must demonstrate that all food handling activities will be compliant with the Food Act and the Food Standards Code.

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7.2 All applications must include a waste management procedure. (Waste generated by food preparation activities is not to be disposed of in City of Darwin waste receptacles or drains.)

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Mobile Pop UP Street Food Vendors are considered 'food businesses' under the NT *Food Act*.

**Part 2.8.(1) Meaning of *food business***

In this Act:

***food business*** means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves: (a) handling food intended for sale; or (b) selling food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves handling or selling food on one occasion only.

In line with the NT *Food Act* and under this Policy, Pop Up Street Mobile Food Vending is defined as the use of public spaces for **preparing, handling and or dispensing food products for the purpose of sale, commercial consideration or promotion.**

<b>TITLE:</b>	Street Food Policy
<b>POLICY NUMBER:</b>	079
<b>ADOPTED BY:</b>	Council
<b>NEXT REVIEW DATE:</b>	29/07/2018
<b>RESPONSIBILITY:</b>	General Manager Community & Cultural Services
<b>DOCUMENT NUMBER:</b>	2957088

Version	Decision Number	Adoption Date	History
1	21\2431	29 July 2014	Adopted by Council
2			
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### 1 Policy Summary

The City of Darwin's Street Food Policy seeks to promote an active, vibrant street food culture within the Darwin municipality by encouraging new and creative casual food vending activities.

### 2 Background

Darwin's climate, open spaces and outdoor culture is an ideal setting for the development of street food experiences and activities.

The City of Darwin acknowledges street food enterprises are growing in popularity and demand and this policy responds to this. The City of Darwin welcomes applications from time to time in respect to the use of roads and public places under Council's care and control for this purpose.

### 3 Policy Objectives

This Policy encourages casual street food mobile business operations within the City of Darwin. This Policy aims to ensure a high quality experience for customers and the community while maintaining a high standard of participation by street food operators. The following values underpin the City of Darwin Street Food Policy;

- Diversity – a unique culinary experience in an innovative way that increases the diversity of street food options;
- Innovation – a unique cultural experience through creative presentation of vehicles and menus;

- Quality – incorporates and promotes fresh and healthy ingredients into a quality food experience;
- Sustainability – incorporates and promotes ethical, environmental and sustainable practices;
- Value – adds economic and cultural value to the city by activating open spaces and places.

The key policy objectives are;

- To encourage Street Food in areas that are suited to the purpose including appropriate areas of the central business district;
- To activate and revitalise public places and encourage social interaction and enhance the community sense of safety and wellbeing;
- To encourage novel and creative entrepreneurial activities, start-up businesses stimulating the local economy;
- To provide a unique outdoor dining experience;
- To ensure street food businesses operate within the intent of the values of this policy; and
- To ensure equity of access to public spaces.

#### 4 Policy Statement

Street Food within the municipality of Darwin requires a permit from the City of Darwin. Council will issue permits for Street Food operations in the following locations, subject to the assessment criteria attached to this Policy;

- |  |   |
|--|---|
| a) CBD inclusive of the Esplanade (excluding The Mall) | 4 |
| b) East Point Reserve                                  | 4 |
| c) Jingili Water Gardens                               | 2 |
| d) Nightcliff Foreshore                                | 6 |
| e) Rapid Creek Foreshore                               | 2 |

and

- f) Suburban parks or suitable public spaces, the number of permits to be allocated will be determined at the discretion of the delegated officer under this Policy.

Permit fees are determined under the following categories and duration of operation;

1. Category of operation

- a) Not-for-profit and charitable organisations;
- b) One-off activities;
- c) Commercial operations.

2. Duration of operation

- a) Single Event Permit – issued for a single occasion;
- b) Short-term or Seasonal Permit – issued for two or more repeat operations in a given period of time;
- c) Three Month Permit – issued for repeat operations over the course of three months which may be renewed subject to allocation provisions detailed in this Policy.

Permits will generally be restricted to outside normal business hours, weekends and public holidays. Permits in residential areas will be restricted to hours of operation that preserve neighbourhood amenity and do not cause a general disturbance.

## 5 Legislation, terminology and references

Street Food Vendors are considered ‘food businesses’ under the NT *Food Act*.

### Part 2.8.(1) Meaning of *food business*

In this Act:

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- (a) handling food intended for sale; or
- (b) selling food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves handling or selling food on one occasion only.

In line with the NT *Food Act* and under this Policy, Street Food Vending is defined as the use of public spaces for **preparing, handling and or dispensing food products for the purpose of sale, commercial consideration or promotion**

All food businesses in the Northern Territory must be registered and all food operators must comply with the *Food Safety Standards*. The Northern Territory *Food Act* is the controlling legislation for all food businesses.

The following City of Darwin policies are also applicable to Street Food operations:

Policy No. 011      *Outdoor Dining*  
Policy No. 042      *Outdoor Advertising Signs Code*

City of Darwin Fees and Charges Register

## **6 Fees**

Fees are required to be paid in advance commensurate with the permit period.

## **7 Evaluation and review**

The Street Food Policy will be reviewed within the term of the Council.

## Assessment Criteria – Street Food

The City of Darwin's *Street Food Policy* (Policy No. 079) provides a set of clear objectives for pop up and street food operations in the municipality and identifies an appropriate operating framework and fee structure. The Policy is supported by these criteria against which all Street Food permit applications (including applications for permit renewal) will be assessed.

The criteria are as follows:

### 1. Business

- 1.1 The business must provide for the sale of food and/or non-alcoholic drink only. Pop Up bars are not permitted.
- 1.2 The applicant must have a registered business name and ABN and be registered with the Department of Health.
- 1.3 The applicant must have (or provide on confirmation of Council's intention to grant a permit) public and product liability insurance for the amount of at least \$20 million.
- 1.4 The applicant must demonstrate a community and business need for the proposed Street Food operation.
- 1.5 The nature of Street Food is to encourage the use of mobile vans or vehicles. The applicant must demonstrate that the business complies with the intent and aims of this policy.
- 1.6 If the applicant is a not-for-profit or charitable organisation, the applicant must demonstrate its bona fides.

### 2. Allocation of Sites

The Policy provides for a total of 18 (eighteen) dedicated locations in the municipality. Additional sites will be allocated on a case by case basis subject to this assessment criteria.

The City of Darwin welcomes applications at any time for the operation of Street Food and from time to time, will also seek expressions of interest for special programs.

Permits are issued as casual permits only for a maximum period of three (3) months which is reflected in the casual permit fees charged by Council. Where two or more applications are received for the same site, allocation of the permit will be made in accordance with the procedure detailed in this criteria.

Where a site is unoccupied, allocation will be issued on a "first come first serve basis" and will expire at the end of March, June, September and December each year.



Where a site is occupied and no other applications have been received, allocation will be reissued to the existing occupant for a further three months if so requested to the end of March, June, September and December each year.

Where a site is occupied and additional applications have been received for the same site, allocations will be conducted by a selection panel process and will expire at the end of March, June September and December each year. The selection panel will be comprised of officers from across the City of Darwin and applications will be assessed against the criteria contained in sections (1), (4), (5), (6) and (7) of this document and the following underpinning values of the policy;

- Diversity
- Innovation
- Quality
- Sustainability
- Value

### 3. Location

- 3.1 The proposed operating site(s) must be suitable for the purpose of Street Food and not be in an excluded area.
- 3.2 The proposed facility and activities **must not** compromise public safety, cause obstruction, or impede the flow and use of the area by pedestrians, road users, emergency response personnel, maintenance crews, patrons and staff of surrounding businesses, occupants of and visitors to surrounding residential properties, and other street activities.
- 3.3 Exemptions may be made to access to parking spaces for operations that support and promote the night time economy in the central business district.

### 4. Amenity and Appearance

- 4.1 All applications must include a detailed site plan of the proposed operation, including the vehicle or food vending facility, the proposed area(s) of operation and any power and water requirements (including the use of generators).
- 4.2 The proposed Street Food operation **must not**:
  - compromise pedestrian and traffic flow or obstruct access to parking, taxis, and bus and loading zones;
  - obstruct access to public space facilities such as bike paths, drinking fountains, BBQs, toilets, park and street furniture, rubbish bins, telephones and post boxes;
  - operate on a footpath with a width less than 3.2 metres;
  - operate within 1.8 metres of a building front and within 600mm from the kerb line;

- operate adjacent to construction zones, disabled parking spaces and bus, taxi and loading zones;
- operate in a manner that causes undue distraction to vehicular traffic; and
- modify, cover, remove, or relocate trees and shrubs and other public property (such as park furniture, public art, signs, and bins).

## 5. Operating Days and Times

5.1 The proposed days and times of operation must be conducive to the enhancement of the area through the provision of food and or drink services. The proposed days and times of operation must not compromise:

- the safety of public space users;
- other street and public space activities and uses;
- neighbourhood amenity;
- acceptable noise levels; and
- ingress and egress to surrounding sites and premises.

5.2 A limited number of Street Food permits will be available at the locations described in the Street Food Policy.

5.3 Permits will not be issued in instances where the City of Darwin determines that the granting of a permit may result in the oversupply of Street Food operations within a given area and or at a given time.

## 6. Advertising and Marketing

6.1 All proposed outdoor advertising must comply with the *Outdoor Advertising Signs Code* (City of Darwin Policy No. 042).

6.2 All applications must include detailed plans or diagrams which includes dimensions of proposed advertising.

## 7. Cleaning, Maintenance and Waste Management

7.1 All applications must demonstrate that all food handling activities will be compliant with the *Food Act* and the *Food Standards Code*.

7.2 All applications must include a waste management procedure. (Waste generated by food preparation activities is not to be disposed of in City of Darwin waste receptacles or drains.)



June 2015  
version 1.0 DRAFT

## Community Consultation Plan: Level 2 Consult

### *Street Food Vending Policy*

#### 1. BACKGROUND

This engagement seeks input from the community about what they would like to see happen across Darwin with Street Food Vending. Community and stakeholder views will be sought around topics such as public space activation, vendor locations, types of vendor offerings, sustainability, uniqueness and frequency of change to operators at each location.

The engagement will also seek to

- gather feedback on the draft Street Food Vending Policy
- increase awareness of the many different locations across Darwin where permits are available for Street Food Vending
- provide clarity around the differences between Darwin's markets, special event mobile food vending at special events and Street Food Vending at regular sites across Darwin

#### 2. APPROACH

This project is recommended as a Level 2 Consultation, to be carried out over a six week period. All identified stakeholders will be invited to provide their views about Street Food Vending in Darwin.

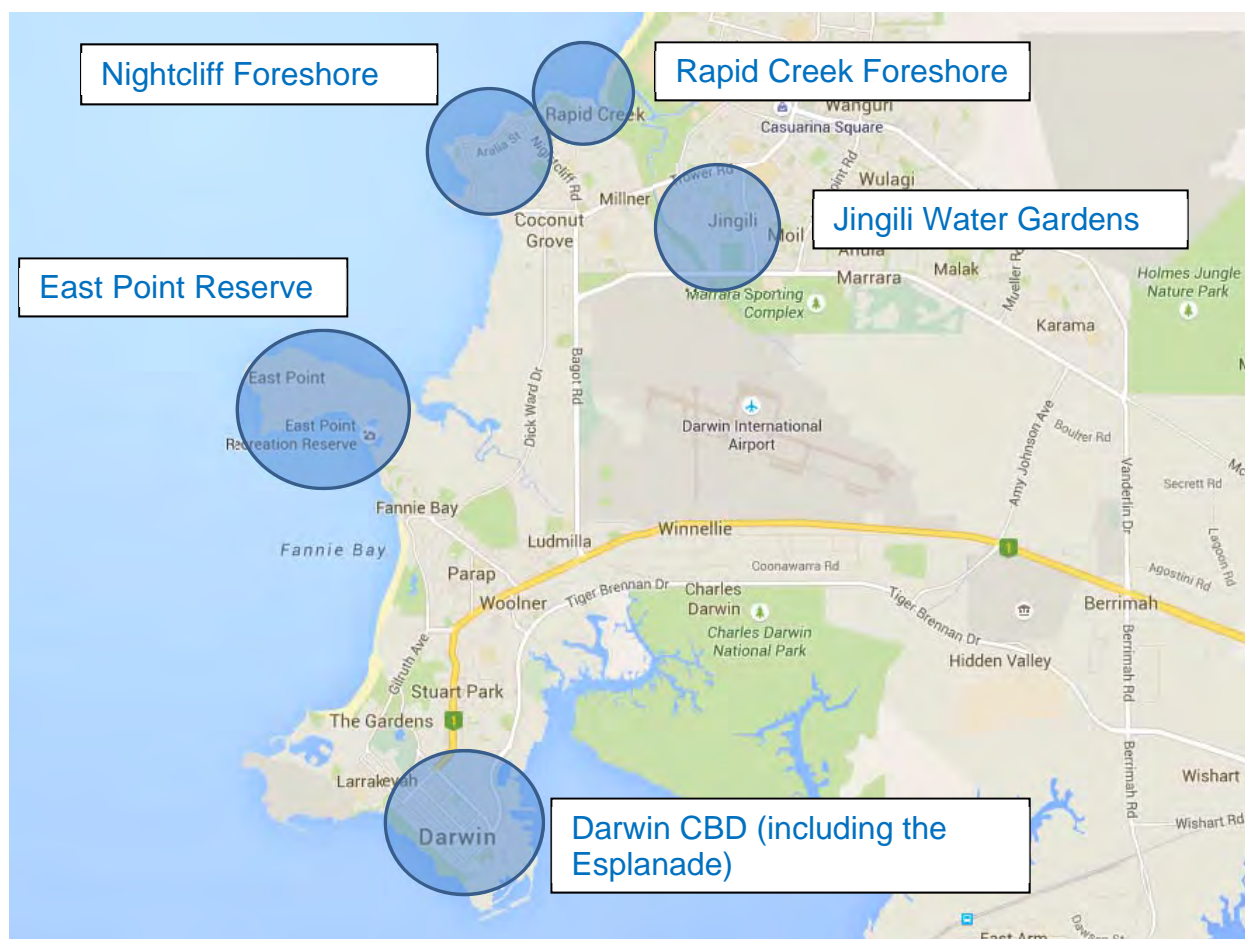
Per Council's Community Consultation Policy 025, the promise made to the community with a Level 2 Consultation is:

- we will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision

Following the engagement process, feedback from the community will be used to make changes to the draft Street Food Vending Policy for Council's endorsement.

### 3. KEY MESSAGES

1. Street Food Vending is a global phenomenon, enabling the **community to enjoy public spaces** in a safe and activated environment, providing economic benefits and opportunity for small businesses.
2. There are **many locations** across Darwin where permits are available for Street Food Vending, including the city centre, Jingili Water Gardens, East Point Reserve and the Rapid Creek Foreshore. This gives Street Food Vendors the opportunity to open up their business to new customers on an ongoing basis.
3. Permits for Street Food Vending are issued for **3, 6 and 12 month periods only**
4. To ensure **equity of opportunity**, locations will be made available to **different vendors** after each permit has expired.
5. Street Food Vending is about **public place activation**, providing the community with opportunities to enjoy public spaces. Darwin's markets are managed through a separate process to Street Food Vending. Street Food Vendors may also appear at special events in Darwin, managed by each event's organiser.



## 4. STAKEHOLDERS

1. Existing and previous permit holders
2. Residents and businesses in a 250m range of each approved area
3. Regular users of the each approved area
4. Broad Darwin community

## 5. METHOD AND MATERIALS

### **Webpage**

A dedicated web page will be set up [www.darwin.nt.gov.au/streetfood](http://www.darwin.nt.gov.au/streetfood) with full information about the consultation process and links to documents and maps. Visitors will be asked to fill out an online survey and leave their email address to be kept updated on the progress of the Street Food Vending Policy.

### **Letters and emails**

Letters to be sent to residents around the main areas for Street Food Vending inviting them to take part in a short on-line survey. Emails will be sent to other community groups encouraging participation.

### **Face to face meetings**

Face to face meetings will be scheduled as required with stakeholders.

### **Advertising**

Advertising in the early general news section of the NT News and the Sun will create broad community awareness of the engagement. The advertising 'call to action' will be to invite the community to visit the webpage to participate in the on-line survey to provide feedback on Street Food Vending principles and draft policy.

### **Flyers**

Flyers (factsheet) will provide background information and a QR code for easy access to the online survey. The flyers will be distributed as hard copies and electronically to libraries, customer service and the pools.

### **Online survey**

The online survey will be the key means for the community and stakeholders to provide feedback on the Street Food Vending principles and draft policy.

### **A2 sized corflute signs**

Temporary free standing poster signs will be placed at street food vending sites, encouraging participation in the consultation. The poster signs will have a QR code to enable easy access to the online survey.

**Social Media**

Posts to encourage dialogue around Street Food Vending and encourage participation in the engagement.

**Ongoing media**

Ongoing media activity (**media release, social media, newsletters and the one pager** in the NT News, supported by Lord Mayor messages) will be used to maintain momentum of the consultation on an ongoing basis.

**6. EVALUATION AND REVIEW**

Feedback will be collated throughout the engagement and a report prepared at its conclusion.

- Review of engagement tactics and methods
- Website metrics analysis
- QR Code usage analysis
- Online survey - analysis of data
- Results
- Conclusion and next steps

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.6  
NO

### NIGHTCLIFF CAFÉ UPDATE - JUNE 2015

REPORT No.: 15TS0114 LC:jw COMMON No.: 2091683 DATE: 30/06/2015

**Presenter:** General Manager Infrastructure, Luccio Cercarelli

**Approved:** Chief Executive Officer, Brendan Dowd

#### **PURPOSE**

The purpose of this report is to provide Council with a progress report regarding works on Lot 8657 Casuarina Drive, Nightcliff being the Nightcliff Café and Stage 1 Master Plan.

#### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

- 1.2 Desirable places and open spaces for people

#### **Key Strategies**

- 1.2.4 Provide for diversity of uses and experiences in public places and open spaces.

#### **KEY ISSUES**

- In December 2014 Council resolved to proceed with the construction of the Nightcliff Café and implementation of Stage 1 of the Master Plan on Lot 8657, Casuarina Drive, Nightcliff.
- A development permit has been obtained for the café, subject to some minor condition precedents.
- Works have commenced on Stage 1 of the Master Plan.
- Infrastructure head works have commenced in relation to the café namely power upgrades.

#### **RECOMMENDATIONS**

THAT Report Number 15TS0114 LC:jw entitled Nightcliff Cafe Update - June 2015, be received and noted.

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REPORT NUMBER: 15TS0114 LC:jw  
SUBJECT: NIGHTCLIFF CAFE UPDATE - JUNE 2015

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## **BACKGROUND**

On the 9 December 2014 Council resolved the following regarding the Master Plan and Nightcliff Café:

### **DECISION NO.21\2893 (09/12/14)**

#### **Master Plan Lot 8657 - Nightcliff Foreshore**

Report No. 14TS0305 LC:jw (09/12/14) Common No. 2191683

- A. THAT Report Number 14TS0305 LC:jw entitled Master Plan Lot 8657 - Nightcliff Foreshore, be received and noted.
- B. THAT Council endorse the Master Plan for Lot 8657 Nightcliff Foreshore being **Attachment B** to Report Number 14TS0305.
- C. THAT Council undertake Stage 1 works as described within the Master Plan for Lot 8657 – Nightcliff Foreshore over the 2014/2015 and 2015/2016 financial years, subject to available budget.

### **DECISION NO.21\2894 (09/12/14)**

#### **Nightcliff Foreshore Cafe - Design and Construction**

Report No. 14TS0304 LC:jw (09/12/14) Common No. 2091683

- A. THAT Report Number 14TS0304 LC:jw entitled Nightcliff Foreshore Cafe - Design and Construction, be received and noted.
- B. THAT Council approves the design concept for the Nightcliff Foreshore Café as described in **Attachment A** to Report Number 14TS0304 LC:jw entitled Nightcliff Foreshore Cafe - Design and Construction.
- C. THAT Council proceeds with the design and construction of the Nightcliff Foreshore Café for a total capital cost of \$1.5 million (GST Exclusive) as described within Report Number 14TS0304 LC:jw entitled Nightcliff Foreshore Cafe - Design and Construction.



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 REPORT NUMBER: 15TS0114 LC:jw  
 SUBJECT: NIGHTCLIFF CAFE UPDATE - JUNE 2015

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Furthermore, in March 2015, Council considered the installation of a photovoltaic system for the site and resolved to:

**DECISION NO.21\3124 (31/03/15)**

**Feasibility of Photo Voltaic System – Lot 8657, 259 Casuarina Drive, Nightcliff**

Report No. 15TS0050 LC:jw (24/03/15) Common No. 2504800

- A. THAT Report Number 15TS0050 LC:jw entitled Feasibility of Photo Voltaic System - Lot 8657, 259 Casuarina Drive, Nightcliff be received and noted.
- B. THAT Council endorse the development of an option for a photo voltaic system for Lot 8657, 259 Casuarina Drive, Nightcliff for implementation in 2015/2016 and that this matter be considered as part of the 2015/2016 Budget.

This report provides Council with a progress update on the projects.

**DISCUSSION**

**Nightcliff Café**

Following Council's decision in December 2014 Council has entered into a contract with Ray Laurence Constructions Pty Ltd.

A development application was lodged in February 2015 with a development permit (DP15/0285) being issued on the 21 May 2015. The development permit contains three (3) condition precedents relating to car parking and landscaping. These are not considered significant and are being addressed.

Finalisation of detail design and required building certifications is underway.

The construction of infrastructure head works commenced in June, with the required upgrade of power.

It is anticipated that construction of the café will commence in July and be completed in November 2015.

It is noted that the fit out of the café does not form part of these constructed works and is the responsibility of the lessee.

**Stage 1 – Master Plan**

Works relating to the implementation of Stage 1 of the Master Plan commenced in March 2015 with the upgrade and relocation of the pool fence which has been completed.

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SUBJECT: NIGHTCLIFF CAFE UPDATE - JUNE 2015

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*Image: Nightcliff Pool Fence*

Design works are underway regarding the final car parking design, share path along the foreshore and Casuarina Drive and landscaping.

Stage 1 works will be coordinated with and completed prior to the opening of the café.

#### Photovoltaic System for Lot 8657

Work is continuing on the development of an option for a photovoltaic system for Lot 8657, Casuarina Drive, Nightcliff.

Initial discussions have been held with the lessee regarding the project and potential implementation models.

Council will be provided with a monthly update on the progress of the project.

#### **CONSULTATION PROCESS**

A communications plan has been developed and is being implemented.

Letters have been sent to nearby residents advising of the commencement of infrastructure works.

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Council's webpage is being updated regularly regarding the project.

A media launch will occur prior to construction of the building commencing

Council officers are liaising with mobile food vendors regarding the construction program.

In preparing this report, the following City of Darwin officers were consulted:

- Manager Design, Planning and Projects
- Team Coordinator Capital Works
- Capital Works Coordinator
- Executive Manager
- Business Manager

### **POLICY IMPLICATIONS**

There are no policy implications identified.

### **BUDGET AND RESOURCE IMPLICATIONS**

Council has approved \$1.5 million for the construction of the Nightcliff Café.

Stage 1 works of the Master Plan are estimated at \$300,000 and will be funded from existing programs and budget allocations.

The lessee is required to undertake a fit-out to a minimum of \$500,000.

Council's draft 2015/2016 Municipal Plan continues a budget allocation of \$300,000 for photovoltaic systems which could fund the system for Lot 8657 Casuarina Drive, Nightcliff. Estimated cost of a 58kw system is \$100,000. Consideration of the impact on the Lessee is required if the final system includes installation on the café roof at this time.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Unforeseen project delays may defer the café opening date. Should this occur they will be managed and Council will be kept informed.

There will be disruption to users of the area during construction and reasonable efforts will be undertaken to minimise this.

There are a number of issues relating to the photovoltaic system which will be addressed as the project progresses.

Council executed an agreement for Lease on the 24 December 2014 with Fannie Bay Cool Spot Pty Ltd.

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The agreement provides that the agreement may be rescinded by either Council or Cool Spot, by giving notice in writing to the other, if:

- Council has not obtained subdivision consent from DCA by 30 September 2015 or
- Council has not obtained development consent from DCA for construction of the building by 31 December 2015 or
- Council has not obtained a certificate of occupancy in respect of the building to be erected as part of the premises by 30 June 2016.

### **ENVIRONMENTAL IMPLICATIONS**

The works will result in more accessible open space, improved traffic, bike and pedestrian infrastructure and improved urban amenity for the community.

The photovoltaic system would generate power from a renewable resource and offset network power being utilised.

The projects will improve environmental outcomes for Council and the community.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

**BRENDAN DOWD**  
**CHIEF EXECUTIVE**  
**OFFICER**

For enquiries, please contact Luccio Cercarelli on 89300581 or email:  
l.cercarelli@darwin.nt.gov.au.

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.7  
 YES

**PARAP LEISURE AND SPORTS CENTRE STAGE 1 –UPDATE JUNE 2015**

REPORT No.: 15C0079 AM:kl COMMON No.: 2918032 DATE: 30/06/2015

**Presenter: General Manager Community & Cultural Services,  
 Anna Malgorzewicz**

**Approved: Chief Executive Officer, Brendan Dowd**

**PURPOSE**

The purpose of this report is to provide Council with a status report on the Parap Leisure and Sports Centre – Stage One.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

2 Vibrant, Flexible and Tropical Lifestyle

**Outcome**

2.3 Increased sport, recreation and leisure experiences

**Key Strategies**

2.3.2 Position Darwin as a host centre for local, national and international sport and other events

**KEY ISSUES**

- The Department of Infrastructure and Regional Development (DIRD) has confirmed Council's submission to the National Stronger Regions Fund was successful and an amount of \$4.483M has been secured toward the Parap Leisure and Sports Centre – Stage One project.
- Council has been advised a Draft Deed of Agreement will be provided in July 2015 to commence funding agreement negotiations.
- Project governance arrangements are well advanced and project team members have organised briefings with peak organisations and interstate councils undertaking projects of similar purpose and outcome.

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 REPORT NUMBER: 15C0079 AM:kl  
 SUBJECT: PARAP LEISURE AND SPORTS CENTRE STAGE 1 – UPDATE JUNE 2015

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## **RECOMMENDATIONS**

THAT Report Number 15C0079 AM:kl entitled Parap Leisure and Sports Centre Stage 1 –Update June 2015, be received and noted.

## **BACKGROUND**

PREVIOUS DECISIONS

DECISION 21\2697 (14/10/14)

### **National Stronger Regions Fund – Infrastructure Projects**

*Report No. 14TC0075 VG:mm (14/10/14) Common No. 2918032*

- B. *THAT Council endorse the Parap Leisure and Sports Precinct Project as the preferred project for submission to round one to the National Stronger Regions Fund.*
- C. *THAT Council, pursuant to Section 32 (2) of the Local Government Act hereby delegates to the Chief Executive Officer power to finalise the City of Darwin submission to the Australian Government National Stronger Region Fund Round One for a total project amount of up to \$20 million.*
- D. *THAT a further report be submitted to Council regarding potential projects for submission in round two of the National Stronger Regions Fund.*

## **DISCUSSION**

The Department of Infrastructure and Regional Development wrote to Council in May 2015 (**Attachment A**) advising that officers from the Department would commence funding agreement negotiations. Subsequent verbal advice from the Department is that these negotiations will take place during July 2015.

Project governance arrangements are well advanced with a project team identified and the preparation of necessary procurement, quality, communications and risk management plans in development. These elements will be finalised in July 2015.

Information briefings with relevant stakeholders and organisations have also been arranged for early to mid July 2015 including:

- Dempsey Consolidated (current swimming pool management contractor) to commence discussions regarding alternative arrangements for user groups during closure of the pool for the construction phase;
- Mr Graeme Stephenson, Swimming Australia, to discuss current FINA compliance requirements; and
- Cairns Regional Council representatives, including an onsite inspection of the multi-million dollar Tobruk Memorial Pool Redevelopment Project.

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 SUBJECT: PARAP LEISURE AND SPORTS CENTRE STAGE 1 – UPDATE JUNE 2015

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### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Manager Strategy & Outcomes

In preparing this report, the following External Parties were consulted:

- Department of Infrastructure and Regional Development

### **POLICY IMPLICATIONS**

Nil

### **BUDGET AND RESOURCE IMPLICATIONS**

Council has secured funding of \$4.48M through the National Stronger Regions Fund. The City of Darwin has committed a matching contribution of \$4.48M toward the project.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

A detailed risk management matrix was submitted as part of the funding submission and is being reviewed to reflect the current status of the project.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

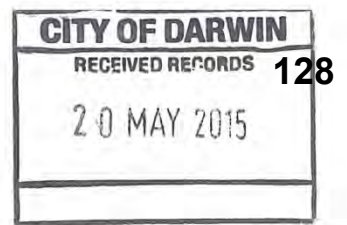
**ANNA MALGORZEWICZ**  
**GENERAL MANAGER**  
**COMMUNITY & CULTURAL**  
**SERVICES**

**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

For enquiries, please contact Anna Malgorzewicz on 89300633 or email: a.malgorzewicz@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Correspondence, Department of Infrastructure and Regional Development



**Australian Government**

**Department of Infrastructure and Regional Development**

Ref: NSRF000061

Mr Brendan Dowd  
Chief Executive Officer  
City of Darwin  
GPO Box 84  
DARWIN NT 0801

Dear Mr Dowd

I refer to the letter from the Hon Warren Truss, Deputy Prime Minister and Minister for Infrastructure and Regional Development on 11 May 2015, advising you that your organisation was successful in obtaining funding under Round One of the National Stronger Regions Fund programme for the Construction of Stage 1 of the Parap Leisure and Sports Centre.

A project officer from the Department of Infrastructure and Regional Development (the Department) has been assigned to your project. The project officer will be in contact with your organisation to discuss the project and will provide an overview of the process for negotiating a Deed of Agreement once documentation provided in your application has been reviewed.

I would also like to take this opportunity to remind you that you must enter into a Deed of Agreement within four weeks from the date the Department contacts your organisation to commence negotiations. Provision of funding is contingent upon the execution of appropriate contract documentation and settling of relevant project details. Therefore, any work on the project which is undertaken without a properly executed Deed of Agreement is at your own risk.

If you require further information, please contact the Department by email at [NSRF@infrastructure.gov.au](mailto:NSRF@infrastructure.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gordon McCormick'.

Gordon McCormick  
General Manager  
Regional Programmes Branch

15 May 2015



**ENCL:** 2ND ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 17.1  
**YES**

**COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS- JUNE 2015**

**REPORT No.:** 15TS0089 BS:dj **COMMON No.:** 2547669 **DATE:** 30/06/2015

**Presenter:** Manager Design, Planning & Projects, Drosso Lelekis

**Approved:** General Manager Infrastructure, Luccio Cercarelli

**PURPOSE**

The purpose of this report is to present to Council for consideration, responses to Development Applications for the period 06 June 2015 to 19 June 2015.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

1. Collaborative, Inclusive and Connected Community

**Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

**Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

**KEY ISSUES**

- City of Darwin officers' responses to the Northern Territory Government for Development Applications exhibited between the time period of 6 June 2015 to 19 June 2015.
- A comparison of Council responses to development applications and the Development Consent Authority outcomes is included within this report.
- The Development Consent Authority minutes detailing the outcome and conditions for the City of Darwin's application for the Nightcliff Café has been included within this report.

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SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2015

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## **RECOMMENDATIONS**

- A. THAT Report Number 15TS0089 BS:dj entitled Council Responses to Development Applications - June 2015, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A** and **B** to Report Number 15TS0089 entitled Council Responses to Development Applications- June 2015, for the period of 6 June 2015 to 19 June 2015.
- C. THAT Council note the cross-reference table of the Development Consent Authority decisions within **Attachment C**, to Report Number 15TS0089 BS:dj entitled, Council Responses to Development Applications – June 2015, for the period of 6 June 2015 to 19 June 2015.
- D. THAT Council note the Development Consent Authority Minutes (Meeting 253, item 12, Friday 8 May 2015) relating to the Nightcliff Café Development Application, within **Attachment D**, to Report Number 15TS0089 BS:dj entitled, Council Responses to Development Applications – June 2015, for the period of 6 June 2015 to 19 June 2015.

## **BACKGROUND**

Nil

## **DISCUSSION**

This report presents to Council for consideration, responses to Development Applications for the period 6 June 2015 to 19 June 2015, the cross-reference table of City of Darwin letter responses and the Development Consent Authority decisions and a copy of the Development Consent Authority minutes relating to the City of Darwin Nightcliff Café Development.

A total of 16 Development Applications are detailed below for the abovementioned period. Of these 16 applications, City of Darwin Officers recommend supporting 14 subject to normal conditions and supporting 2 subject to specific issues being adequately addressed. This represents a rate of 100% of the applications being supported.

### **Development Applications supported, subject to normal Council conditions**

The table below describes the Development Applications that are supported by City of Darwin officers, subject to Council's normal Development Permit conditions in regard to issues including, but not necessarily limited to, waste collection, access and stormwater drainage.

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 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2015

Responses to these Development Applications are provided as **Attachment A** to this report.

Property Address	Description of Development Proposal
<p><b>Portions 1665 &amp; 1666 – Hundred of Bagot</b>  <b>116 &amp; 120 Coonawarra Road, Winnellie</b></p>	<p>Change of use of two tenancies from office to restaurant             (New Development)</p>
<p><b>Lot 1986 – Town of Darwin</b>  <b>3 Coronation Drive, Stuart Park</b></p>	<p>Unit titles scheme subdivision to create 12 lots and common property</p>
<p><b>Lot 1938 – Town of Nightcliff</b>  <b>51 Bald Circuit, Alawa</b></p>	<p>Carport addition to an existing single dwelling with a reduced front setback             (Requires 4.5m, proposes 1.6m →2.1m, Premises are located on a bend and have a large front verge. Landscaping has been requested to be incorporated into the design to lessen the impact to the streetscape)</p>
<p><b>Portion 2662 – Hundred of Bagot</b>  <b>10 Carnoustie Circuit, Marrara</b></p>	<p>Carport additions to an existing single dwelling with a reduced side setback             (Requires 1.5m, proposes 0.6m)</p>
<p><b>Lot 2675 – Town of Sanderson</b>  <b>20 Darwent Street, Malak</b></p>	<p>Shed addition to an existing single dwelling with a reduce front setback             (Requires 6m from primary and 2.5 from secondary streets. Shed is positioned 2m from corner, 5m from Darwent St and approx. 3m from Radge Court)</p>

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Property Address	Description of Development Proposal
<p><b>Lot 4554 – Town of Nightcliff</b>  <b>362 Bagot Road, Millner</b></p> <p>(Home Maker Village)</p>	<p>Changes to an existing unit title subdivision to accommodate tenancy changes approved by DP14/0089</p> <p>(Removal of part of a building to create more car parking)</p>
<p><b>Sections 4842 &amp; 4843 – Hundred of Bagot</b>  <b>19 &amp; 17 Raphael Road, Winnellie</b></p>	<p>Consolidation to create one lot</p> <p>(Development Permit condition)</p>
<p><b>Lot 5851 – Town of Darwin</b>  <b>78 Cullen Bay Crescent, Larrakeyah</b></p>	<p>Additions to an existing single dwelling with a reduced front and side setback</p> <p>(Existing front set back is 3m, proposes 1m setback, continuation of existing side setback. Approved by Cullen Bay Marina Corp)</p>
<p><b>Sections 6021 &amp; 4356 – Hundred of Bagot</b>  <b>16 Willes Road, Berrimah</b>  <b>67 Hidden Valley Road, Berrimah</b></p>	<p>Subdivision and consolidation to create one lot</p> <p>(Approved crown land consolidating with existing lot)</p>
<p><b>Sections 6023 &amp; 4356 – Hundred of Bagot</b>  <b>18 Willes Road, Berrimah</b>  <b>67 Hidden Valley Road, Berrimah</b></p>	<p>Subdivision and consolidation to create one lot</p> <p>(Approved crown land consolidating with existing lot)</p>
<p><b>Lot 6141 – Town of Darwin</b>  <b>18 Gunbar Street, Bayview</b></p>	<p>Gate House structure with reduced front setback</p> <p>(Require 4.5m, proposes 4m)</p>

PAGE: 5  
 REPORT NUMBER: 15TS0089 BS:dj  
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2015

Property Address	Description of Development Proposal
<b>Lot 11402 – Town of Nightcliff 11 Ogden Street, Muirhead</b>	2 x 3 Bedroom multiple dwellings in a single storey building  (Muirhead Duplex)
<b>Lot 11509 – Town of Nightcliff 6 Farquhar Street, Muirhead</b>	2 x 3 Bedroom multiple dwellings in a single storey building  (Muirhead Duplex)
<b>Lot 11709 – Town of Nightcliff 97 Asche Street, Muirhead</b>	2 x 3 Bedroom multiple dwelling in a two storey building  (Muirhead Duplex)

**Development Applications supported subject to specific issues being adequately addressed:**

The table below describes the Development Applications that are not supported by City of Darwin officers until the issues outlined are addressed.

Responses to these Development Applications are provided as **Attachment B** to this report.

Property Address	Description of Development Proposal	Specific issues
<b>Lot 157 – Town of Darwin 37 Daly Street, Darwin City</b>	Alteration and additions to an existing service station including the conversion of the motor repair station into shop and storage area	Proposal does not adequately provide 75% active street frontage and that increased activation could be included in the building design

PAGE: 6  
 REPORT NUMBER: 15TS0089 BS:dj  
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2015

Property Address	Description of Development Proposal	Specific issues
<b>Portion 1743 – Hundred of Bagot 8 Albatross Street, Winnellie</b>	Unit title schemes subdivision to create two units and common property	Confirmation that there will be no car parking shortfalls to unit 1, and the location of a loading bay.

### **Cross Reference Table**

A comparison of Council letter responses and the Development Consent Authority decisions is provided as **Attachment C**.

### **Nightcliff Café - Development Consent Authority (DCA) Minutes**

The minutes from the DCA detailing the outcome and conditions for the City of Darwin's application for the Nightcliff Café have been included at **Attachment D**.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Planning Officer

### **POLICY IMPLICATIONS**

Relevant Council policies are noted in individual letter responses.

### **BUDGET AND RESOURCE IMPLICATIONS**

Budget implications may arise from individual development applications, including payment in lieu of car parking, payment of various contribution plans, and long term upgrading of infrastructure and services as a result of accumulative development.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

No risk, legal, legislative implications is expected from this application.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications have been identified.

PAGE: 7  
REPORT NUMBER: 15TS0089 BS:dj  
SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE  
2015

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### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING &**  
**PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 89300528 or email:  
c.robson@darwin.nt.gov.au.

#### **Attachments:**

- Attachment A:** Letters of support, subject to normal Council conditions, for Development Applications not yet considered by the Development Consent Authority
- Attachment B:** Letters of conditional support to Development Applications not yet considered by the Development Consent Authority.
- Attachment C:** A cross-reference table of City of Darwin responses to past Development Applications with corresponding DCA outcomes.
- Attachment D:** Development Consent Authority Minutes, Nightcliff Café Development Application (Meeting 253, item 12)

19 June 2015

Please quote: 3118849 BS:dj  
Your reference: PA2015/0369

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Portions 1665 and 1666 – Hundred of Bagot  
116 and 120 Coonawarra Road, Winnellie**

**Proposed Development: Change of use of two tenancies from office to  
restaurant**

Thank you for the Development Application referred to this office 5 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin supports the granting of a Development Permit.**
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **Waste**  
**The City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Policy 054.**

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

- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.



- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

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

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

16 June 2015

Please quote: 3114164 BS:dj  
Your reference: PA2015/0392

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 1986 – Town of Darwin  
3 Coronation Drive, Stuart Park

**Proposed Development:** Unit titles scheme subdivision to create 12 lots  
and common property

Thank you for the Development Application referred to this office 2 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.

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**

12 June 2015

Please quote: 3107689 BS:dj  
Your reference: PA2015/0335

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Lot 1938 – Town of Nightcliff  
51 Bald Circuit, Alawa**

**Proposed Development: Carport addition to an existing single dwelling  
with a reduced front setback**

Thank you for the Development Application referred to this office 25 May 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin does not object to the granting of a Development Permit.**
  - a). The City of Darwin acknowledges that the premises are located on a bend and have a large verge, however the application states that landscaping to the front is well maintained. A site visit indicated that there is no landscaping to the front of these premises. The City of Darwin is requesting that the Authority include a condition on any permit issued that landscaping is to be incorporated into the design to lessen the impact to the streetscape due to the construction of the carport so close to the front boundary.
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **The crossover and driveway shall meet City of Darwin requirements.**

-2-

- b). **The City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to the City of Darwin's drainage network.
- 1). The City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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**

16 June 2015

Please quote: 3116101 BS:dj  
Your reference: PA2015/0412

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Portion 2662 – Hundred of Bagot  
10 Carnoustie Circuit, Marrara**

**Proposed Development: Carport additions to an existing single dwelling  
with a reduced side setback**

Thank you for the Development Application referred to this office 3 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin does not object to the granting of a Development Permit** provided no changes are being proposed to the existing driveway and crossover. Submitted plans demonstrate a wider access point internal to the property, however no information has been provided regarding the existing driveway and crossover. Any proposed changes to the driveway and crossover adjacent these premises require a separate application to, and approvals from the City of Darwin.
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
  - b). **The crossover and driveway shall meet City of Darwin requirements.**

- c). **The City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to the City of Darwin's drainage network.
- 1). The City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

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

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

19 June 2015

Please quote: 3114153 BS:dj  
Your reference: PA2015/0394

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 2675 – Town of Sanderson  
20 Darwent Street, Malak

**Proposed Development:** Shed addition to an existing single dwelling with  
a reduced front setback

Thank you for the Development Application referred to this office 2 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin does not object to the granting of a Development Permit**, however it is requested that the authority add a condition to any Development Permit issued requiring landscaping to be provided between the shed and the fence to soften the visual impact of the sheds location.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- Stormwater shall be collected and discharged into the City of Darwin's drainage network at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.



- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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**

12 June 2015

Please quote: 3111315 BS:dj  
Your reference: PA2015/0375

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 4554 – Town of Nightcliff  
362 Bagot Road, Millner

**Proposed Development:** Changes to an existing unit title subdivision to accommodate tenancy changes approved by DP14/0089

Thank you for the Development Application referred to this office 1 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.

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**

12 June 2015

Please quote: 3111330 NS:dj  
Your reference: PA2015/0377

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Sections 4842 and 4843 – Hundred of Bagot  
19 and 17 Raphael Road, Winnellie**

**Proposed Development: Consolidation to create one lot**

Thank you for the Development Application referred to this office 29 May 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.

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**

12 June 2015

Please quote:3112910 BS:dj  
Your reference: PA2015/0376

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801.

Dear Ms Godfrey

**Parcel Description:** Lot 5851 – Town of Darwin  
78 Cullen Bay Crescent, Larrakeyah

**Proposed Development:** Additions to an existing single dwelling with a reduced front and side setback

Thank you for the Development Application referred to this office 29 May 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin does not object to the granting of a Development Permit.**
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
  - b). **The City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to the City of Darwin's drainage network.**

- 1). The City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.
- iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

19 June 2015

Please quote: 3120233 BS:dj  
Your reference: PA2015/0403

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:**                    **Sections 6021 and 4356 – Hundred of Bagot  
16 Willes Road, Berrimah  
67 Hidden Valley Road, Berrimah**

**Proposed Development:**    **Subdivision and consolidation to create one lot**

Thank you for the Development Application referred to this office 5 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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).    **The City of Darwin does not object to the granting of a Development Permit.**

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

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

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

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**



19 June 2015

Please quote:3118853 BS:dj  
Your reference: PA2015/0404

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:                      Sections 6023 and 4356 – Hundred of Bagot  
18 Willes Road, Berrimah**

**Proposed Development:    Subdivision and consolidation to create one lot**

Thank you for the Development Application referred to this office 5 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin does not object to the granting of a Development Permit.**


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

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

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

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

19 June 2015

Please quote: 3118847 BS:dj  
Your reference: PA2015/0384

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 6141 – Town of Darwin  
18 Gunbar Street, Bayview

**Proposed Development:** Gate house structure with reduced front setback

Thank you for the Development Application referred to this office 5 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.

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**

19 June 2015

Please quote: 3114168 CR:dj  
Your reference: PA2015/0408

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Lot 11402 – Town of Nightcliff  
11 Ogden Street, Muirhead**

**Proposed Development: 2 x 3 Bedroom multiple dwellings in a single  
storey building**

Thank you for the Development Application referred to this office 2 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin supports the granting of a Development Permit.**
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
  - b). **The crossover and driveway shall meet City of Darwin requirements.**
  - c). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.**

- 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
- 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

d). **Site Construction**

**The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager, Infrastructure, City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

- iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

b). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to the City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- 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 the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.

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- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Further, subject to conditions of subdivision to the satisfaction of service authorities.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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**

12 June 2015

Please quote: 3107697 BS:dj  
Your reference: PA2015/0363

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:**            **Lot 11509 – Town of Nightcliff  
6 Farquhar Street, Muirhead**

**Proposed Development:**    **2 x 3 Bedroom multiple dwellings in a single  
storey building**

Thank you for the Development Application referred to this office 25 May 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin supports the granting of a Development Permit provided the following issues are adequately addressed:**
  - a). The location, design and specifications for the proposed crossover and driveway from Ewens Street shall be provided at the applicant's expense to City of Darwin requirements and to the satisfaction of the General Manager Infrastructure, City of Darwin. The design is to include any existing street trees in this location, and if a tree is affected, further advice and approval from the City of Darwin is to be obtained by the developer prior to any works commencing in this area.
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**



b). **Site Construction**

**The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager, Infrastructure, City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

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

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- 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 the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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**

19 June 2015

Please quote: 3118848 CR:dj  
Your reference: PA2015/0413

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 11709 – Town of Nightcliff  
97 Asche Street, Muirhead

**Proposed Development:** 2 x 3 bedroom multiple dwellings in a two storey building

Thank you for the Development Application referred to this office 5 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin supports the granting of a Development Permit.**
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
  - b). **The crossover and driveway shall meet City of Darwin requirements.**
  - c). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.**

- 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
- 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

d). **Site Construction**

**The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager, Infrastructure, City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

- iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

b). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to the City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- 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 the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Further, subject to conditions of subdivision to the satisfaction of service authorities.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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**

12 June 2015

Please quote:3112918 NS:dj  
Your reference: PA2015/0380

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description:** Lot 157 – Town of Darwin  
37 Daly Street, Darwin City

**Proposed Development:** Alterations and additions to an existing service station including the conversion of the motor repair station into shop and storage area

Thank you for the Development Application referred to this office 29 May 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

- i). **The City of Darwin does not object the granting of a Development Permit provided the following issues are adequately addressed:**
- a). Clause 6.3.3, Urban Design Requirements in Central Darwin of the Northern Territory Planning Scheme requires:
3. "The design of buildings in Central Darwin is to provide 75% of the length of the site boundary as active street frontage through such treatment as":
- (a) "frequent, operational and legible entrances".
- (b) "clear glass windows with views to and from the street".

It is considered that the proposal does not adequately consider the purpose of the Clause; and that increased activation could be included in the building design through treatments identified above.

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**

a). **Waste**

**The City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Policy 054.**

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to the City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of the City of Darwin's Waste Management Policy 054 may be viewed on the City of Darwin's website or by contacting the City of Darwin's Infrastructure department.

b). **Site Construction**

**The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager, Infrastructure, City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.



- iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to the City of Darwin.

The City of Darwin comments in relation to the Planning Act, the Northern Territory Planning Scheme and Land Use Objectives:-

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

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

19 June 2015

Please quote: 3114992 BS:dj  
Your reference: PA2015/0407

Adelle Godfrey  
Acting Manager Urban Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Portion 1743 – Hundred of Bagot  
8 Albatross Street, Winnellie**

**Proposed Development: Unit title schemes subdivision to create two units  
and common property**

Thank you for the Development Application referred to this office 2 June 2015, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council 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). **The City of Darwin supports the granting of a Development Permit provided the following issues are adequately addressed:**
  - a). The City of Darwin requests that the Authority require a plan demonstrating the car parking lay out. It appears that approval of this application will result in a car parking shortfall for unit 1. The application states that car parking will continue to be available to the owners of the two units, however to facilitate this, the required number of car parks should be included in a revised layout of unit 1 or within common property.

A search of City of Darwin records indicates that no approvals have been provided for the bitumen within the nature strip and as such, this area cannot be used to reduce the number of car parking bays required for this application.

- b). The City of Darwin requests that the Authority require a plan demonstrating a loading bay. If the loading bay is to be internal to the

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warehouse then the plan should demonstrate how a truck will enter and exit within the six metre driveway and proposed car parking bays.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin'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 Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.

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**

# ATTACHMENT C

CROSS REFERENCE SHEET – Meeting 253 – Friday 8 May 2015

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 1 - PA2015/0040</b>  <b>Lot 9166 Town of Nightcliff</b>  <b>28 Orchard Road,</b>  <b>Coconut Grove</b>                      Single dwelling within a primary storm surge area with reduced side and rear setbacks</p>	<p>The City of Darwin did not object to the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.                      City of Darwin requested conditions were included in the Development Permit.</p>
<p><b>ITEM 2 - PA2015/0162</b>  <b>Lot 1038 – Town of Nightcliff</b>  <b>79 Rapid Creek Road,</b>  <b>Rapid Creek</b>                      Single dwelling within a primary storm surge area</p>	<p>The City of Darwin did not object to the granting of a Development Permit</p>	<p>The Development Consent Authority issued a Development Permit.                      City of Darwin requested conditions were included in the Development Permit.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 3 - PA2015/0200</b></p> <p><b>Lot 1111 - Town of Darwin</b></p> <p><b>16 Gardens Hill Crescent</b></p> <p>Verandah addition to an existing multiple dwelling (unit 5)</p>	<p>The City of Darwin supported the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.</p> <p>City of Darwin requested conditions were included in the Development Permit.</p>
<p><b>ITEM 4 - PA2015/0128</b></p> <p><b>Lot 5030 - Town of Darwin</b></p> <p><b>48 Cavenagh Street, Darwin City</b></p> <p>13 x 1 and 78 x 2 bedroom serviced apartments in a 17 storey building including ground level commercial tenancies and two levels of car parking.</p>	<p><b>SUMMARY OF ISSUES</b></p> <p>The City of Darwin objected to the granting of a Development Permit for the following reasons:</p> <p>There is a calculated car parking shortfall of 102 car parking spaces and some elements of the car parking layout do not meet the requirements of the Scheme.</p> <p>The proposal does not include full length or width awnings to the Cavenagh Street and Edmunds Street facades, no awnings have been included to the Litchfield Street façade.</p> <p>The plans do not address <i>Urban Design Requirements in Central Darwin of Clause 6.3.3</i> of the Scheme:</p> <ol style="list-style-type: none"> <li>1). the location of “frequent, operational and legible entrances” to the Australia Post outlet and the retail component to the eastern corner of the building,</li> <li>2). “mid block pedestrian linkages (arcades) at ground level from one street to the other in buildings that have dual frontages”. This is particularly relevant to the</li> </ol>	<p><b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b></p> <p>The Development Consent Authority deferred consideration and requested the following information:</p> <p>Information regarding the reduction to the car parking generation rate and explaining in detail why a reduction in car parking should be granted.</p> <p>Information addressing the adequacy of car parking bay sizes and how the reasonable expectation for a higher proportion of larger vehicles (as are prevalent in Darwin and having regard for the standard car parking bay dimensional requirements for bays in the NT Planning Scheme) is justified.</p> <p>Further details on the car parking generation rates for the serviced apartments and in particular on the generation rate, which should be applied to the 'dual key' apartments.</p>

	<p>subject proposal given that it has three (3) street frontages,</p> <p>3). The Litchfield Street façade provides very little interaction with the street.</p> <p>The proposal requires variation to the 6.0m setback requirement (from the site boundaries for Tier 2) for levels 5 – 17</p> <p>Council is concerned with the number, location and size of vehicle access points from Litchfield Street.</p> <p>Private open spaces should be 12m<sup>2</sup> with minimum dimensions of 2.8m x 4.0m. The minimum width for all balconies is approximately 1.25m. The studios and one (1) bedroom apartments have balconies with an area of 4m<sup>2</sup> – 8m<sup>2</sup> respectively.</p> <p>Removal of vegetation from the Litchfield Street road reserve is proposed.</p> <p>Services within Litchfield Street that have doors which open onto the footpath.</p> <p>End of trip facilities should be included such as bicycle storage, and public toilets.</p>	<p>Information to an easement in favour of 'Lot B' providing access across 'Lot A'</p> <p>Adequate facilities for the loading/unloading of passengers from buses and taxis associated with the serviced apartments.</p>
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DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 5 - PA2015/0179</b>  <b>Section 6055 – Hundred of Bagot</b>  <b>26 Mel Road, Berrimah</b>  Subdivision to create 28 lots.</p>	<p>The City of Darwin did not object to the granting of a Development Permit</p>	<p>The Development Consent Authority issued a Development Permit.  City of Darwin requested conditions were included in the Development Permit.</p>
<p><b>ITEM 6 - PA2015/0169</b>  <b>Lot 9772 &amp; Lot 9773, Town of Nightcliff</b>  <b>61 Progress Drive. Nightcliff &amp; 159 Dick Ward Drive, Coconut Grove</b>  Subdivision and consolidation to create two lots (boundary realignment).</p>	<p>There were no issues raised by this Development Application in relation to matters that fall within the responsibility of the City of Darwin</p>	<p>The Development Consent Authority issued a Development Permit.  City of Darwin requested conditions were included in the Development Permit.</p>



DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 7 - PA2015/0164</b></p> <p><b>Lot 11706 - Town of Nightcliff</b>  <b>Asche Street, Muirhead</b></p> <p>2 x 3 bedroom multiple dwellings in a two storey building.</p>	<p>The City of Darwin supported the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.</p> <p>City of Darwin requested conditions were included in the Development Permit.</p>
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 8 - PA2014/0956</b></p> <p><b>Lot 4888 - Town of Darwin</b>  <b>335 Stuart Highway</b></p> <p>36 x 2 and 18 x 3 bedroom multiple dwellings in a 3 x 3 storey buildings plus one level of basement car parking.</p>	<p>The City of Darwin objected to the granting of a Development Permit, under Section 49 of the <i>Planning Act</i>, for the following reasons:</p> <p>A building with 36 x 2 bedroom units and 18 x 3 bedroom units would require 5760m<sup>2</sup> of site area. The site is only 5220m<sup>2</sup> and therefore is short by 540m<sup>2</sup> which is greater than 10% variation</p> <p>The proposal includes reduced setbacks to three (3) sides</p> <p>The rear of the lot adjoins dwellings within Zone SD which requires a mandatory minimum setback of 3m, to be landscaped and appropriately fenced.</p> <p>As each of the three buildings is approximately 46m in length, an additional 5m setback is required. Therefore, a minimum rear setback of 8m is required. The proposal includes setbacks as minimal as 1.5m.</p>	<p>The Development Consent Authority issued a Notice of Determination and is now seeking to approve a landscape plan.</p> <p>City of Darwin requested conditions were included in the Development Permit.</p>

	The ground level units have been provided with between 13m <sup>2</sup> to 18m <sup>2</sup> of private open space which do not comply.	
<b>DCA ITEM NUMBER &amp; SUBJECT DESCRIPTION</b>	<b>SUMMARY OF ISSUES</b>	<b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b>
<b>ITEM 9 - PA2015/0158</b> <b>Section 6440 – Hundred of Bagot</b> <b>52 Miles Road, Berrimah</b> Subdivision to create nine lots.	The City of Darwin did not object to the granting of a Development Permit.	The Development Consent Authority issued a Development Permit. City of Darwin requested conditions were included in the Development Permit.
<b>DCA ITEM NUMBER &amp; SUBJECT DESCRIPTION</b>	<b>SUMMARY OF ISSUES</b>	<b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b>
<b>ITEM 10 - PA2015/0052</b> <b>Lot 3998 - Town of Darwin</b> <b>209 Stuart Highway</b> Mixed use development comprising service station, restaurants and shops.	The City of Darwin did not object to the granting of a Development Permit.	The Development Consent Authority approved the application and issued a Notice of Determination. City of Darwin requested conditions were included in the Development Permit.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 11 - PA2012/0453</b>  <b>Lot 9716 - Town of Nightcliff</b>  <b>5 Rothdale Road</b>            Variation of development permit: 24x2 bedroom multiple dwellings in 3x3 storey buildings.</p>	<p>Council objected to the granting of a Development Permit for the following reasons:</p> <p>Over density, the Northern Territory Planning Scheme permits 18 multiple dwellings on the 2430m<sup>2</sup> site and the application proposes 24 multiple dwellings.</p> <p>Plans are unclear whether the proposal has a car parking shortfall of one (1) car parking space.</p>	<p>The Development Consent Authority deferred consideration and requested the following information:</p> <p>Amended plans demonstrating that useable communal open space area is achieved including in relation to the overall dwelling density, the type of activities anticipated to be provided for, the projected needs of children for outdoor play, the provision of landscaping and shade, and future maintenance and management requirements.</p>
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 12 - PA2015/0131</b>  <b>Lot 8657 - Town of Nightcliff</b>  <b>259 Casuarina Drive</b>            Restaurant in a single storey building.</p>	<p>Nightcliff Cafe</p>	<p>Full minutes are included at <b>Attachment E</b> to Report Number 15TS0089 entitled Council Responses to Development Applications- June 2015, for the period of 06 June 2015 to 19 June 2015.</p>

**CROSS REFERENCE SHEET – Meeting 254– Friday 5 June 2015**

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 1 - PA2015/0228</b>  <b>Lot 6657 – Town of Darwin</b>  <b>28 Frances Bay Drive,</b>  <b>Darwin City</b>                      Passenger Terminal (heliport)</p>	<p>The City of Darwin supported the granting of a Development Permit, provided the following matters were adequately addressed:</p> <p>The application provides no information on the potential noise impacts of a heliport to the surrounding areas.</p> <p>It is unclear how the approach paths may impact upon surrounding areas, including both marine and land uses.</p> <p>The application indicates that the land will be leased from the Northern Territory Government on a short-term basis. No details of the lease period have been provided. The City of Darwin supports a time limited development permit, so that the area can develop in line with the existing Frances Bay Planning Principles and Area Plan into the future.</p> <p>There is no indication in the application of the proposed lease area, or whether this will extend into the surrounding water.</p>	<p>The Development Consent Authority deferred the application and requested the following information:</p> <p>Confirmation that the flight approach and departure is over the harbor only</p> <p>Confirmation that the model of helicopters used at the site will be small tourist helicopters only</p> <p>Confirmation that no refueling will be undertaken at the site</p> <p>Confirmation that the use of the site will be during daylight hours only</p> <p>Formal confirmation in writing from the Civil Aviation Safety Authority of acknowledgement of the proposal and no issues of concern.</p>
<p><b>ITEM 2 - PA2012/0453</b>  <b>Lot 9716 – Town of Nightcliff</b>  <b>5 Rothdale Road, Jingili</b></p> <p style="text-align: right;"><b>180</b></p>	<p>The City of Darwin supported the granting of a Development Permit provided the following issue is adequately addressed:</p> <p>Waste bin storage shall be located at the street frontage end of the lot, rather than the rear of the site.</p>	<p><b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b></p> <p>The Development Consent refused the application for the following reasons:</p> <p>The retrospective changes to the approved development include a reduction in the overall size of the communal open space area by 157m<sup>2</sup></p> <p style="text-align: right;"><b>180</b></p>

<p>Variation of development permit 24 x 2 bedroom multiple dwelling</p>		<p>The consent authority was of the opinion that the proposed changes to the development undermined the reasons of the previous determination granted</p> <p>The consent authority was of the opinion that the changes to the communal open space are a significant departure from the approved development and would not provide an adequate level of amenity to provide for the recreational needs of the future residents, noting the additional density granted at the site</p> <p>Insufficient information was provided by the applicant to demonstrate that a quality and useable communal open space area would be achieved</p>
<p><b>DCA ITEM NUMBER &amp; SUBJECT DESCRIPTION</b></p>	<p><b>SUMMARY OF ISSUES</b></p>	<p><b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b></p>
<p><b>ITEM 3 – PA2015/0222</b>  <b>Lot 5057 – Town of Sanderson</b>  <b>53 Longwood Avenue, Leanyer</b>  Independent unit with a floor area exceeding 50m<sup>2</sup></p>	<p>The City of Darwin objected to the granting of a Development Permit for the following reasons:</p> <p>The Independent Unit exceeds the maximum 50m<sup>2</sup> floor area by 80%</p> <p>It is considered that the proposed Independent Unit is commensurate in size to the existing dwelling and that two bedrooms, two bathrooms and a generous study is excessive for this use.</p> <p>Additionally, the site plan fails to nominate the additional 2 car parking spaces.</p>	<p>The Development Consent deferred the application and requested the following:</p> <p>Amended plans to achieve the required 3m separation between the single dwelling and independent unit whilst not causing any new non-compliances with the other requirements of the NT Planning Scheme.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 4 – PA2015/0241</b>  <b>Lot 2168 – Town of Darwin</b>  <b>15 Parap Road, Parap</b></p> <p>Alterations and additions to an existing hotel and restaurant</p>	<p>The City of Darwin objected to the granting of a Development Permit and requests a deferral for the following reasons:</p> <p>The submitted plans and Statement of Effect do not clearly identify the extent of the proposal or clearly delineate the floor area to be amended.</p> <p>That further information be provided to enable an adequate assessment of the subject proposal prior to any development permit being issued.</p>	<p>The Development Consent Authority issued a Notice of Determination with the following Conditions Precedent:</p> <p>A noise management plan is required to be provided demonstrating outdoor smokers area adjacent Parap Road, to be used during the operation of the hotel to reduce the potential impact of noise on neighboring residential properties.</p> <p>Plans modified to show car parking bays complying with the minimum requirements of the scheme</p> <p>The provision landscaping between bay no. 95 and Parap road to lessen the impact of the car park on the streetscape</p> <p>Revised elevations of the proposed development to correspond to the revised site plan.</p>
<p><b>ITEM 5 – PA2015/0232</b>  <b>Lot 9576 – Town of Nightcliff</b>  <b>247 Trower Road,</b>  <b>Casuarina</b></p> <p style="text-align: right;"><b>182</b></p>	<p>The City of Darwin supported the proposed use, however objects to the granting of a Development Permit for the following reasons:</p> <p>The subject proposal further increases the car parking shortfall given the change of use and increased floor area.</p> <p>The location of the additional 18 bays either side of the zebra crossing appear to cause pedestrians to deviate onto</p>	<p><b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b></p> <p>The Development Consent Authority issued a Development Permit</p> <p>City of Darwin requested conditions are included in the Development permit</p> <p style="text-align: right;"><b>182</b></p>

<p>Changes to the development approved by DP15/0073 for addition of one level and change of use of a tenancy from shop to leisure and recreation</p>	<p>Linton Street if walking to/from Trower Road and Casuarina Square.</p> <p>The City of Darwin requested that the site plan be amended to provide safe and continued pedestrian connections, or alternately relocate the car parking spaces to an area that does not inhibit pedestrian movements and safety.</p>	
<p><b>DCA ITEM NUMBER &amp; SUBJECT DESCRIPTION</b></p>	<p><b>SUMMARY OF ISSUES</b></p>	<p><b>DEVELOPMENT CONSENT AUTHORITY RESPONSE</b></p>
<p><b>ITEM 6 – PA2015/0112</b></p> <p><b>Lot 5182 – Town of Darwin</b></p> <p><b>Lot 8630 – Town of Nightcliff</b></p> <p><b>213 Dick Ward Drive, Ludmilla</b></p> <p>Subdivision to create three lots</p>	<p>The City of Darwin objected and requests a deferral subject to the following issues being resolved:</p> <p>The proposed subdivision should not occur until the fill approved by Development Permit DP15/0078 has been undertaken and an independent certificate of compliance has been issued to the satisfaction of the Northern Territory Government.</p> <p>The proposed subdivision fails to identify the location of a future legal access point from Dick Ward Drive to service the proposed subdivision and future development.</p> <p>The application is not supported by the complete Aboriginal Areas Protection Authority Certificate, certificate number C2014/011. The application is supported by a map only which is an attachment to the certificate.</p> <p>The map identifies a 'checked by' date of the 30/01/14. Council queries the validity of the map (and potentially the certificate) given that the subdivision has been reconfigured to address prior concerns made after the 30/01/14.</p>	<p>The Development Consent Authority issued a Development Permit and requested a final, signed version of the hydrological report, consistent with that submitted with the application dated 18 March 2015 be provided.</p>

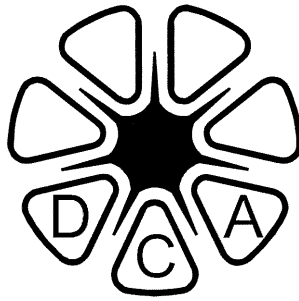
CROSS REFERENCE SHEET – Meeting 255– Friday 5 June 2015

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 1 – PA2015/0244</b>  <b>Lot 11470 – Town of Nightcliff</b>  <b>23 Bevan Street, Muirhead</b>                      2 x 3 Bedroom multiple dwellings in a single storey building</p>	<p>The City of Darwin did not support the granting of a Development Permit for the following reasons:                      The submitted plans do not adequately indicate the dimensions of the private open space for either unit and appear to not meet the dimensions required by the scheme.                      The remaining area of undeveloped land for Unit 2 would appear more to function as a service area rather than private open space given the width.</p>	<p>The Development Consent Authority issued a Development Permit.                      City of Darwin requested conditions were included in the Development Permit.</p>
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 3 – PA2015/0260</b>  <b>Lots 4862 and 4863 – Town of Nightcliff</b>  <b>4 Pearce Place, Millner</b>  <b>9 Sprigg Street, Millner</b>                      Change of use to community centre</p>	<p>The City of Darwin did not object to the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.                      City of Darwin requested conditions were included in the Development Permit.</p>
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 4 – PA2015/0278</b>  <b>Units 7189 and 7197 – Hundred of Bagot</b></p>	<p>No issues were raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.</p>	<p>The Development Consent Authority issued a Development Permit.</p>



<p>Tenancy 8, 102 Coonawarra Road, Winnellie</p> <p>Change of use from warehouse to leisure and recreation (martial arts gym)</p>		
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 5 - PA2015/0258</b></p> <p><b>Lot 2296 – Town of Nightcliff</b></p> <p><b>8 Mullen Gardens, Alawa</b></p> <p>Carport addition to an existing single dwelling with reduced front and side setbacks</p>	<p>The City of Darwin did not object to the granting of a Development Permit:</p> <p>The City of Darwin acknowledged that the subject site is located on a bend with a large verge and an odd shaped front boundary line.</p>	<p>The Development Consent Authority approved the application and issued a Notice of Determination.</p> <p>City of Darwin requested conditions were included in the Development Permit.</p>
DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 6 – PA2015/0286</b></p> <p><b>Lot 5229 – Town of Darwin</b></p> <p><b>10 Atkins Drive, The Gardens</b></p> <p>On facility with associated single storey building and equipment shelters</p>	<p>The City of Darwin supported the granting of a Development Permit provided the following issue is adequately addressed:</p> <p>Plans indicate a temporary works area within Lot 5670 (109) Gilruth Avenue and the proposed sub cable route crossing Atkins Drive. Notwithstanding that, the Northern Territory Government owns Lot 5670, Atkins Drive is a City of Darwin road.</p>	<p>The Development Consent Authority issued a Development Permit.</p> <p>City of Darwin requested conditions were included in the Development Permit which included:</p> <p>Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.</p>

SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p><b>ITEM 7 – PA2015/0059</b></p> <p><b>Lot 1229 – Town of Darwin</b></p> <p><b>137 Smith Street, Larrakeyah</b></p> <p>10 x 2 Bedroom multiple dwellings in a six storey building including ground level car parking</p>	<p>Pursuant to Section 49 of the Northern Territory Planning Act the City of Darwin strongly objected to the granting of a Development Permit for the following reasons:</p> <p>The proposal does not meet the required setbacks</p> <p>The adjoining building to the south-west on Lot 1230, includes windows facing the south-western boundary, therefore there is likely to be significant loss of amenity and privacy for the residences on Lot 1230</p> <p>The nil setback to Lot 1230 also reduces breeze penetration between the buildings</p> <p>The exterior wall to the lift shaft and stairs present as a blank wall to the adjoining property. The impact of this is compounded by the nil setback.</p>
	<p>The Development Consent Authority issued a Development Permit.</p> <p>City of Darwin requested conditions were included in the Development Permit.</p> <p>A condition precinct included within this approval includes the retention of the existing banyan tree adjacent to Mangola Court, or otherwise evidence that the development cannot be appropriately or functionally configured to retain this tree without causing further non-compliances of the requirements of the Planning Scheme</p>



## DEVELOPMENT CONSENT AUTHORITY

### DARWIN DIVISION

### MINUTES

**MEETING No. 253- FRIDAY 8 MAY 2015**

**BROLGAROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN**

**MEMBERS PRESENT:** Denis Burke (Chairman), Grant Tambling, Ross Baynes, Garry Lambert and Bob Elix

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Adelle Godfrey, Joseph Sheridan, Stephanie Breuer and Ann-Marie Dooley (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson (Items 4, 10 and 12 only)

**Meeting opened at 9.00 am and closed at 4.30 pm**

ITEM 12  
PA2015/0131  
APPLICANT

**RESTAURANT IN A SINGLE STOREY BUILDING  
LOT 8657 (259) CASUARINA DRIVE, TOWN OF NIGHTCLIFF  
RAY LAURENCE CONSTRUCTIONS PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Bob Elix and Mr Carry Lambert members of the Darwin Division of the Development Consent Authority declared a conflict of interest and were not present during and did not take part in any deliberation or decision of the division in relation to this item.

Mr Charlie Dickman (Ray Laurence Constructions), Ms Wendy Smith (Elton Consulting), Mr Adam Prentice (Hames Sharley) attended. Mr Luccio Cercarelli, Ms Cindy Robson and Mr Brian Sellers (all from City of Darwin) attended.

Submitters Mr Simon Scally, Ms Patsy Hickey, Ms Dianne Koser, Mr Anthony Young, Mr Craeme Hockey, Ms Carolyn Marriott, Mr John Antella, Mr John Love, Miss Margaret Clinch (Plan), Ms Marisa Fontes, Ms Gail Warman, Ms Graham Kirby, Mr Alan Feigan attended.

Interested parties who attended:- Mr Bill Day, Mr Rob Inder-Smith and Ms Tamara Howie (NT News) attended.

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 8657 (259) Casuarina Drive, Town of Nightcliff for the purpose of a restaurant in a single storey building, subject to the following conditions:

**RESOLVED  
119/15**

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the amended plans submitted on 17 April 2015 (by Elton Consulting) but must include:
  - a. Parking bay dimensions that comply with the dimensional requirements specified by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
  - b. Confirm that the roofing material and colour choice will be non-reflective;
  - c. Clarify the scope of works to clearly show that the following will occur as part of the restaurant development:
    - i) the western car park upgrade;
    - ii) all landscaping works;
    - iii) the construction of the new path-way around the perimeter of the site to the north of the pool;

- iv. the construction of the new path-way to the south of the existing driveway parallel to Casuarina Drive; and
  - v. the removal of the existing path-way within the driveway parallel to Casuarina Drive.
2. Prior to the endorsement of plans and prior to the commencement of works, confirmation shall be provided from a suitably qualified person that on-site car parking arrangements have been designed with a view to minimise the potential for conflicts between pedestrian, cyclist, and general and service vehicle movements.
  3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the revised plans submitted on 17 April (by Elton Consulting) but show:
    - a. a survey (including botanical names) of all existing vegetation to be retained and/or removed;
    - b. details of surface finishes of pathways and driveways;
    - c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant including landscaping around/within the western car park, used as part of vertical gardens and directly adjacent to the restaurant including within the alfresco area;
    - d. additional shade trees or similar planting that provides additional shade to western side of the building, and within the western car parking area; and
    - e. additional details of the green wall proposed to the restaurant building.

All species selected must be to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. constructed;
  - b. properly formed to such levels that they can be used in accordance with the plans;
  - c. surfaced with an all-weather-seal coat;
  - d. drained;

- e. line marked to indicate each car space and all access lanes; and
  - f. clearly marked to show the direction of traffic along access lanes and driveways;
  - g. to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
  9. Prior to commencement of the use the 'new shared path' along the northern boundary and around the perimeter of the site must be completed.
  10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
  11. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
  12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority.
  13. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
  14. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
  15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
  16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing

- requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
  3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
  4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgment of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
  5. The consent authority noted at the time of determining the application the intention for double glazing or other high performance glass to the western facade of the restaurant building.

#### **REASONS FOR THE DECISION**

1. Lot 8657 is within Zone OR (Organised Recreation) of the Northern Territory Planning Scheme. The primary purpose of Zone OR is to provide areas for organised recreational activities. Development is to be limited to that which is consistent with the recreational opportunities of the land. The application proposes the addition of a new restaurant adjacent to an existing Council owned swimming pool. The restaurant will be located over an area currently sealed and used for informal car parking. The proposal is considered to align with a common definition of 'recreation' which includes a pastime, exercise or other resource that affords relaxation or enjoyment. Use of the land for a restaurant is not considered to jeopardise the ongoing use of other parts of the site as intended by the zone.
2. The revised proposal performs well against the minimum standards of the Northern Territory Planning Scheme. The level of compliance achieved and the additional information required is expected to ensure no unreasonably amenity impacts.
3. Conditions requiring submission of further information is required to confirm the scope of works and ensure the car parking layout is function and convenient and that the roof material/colour is non-reflective. A condition requiring completion of the new shared paths along the

northern boundary of the site, and between the internal driveway and Casuarina Drive to the south of the site are to be completed prior to commencement of the use is required to ensure that appropriate access is provided through the site for pedestrians and cyclists and to reduce the potential for conflict between pedestrian, cyclist, and general and service vehicle movements.

4. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions received under section 49. A total of 41 public submissions were received under section 49 of the Act in response to the exhibition of the proposal. The key issues raised in submissions included the nature of the development, clarification of staging and the works proposed, traffic and safety concerns, licencing matters, building design, landscaping design, and impact on views. The submissions have been considered by the consent authority in making its determination. The conditions require confirmation of the works proposed, including to address traffic and safety concerns and the parking layout, and the provision of additional landscaping details. The building design is single storey and has a comparable height to other existing buildings and structures on the site.
5. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates. The proposal is for the use of existing serviced land for a restaurant and no service authority raised any concerns with the capability of the land. The plans illustrate a 25m setback from the solid walls of the building to the cliff edge.

**ACTION:** Notice of Consent and Development Permit

**RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING**

**DENIS BURKE**  
Chairman



**ENCL:** 2ND ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 17.2  
**YES**

**PROVISIONS TO ALLOW SMALL LOTS IN ZONE SD (SINGLE DWELLING RESIDENTIAL) IN GREENFIELD AREAS - PA2015/0161**

**REPORT No.:** 15TS0101 NS:dj **COMMON No.:** 3114885 **DATE:** 30/06/2015

**Presenter:** Manager Design, Planning & Projects, Drosso Lelekis

**Approved:** General Manager Infrastructure, Luccio Cercarelli

**PURPOSE**

The purpose of this report is to refer to Council for comment, Pursuant to Section 19 of the *Planning Act*, the following development application: Provisions to allow small Lots in Zone SD (Single Dwelling Residential) in Greenfield Areas - PA2015/0161.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

1. Collaborative, Inclusive and Connected Community

**Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

**Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

**KEY ISSUES**

- It is recommended that Council support the proposed amendment application.
- The application proposes to amend the Northern Territory Planning Scheme to allow for single dwelling lots between 450m<sup>2</sup> and 800m<sup>2</sup> (with an average lot size of 600m<sup>2</sup>) within greenfield areas identified by area plans.
- Single dwelling lots of these sizes are already permitted in integrated residential developments and through various specific use zones.
- The proposed amendment would enable this type of development to occur within Zone SD (Single Dwelling Residential) and Zone FD (Future Development), identified by a map, plan, design or diagram forming part of the Northern Territory Planning Scheme.
- The proposed controls also include minimum requirements for lot configuration, building envelopes, setbacks, open space and deep soil planting.
- The proposal would provide consistency between greenfield subdivision developments.

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## **RECOMMENDATIONS**

- A. THAT Report Number 15TS0101 NS:dj entitled Provisions to allow small Lots in Zone SD (Single Dwelling Residential) in Greenfield Areas - PA2015/0161 be received and noted.
- B. THAT Council endorse the submission dated 26 June 2015, to the Reporting Body supporting the Northern Territory Planning Scheme amendment subject to additional considerations as per **Attachment B**, within to Report Number 15TS0101 NS:dj entitled Provisions to allow small Lots in Zone SD (Single Dwelling Residential) in Greenfield Areas - PA2015/0161.

## **BACKGROUND**

The Minister for Lands and Planning is seeking comments on a planning scheme amendment to allow; "lots between 450m<sup>2</sup> and 800m<sup>2</sup> (with an average of 600m<sup>2</sup>) for single dwellings within greenfield sites identified in the Northern Territory Planning Scheme (the scheme) by an area plan and associated planning principles that include compact urban growth centres". This would provide a "residential density of 11 or 12 dwellings per hectare which is consistent with the CUG (Compact Urban Growth) policy" which was exhibited earlier this year and was adopted by the Minister for Lands and Planning on 15 June 2015.

The CUG Policy (refer to **Attachment C**) defined 'greenfield development' as: "the creation of new planned suburbs and communities on previously undeveloped land".

The purpose of the amendment is to "adjust the average lot size to achieve the product continuity that the residential land industry needs in order to deliver affordable products and housing choice in greenfield areas".

"The proposed amendment can be summarised as follows"

- ***subdivision provisions***

*Clause 11.1.2 (Lots for Single Dwellings in Greenfield Sites associated with areas for Compact Urban Growth)* replaces the existing clause on integrated residential development. The proposed clause encourages a range of lot sizes by setting the average to 600m<sup>2</sup>.

A provision to minimise the use of land constrained by slope is introduced to *Clause 11.2.1 (Site Characteristics etc.)* to deliver more serviceable construction sites for lots less than 600m<sup>2</sup>.

The minimum building envelope table to *Clause 11.2.3 (Lot Size and configuration etc.)* is altered to allow narrower and deeper lots; and the table to *Clause 11.2.4 (Lots less than 600m<sup>2</sup> for Single Dwellings)* gives the minimum length of any boundary to a road.

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- ***performance criteria***

New table to *Clause 6.5.4 (Vehicle Access and on-site parking...on lots less than 600m<sup>2</sup>)* requires single vehicle access where the property frontage is less than 15m.

Amended *Clause 7.3.3. (Setbacks for Single Dwellings on lots less than 600m<sup>2</sup>)* allows a zero building setback to one side boundary if the other side boundary has a 3 metre setback; and a reduced front setback for an equivalent increase in private open space.

New subclause 3 to *Clause 7.5 (Private Open Space)* includes the provision of permeable areas for tree planting and landscaping to the front boundary for lots less than 600m<sup>2</sup>.

“It is relevant to note that subdivision requires development consent and applications are assessed against Planning Scheme provisions by the Department and determined by the consent authority. Whereas, single dwellings are a permitted use on lots no less than 300m<sup>2</sup>, and home designers and building certifiers will assess compliance with the Scheme’s performance criteria. For this reason subdivision provisions can rely on a degree of interpretation, whilst the performance criteria for single dwellings must be clear and measurable”.

Refer to **Attachment A** for further information and a comparison to the existing and proposed scheme provisions. Note: to demonstrate the changes to the scheme, the Department of Lands, Planning and the Environment has highlighted the existing scheme in **BLUE** and the proposed changes in **RED**.

## **DISCUSSION**

From a discussion with the Department of Lands, Planning and Environment (the Department), the scheme amendments discussed within the report are aimed to enable greenfield development largely in Palmerston and Alice Springs. The Department hope that these amendments will result in the reduced need to introduce Specific Use Zones.

The Department does not consider that the Old Hospital and Khalin Compound site or the Berrimah North urban area are greenfield sites and therefore these amendments would not apply to any future development of these areas.

The Department does consider that within the City of Darwin municipality, the future Muirhead North and 2CRU (544 and 577 Lee Point Road, Lee Point) would be greenfield development sites and therefore these amendments would apply to any future development of these sites if an Area Plan is developed.

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The Berrimah Farm is predominantly brownfield. Sections of the site are classified as greenfield and therefore these amendments would apply to any future development of select areas. Through the residential subdivision stage, the Department will identify where greenfield and brownfield areas would apply.

It is important to note that if/when Area Plans are developed they are exhibited for 28 days prior to being inserted into the scheme and Council may respond to any element of the Area Plan it sees fit at that stage.

### Current Proposal

Below is a summary to each of the changes to the scheme that will occur as a result of the subject amendment (if approved); discussions are split into amended subdivision provisions and performance criteria:

## **AMENDED SUBDIVISION PROVISIONS**

### ***Amended Clause 11.1.2 Integrated Residential Development***

The scheme currently requires:

4. "Not more than 50% of the lots in an integrated residential development are to be less than 800m<sup>2</sup>"; and
5. "In an integrated residential development in Zones SD and FD:
  - (a) the minimum lot size is to be at least 450m<sup>2</sup>; and
  - (b) the average lot size is to be at least 700m<sup>2</sup>".

The new *Clause 11.1.2 Lots for Single Dwellings in Greenfield areas* will replace the existing Clause and promote single dwelling development in greenfield areas with a minimum lot size of 450m<sup>2</sup> and a maximum lot size of 800m<sup>2</sup>, with an average lot size of 600m<sup>2</sup>. These greenfield areas are to be "identified by a map, plan, design or diagram forming part of the Planning Scheme". "The proposed changes do not apply to established residential areas"; the changes would however apply to a map, plan design or diagram already adopted by the scheme for greenfield sites only (i.e. brownfield sites would not have the subject amendments applied).

Whilst these provisions have been developed to support the "Government's initiative to provide smaller and more affordable urban residential lots", the Clause does not consider the need:

- for residential development to be in keeping with the character and amenity of the area, providing a transition in density, height, bulk and massing where lower density localities are adjacent or adjoining.

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For example, Zuccoli has larger lots (1,000m<sup>2</sup> and greater) which have an interface to Zone RR (Rural Residential) lots of about 2,000m<sup>2</sup> in area. The Specific Use Zone developed for Zuccoli provided a range of lots of 255m<sup>2</sup> – 1,000m<sup>2</sup> in Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) to meet the needs of affordable housing and an interface between Zone RR.

This is reflected in the recently gazetted Compact Urban Growth Policy, however it is considered that it should also be added to this amendment for clarification; and

- to provide buffers to address land constraints such as biting insects and conflicting land uses.

For example, Muirhead requires a lot with “greater than 80% of its area within the biting insect buffer, has an area of less than 4,000m<sup>2</sup>”. The Specific Use Zone developed for Muirhead provided a range of lots of 450m<sup>2</sup> – 4,000m<sup>2</sup> to meet the needs of affordable housing and reduced residential development on constrained land.

Whilst it is acknowledged that such development in greenfield areas is to be supported by a “map, plan, design or diagram forming part of the Planning Scheme”, these provisions of the scheme should consider the need to provide such buffers.

In the absence of such considerations to *Clause 11.1.2*, it is unlikely that provisions would not be included in the development of greenfield areas and it is therefore requested that a broad statement be included to address such considerations to *Clause 11.1.2* and any other relevant Clauses of the scheme.

### **Amended *Clause 11.2.1 Site Characteristics in Residential Subdivision***

Clause 11.2.1 already states that “residential subdivision design should” “avoid the development of land of excessive slope”.

The amendment to *Clause 11.2.1* introduces an additional subclause which requires “residential subdivision design should”:

- (b) “ensure, by site selection or site regarding, that areas of a site intended for lots less than 600m<sup>2</sup> are flat to gently sloping such that the need for on-site stormwater structures, retaining walls and the like is minimised”.

In the absence of a nominal percentage, “flat” and “gently sloping” are open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority’s.

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### **Amended Table to Clause 11.2.3 Lot Size and Configuration in Residential Subdivision**

The table to *Clause 11.2.3* provides minimum building envelope requirements, below is a comparison to the existing and proposed provisions.

<b>Lot Size</b>	<b>Existing minimum building envelope requirement</b>	<b>Proposed minimum building envelope requirement</b>	<b>Difference to the minimum building envelope requirement</b>
<b>300m<sup>2</sup> to less than 450m<sup>2</sup></b>	7m x 15m = 105m <sup>2</sup>	7m x 15m = 105m <sup>2</sup>	Nil
<b>450m<sup>2</sup> to less than 600m<sup>2</sup></b>	10m x 15m = 150m <sup>2</sup>	8m x 15m = 120m <sup>2</sup>	The width is reduced from 10m to 8m, which results in a 30m <sup>2</sup> reduction to the minimum building envelope.
<b>600m<sup>2</sup> and greater</b>	17m x 17m = 289m <sup>2</sup>	17m x 17m = 289m <sup>2</sup>	Nil

**Note:** in addition to changes to the dimensions, the wording and the formatting of the table have been made.

Building envelopes will be required to be nominated at the residential subdivision stage and will be subject to comment from the City of Darwin.

Dense urban areas typically store more heat during the day than areas with less development (i.e. rural areas) and therefore take longer to cool during the night. This is often referred to as the urban heat island effect. Large, undeveloped vegetated land at the perimeter of highly developed areas provides cool air into urban areas. Integrating vegetation within urban streets assists in circulating the cooler air. Given that solar heating isn't necessary in Darwin, buildings (especially windows) should be shaded from the sun as much as possible. Orientating blocks to receive a south-east and north-west orientation, promotes prevailing breezes during both the wet and dry season and maximises cross ventilation. Clause 11.2.3 already requires consideration of breezes in relation to lot orientation. Building envelopes also play an important role in allowing breeze penetration and therefore consideration of the location of building envelopes in relation to breeze penetration should also be included in the provisions.

### **Amended Clause 11.2.4 Lots less than 600m<sup>2</sup> for Single dwellings in Zone MD**

This Clause "was introduced in March 2014" to "ensure proper consideration of access, street parking and infrastructure for lots less than 600m<sup>2</sup>". The wording of the subclauses have been amended, they still however reflect the purpose of *Clause 11.2.4*.

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This Clause has been amended to delete all references to Zone MD and will now apply to all residential development on lots less than 600m<sup>2</sup>, regardless of its residential zone.

It is proposed that *Clause 11.2.4* will include the below table:

<b>Table to Clause 11.2.4</b>	
<b>Range of Lot Size</b>	<b>Minimum Length of any Boundary to a Public Road</b>
450m <sup>2</sup> to less than 600m <sup>2</sup>	13m
300m <sup>2</sup> to less than 450m <sup>2</sup>	10m

Given that the Table to *Clause 11.2.3* nominates building envelope requirements and the Table to *Clause 11.2.4* nominates minimum lengths of any boundary to a public road, this will result in minimum side setbacks of:

<b>Lot size</b>	<b>Proposed Minimum Length of any Boundary to a Public Road</b>	<b>Proposed minimum building envelope requirement</b>	<b>Minimum total side setbacks as a result of the minimum building envelope and minimum length of boundary to a public road</b>
<b>300m<sup>2</sup> to less than 450m<sup>2</sup></b>	10m	7m x 15m = 105m <sup>2</sup>	10m – 7m = 3m
<b>450m<sup>2</sup> to less than 600m<sup>2</sup></b>	13m	8m x 15m = 120m <sup>2</sup>	13m – 8m = 5m*

\* **Note:** larger building envelopes could be nominated, reducing the side total side setbacks on lots 450m<sup>2</sup> to 600m<sup>2</sup> to a minimum of 3m, as per the amendment to *Clause 7.3.3*.

The side setbacks of *Clause 7.3 Building Setbacks of Residential Buildings* will apply to residential development on lots in excess of 600m<sup>2</sup>.

#### **AMENDED PERFORMANCE CRITERIA**

##### ***Clause 6.5.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m<sup>2</sup> in Zone MD***

This Clause has been amended to delete all references to Zone MD and will now apply to all residential development on lots less than 600m<sup>2</sup>, but not less than 300m<sup>2</sup> in area.

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It is proposed that *Clause 6.5.4* will include the below table:

<b>Table to Clause 6.5.4</b>	
<b>Lot Size</b>	<b>Vehicle Access Driveways</b>
450m <sup>2</sup> to less than 600m <sup>2</sup>	Vehicle Access shall be via a single driveway, no wider than 3.5 metres, where the boundary to the public road is less than <b>15m</b> .
300m <sup>2</sup> to less than 450m <sup>2</sup>	Vehicle Access shall be via a single driveway, no wider than 3.5 metres, where the boundary to the public road is less than <b>13m</b> .

The above, takes into consideration the access and on-site parking issues associated with lots less than 600m<sup>2</sup> in area. If approved, the City of Darwin will include the provision for driveways no wider than 3.5 metres as part of its standard conditions for lots less than 600m<sup>2</sup> in area.

### ***Clause 7.3.3 Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup>***

Currently *Clause 7.3.3* allows for single dwellings on lots less than 600m<sup>2</sup> in Zone MD to have 0m setbacks (subject to performance criteria).

This Clause has been amended to delete all references to Zone MD and will now apply to all residential development on lots less than 600m<sup>2</sup> (but not less than 300m<sup>2</sup> in area) and allow a 0m “building setback to one side boundary and a reduction to front setback in lieu of an equal increase in private open space”. This is on the provision that as per subclause 2.:

- (a) “that boundary is internal to the subdivision that created that lot; and
- (b) that lot was created after the inclusion of this clause to the Planning Scheme”.

Subclause 4. introduces:

4. “Despite Table A to clause 7.3, a **single dwelling** on a lot subject to this clause may, in accordance with the table to this clause, have a reduced front setback to **habitable rooms** only, providing:
  - (a) the area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with Clause 7.5;
  - (b) the reduced setback is not less than the front setback of an existing building on an adjacent lot; and
  - (c) a landscaped area is included along the front boundary that will provide visual amenity to the public road.”



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<b>Table to Clause 7.3.3</b>	
<b>Lot Size</b>	<b>Building Setbacks</b>
450m <sup>2</sup> to less than 600m <sup>2</sup>	<p>If a 3m setback is provided to one side boundary:</p> <ul style="list-style-type: none"> <li>• a zero building setback is permitted to no more than one side boundary of the lot; and</li> <li>• the front building setback may be reduced to no less than <b>3</b> metres subject to the provisions of subclause 4.</li> </ul>
300m <sup>2</sup> to less than 450m <sup>2</sup>	<p>A zero building setback is permitted to no more than one side boundary of the lot.</p> <p>The front building setback may be reduced to no less than <b>3</b> metres subject to the provisions of subclause 4.</p>

The introduction of this clause will ensure that the private open space is located to the rear of the dwelling. It is apparent in Durack (in some instances on the small lots) that the private open space has been located to the front of the dwelling and due to the slope of the lot; the private open space is visible when standing within the street.

It is considered that subclause 4. (b) is 'loose' in its terminology; consideration to both of the adjacent lots should be made to ensure built form and streetscape character are consistent. For example if both adjacent lots have been developed, the setback could be (at minimum) the average setback of the two adjacent dwellings. If there is no adjacent development then the subject dwelling should be assessed against the requirements of the scheme.

This provision also encourages active uses at ground floor, to ensure passive surveillance is maintained and that the façade is not dominated by the garage/off-street car parking. This Clause also calls upon the private open space requirements of *Clause 7.5* which requires a single dwelling on a lot less than 600m<sup>2</sup> to have 50m<sup>2</sup> with a minimum dimension of 6m x 6m. There are no amendments proposed to *Clause 7.5*.

Nil setbacks to both side boundaries are not ideal but by offsetting buildings on opposite sides of the block, paths for the wind to move through are created, as well as private outdoor rooms; therefore encouraging prevailing breezes. Nil setbacks should be nominated on building envelope plans to provide consistency and certainty.

The nil setback provisions do not consider the amenity impacts that double storey dwellings would have on adjacent lots. Nil setbacks for double storey dwellings may present as excessively bulky or overwhelming, particularly when viewed from the adjacent lot. Consideration needs to be given to the maximum length and height of 0m setbacks.

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It may be better to limit the length of the boundary where a nil setback can apply i.e. The Frances Bay (Zone SD20) subdivision includes limits on length of 0m setbacks and the storeys where it applies.

The proposed clause fails to address criteria for corner allotments, consideration to setbacks needs to be included given that single dwellings are a permitted use on lots no less than 300m<sup>2</sup>.

It is considered that subclause 4. (c) is also 'loose' in its terminology; the intent of the provision is open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority's.

### **Clause 7.5 Private Open Space**

The package exhibited acknowledges that "private open space becomes more important as more compact residential development leads to suburbs with a greater proportion of impervious surface. Two associated problems are the higher concentration of stormwater discharge and less opportunity to establish shade trees".

To address stormwater discharge and shade trees, *Clause 7.5* has been amended to include such considerations, including:

3. Private open space on lots less than 600m<sup>2</sup> should:
  - (a) for its greater part, be permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
  - (b) include at least one area of approximately 5m<sup>2</sup> for the planting of deep rooted shade tree; and
  - (c) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.

Whilst subclause 3. (a) provides some consideration to permeable surfaces to address stormwater issues, the intent of the provision is open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority's; for instance 30% of the site to be landscaped with 15% of that area to be permeable surfaces

Whilst 5m<sup>2</sup>, may not sound like sufficient area for deep rooted shade trees for lots less than 600m<sup>2</sup> in area, when considering the minimum front setbacks and the minimum building footprint; the longevity of the trees health or possible building damage that may occur as a result of any greater area for deep rooted plantings.

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The inclusion of “approximately” within the provision again opens the intent for the provision up for interpretation. There should be a minimum standard to guide decision makers, developers and Service Authority’s.

It is also questioned, given that the scheme provides minimal consideration to vegetation removal, how will the inclusion of such provisions ensure that “5m<sup>2</sup> for the planting of deep rooted shade tree” actually occurs and is maintained for the life of the development. The inclusion of such provisions are ideal to ensure that the tropical lifestyle and amenity is maintained, however further detail within the scheme is required to ensure that such provisions are not ‘lost’ once developed. Such provisions could include: a minimum nominal landscaping and permeable surfaces requirement for the entire site, not just for the private open space.

Subclause 3. (c) is further supported by *Clause 6.5.4* where it restricts driveway widths to no wider than 3.5 metres and furthermore by requiring a minimum of 6.5 metres continuous length “without on-site parking or vehicle access within that length”.

### Summary

In summary, the amendments to the scheme attempt to promote site responsive development. However, it is considered that there are some additional elements that need to be expanded within the proposed scheme amendments to provide clarity, definition and further environmental considerations.

It is recommended that Council support the Northern Territory Planning Scheme amendment subject to additional considerations as per the letter at **Attachment B**.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Town Planner
- Manager Technical Services
- Strategic Town Planner
- Manager Climate Change and Environment

In preparing this report, the following External Parties were consulted:

- Department of Lands, Planning and the Environment

The following references were utilised in preparing this report:

- Tropical Urbanism a Design Approach – Technical Report Mount Peter Structure Plan 2010 (Cairns Regional Council)

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### **POLICY IMPLICATIONS**

If the amendments to *Clause 6.5.4* are approved; the City of Darwin will include the provision for driveways no wider than 3.5 metres as part of its standard conditions for lots less than 600m<sup>2</sup> in area.

### **BUDGET AND RESOURCE IMPLICATIONS**

Not assessed.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not assessed.

### **ENVIRONMENTAL IMPLICATIONS**

Environmental considerations relating to setbacks, prevailing breezes, landscaping and permeable surfaces are discussed within the body of the report.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING & PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 8930 0528 or email:  
[c.robson@darwin.nt.gov.au](mailto:c.robson@darwin.nt.gov.au)

#### **Attachments:**

- Attachment A:** Development Application, Provisions to allow small Lots in Zone SD (Single Dwelling Residential) in Greenfield Areas - PA2015/0161
- Attachment B:** City of Darwin, Letter of Response to Reporting Body, dated 26 June 2015
- Attachment C:** Compact Urban Growth Policy

## NORTHERN TERRITORY OF AUSTRALIA

### PROPOSAL TO AMEND NT PLANNING SCHEME PA2015/0161

To facilitate residential development within greenfield areas identified by an area plan, the Minister for Lands and Planning seeks to amend certain provisions of the NT Planning Scheme to enable lots between 450m<sup>2</sup> and 800m<sup>2</sup> for single dwellings.

Attached are:

1. the Notice of Exhibition under section 17 of the *Planning Act*,
2. Extracts from the NT Planning Scheme relating to subdivision and performance criteria: clause 11.1 (Subdivision General), clause 11.2. (Residential Subdivision); clause 6.5.4 (Vehicle access and On-site Parking for single dwellings on lots less than 600m<sup>2</sup> in Zone MD), clause 7.3.3 (Side Setbacks for lots less than 600m<sup>2</sup> in Zone MD), clause 7.5 (Private Open Space); and an explanatory document addressing each of the proposed amendments.

The exhibition period is from Friday 22<sup>nd</sup> May 2015 to Friday 26<sup>th</sup> June 2015.

Written submissions about the proposed planning scheme amendment are to be received by 4.00pm on Friday 26<sup>th</sup> June 2015 and made to:

Director, Lands Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or

Email: [planning.dlpe@nt.gov.au](mailto:planning.dlpe@nt.gov.au)

Fax: (08) 8999 7189 or

Hand delivered to Ground Floor, Arnhemica House, 16 Parap Road, Parap.

For more information please contact Lands Planning on telephone (08) 8999 6135.

## NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

**NOTICE OF EXHIBITION OF PROPOSAL  
TO AMEND NT PLANNING SCHEME  
PA2015/0161**

I, DAVID WILLIAM TOLLNER, Minister for Lands and Planning give notice under section 17 of the *Planning Act* of the following:

- (a) a proposal to amend the NT Planning Scheme, as described in (e), is to be exhibited;
- (b) the proposed amendment is to be exhibited at the office of the Department of Lands, Planning and the Environment, Ground Floor, Arnhemica House, 16 Parap Road, Parap;
- (c) the period of exhibition is for 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions regarding this exhibition should be made to:

Director, Lands Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801 or

Fax: (08) 8999 7189 or Email: [planning.dlpe@nt.gov.au](mailto:planning.dlpe@nt.gov.au)

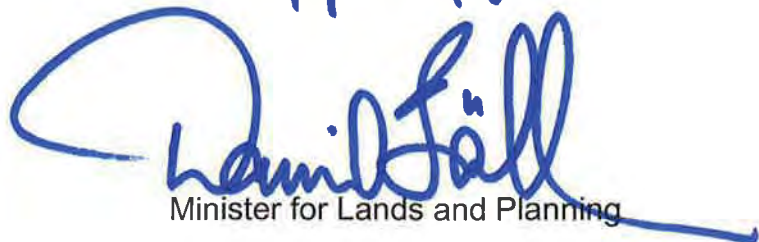
and

- (e) the proposed amendment is to the NT Planning Scheme, to:
  - i) replace existing Clause 11.1.2 with new Clause 11.1.2 (Lots for Single Dwellings in Greenfield areas)
  - ii) alter the following existing clauses:
    - Clause 11.2.1 (Site Characteristics in Residential Subdivision),
    - Clause 11.2.3 (Lot Size and Configuration etc.)
    - Clause 11.2.4 (Lots less than 600m<sup>2</sup> for Single Dwellings),
    - Clause 6.5.4 (Vehicle Access and On-site Parking etc),
    - Clause 7.3.3 (Building Setbacks for Single Dwellings etc), and
    - Clause 7.5 (Private Open Space).

Dated

19.5.15

2015.

  
Minister for Lands and Planning

#### 6.5.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m<sup>2</sup> in Zone MD

Amendment No. 320 gazetted 26.03.2014 introduces clause 6.5.4.

1. The purpose of this clause is to ensure that vehicle access driveways and on-site parking spaces for **single dwellings** on lots less than 600m<sup>2</sup> do not unduly reduce the amenity of a public road or the availability of kerbside visitor parking.
2. On-site parking spaces shall be provided in a tandem configuration where a lot has a street frontage of 13m or less.
3. The on-site parking and its vehicle access from the public road shall be located to ensure that the lot's street frontage has a minimum continuous length of 6.5 metres without a vehicle access crossing within that length.

Clause 7.3.3 allows a zero building setback for **single dwellings** on lots less than 600m<sup>2</sup> in Zone MD in some circumstances.

#### 6.6 LOADING BAYS

1. The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.
2. A **general industry, hospital, hotel, licensed club, light industry, motel, office, restaurant, shop, showroom sales, transport terminal or warehouse** use or development on a **site** must provide areas wholly within the **site** for loading and unloading of vehicles at the ratio of:
  - (a) if for a **general industry, hospital, hotel, licensed club, light industry, motel, showroom sales, transport terminal or warehouse** use or development:
    - i. 1 loading bay for a single occupation of a **net floor area** of 10 000m<sup>2</sup> or less; and
    - ii. 1 loading bay for every 5 000m<sup>2</sup> of **net floor area** or part thereof in excess of 10 000m<sup>2</sup>; or
  - (b) if for an **office, restaurant or shop** use or development, 1 loading bay for every 2 000m<sup>2</sup> of the total **net floor area**.
3. A loading bay is to:
  - (a) be at least 7.5m by 3.5m;
  - (b) have a clearance of at least 4m; and
  - (c) have access that is adequate for its purpose.

### 7.3.3 Side Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> in Zone MD

Amendment No. 320 gazetted 26.03.2014 introduces clause 7.3.3.

1. The purpose of this clause is to allow **single dwellings** on lots less than 600m<sup>2</sup> in Zone MD to maximise design opportunities without unduly impacting on adjacent development.
2. Despite Table A to clause 7.3, a **single dwelling** subject to this clause may have a zero building setback to no more than one side boundary of the lot, providing:
  - (a) that boundary is internal to the subdivision that created the lot; and
  - (b) that lot was created after the amendment that introduced this clause to the Planning Scheme.
3. Any part of a dwelling utilising a zero building setback shall have its external wall erected to the boundary with no gap.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m<sup>2</sup> in Zone MD in some circumstances.

### 7.4 BUILDING SETBACKS AND FENCING OF MULTIPLE DWELLINGS AND SUPPORTING ACCOMMODATION IN ZONE MR

1. The purpose of this clause is to minimise the visual and acoustic impact of **multiple dwellings** and **supporting accommodation** on land in Zone MR where that land is adjacent to land in Zone SD.
2. This clause applies to land in Zone MR that:
  - (a) abuts land in Zone SD; or
  - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in Zone SD.
3. **Multiple dwellings** and **supporting accommodation** are to provide:
  - (a) a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone SD; and
  - (b) a **building setback** of not less than 3m to the boundary that abuts land in Zone SD and to each frontage of a street reserve not exceeding 18m in width on the opposite side of which is land in Zone SD.
4. The **building setback** described in sub-clause 3 is to be landscaped to provide a visual screen to the adjacent land Zoned SD for a minimum depth of 3m.  
  
A consent authority must not **consent** to development that is not in accordance with sub-clause 3(b).

Clause 6.12 refers to landscaping.



## 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 .
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**.
3. Where the private open space is at ground level and other than for a **single dwelling**, or a **single dwelling** and associated **independent unit** it should be:
  - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
  - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.
4. The location of the private open space should take into account views from the **site**, the natural features of the **site** and the location of any private open space or **habitable room** associated with neighbouring **dwellings**.
5. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, the **multiple dwelling** development should incorporate communal open space.
6. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

Amendment No. 341  
gazetted 27.06.2014  
amends sub-clause 3.

Clause 7.6 refers to  
communal open space.

Amendment No. 122  
gazetted 31.03.2010  
introduces sub-clause 6.

<b>TABLE TO CLAUSE 7.5 MINIMUM AREAS OF PRIVATE OPEN SPACE</b>	
<b>Type of Dwelling</b>	<b>Private Open Space Area</b>
<b>single dwellings</b> on a lot of less than 600m <sup>2</sup>	50m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m.
<b>independent unit</b>	for the <b>single dwelling</b> 50m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m;  and  for the <b>independent unit</b> 45m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.
<b>multiple dwellings</b> (for each <b>dwelling</b> with direct ground level access).	45m <sup>2</sup> (exclusive of driveways and <b>car parking areas</b> ) but inclusive of an area with minimum dimensions of 5m x 5m.
<b>multiple dwellings</b> (for each <b>dwelling</b> without direct ground level access).	12m <sup>2</sup> inclusive of an area with minimum dimensions of 2.8m x 4m.

## PART 5

## 11.1.2 Integrated Residential Development

1. The purpose of this clause is to provide for integrated residential developments in Zone SD, MD or FD to accommodate **dwelling**s on lots of less than 800m<sup>2</sup>.
2. An integrated residential development is a new estate in which the **dwelling**s and the estate are integrated in terms of design.
3. An integrated residential development is to have at least 50 contiguous lots.
4. Not more than 50% of the lots in an integrated residential development are to be less than 800m<sup>2</sup>.
5. In an integrated residential development in Zones SD and FD:
  - (a) the minimum lot size is to be at least 450m<sup>2</sup>; and
  - (b) the average lot size is to be at least 700m<sup>2</sup>;
6. In an integrated residential development:
  - (a) lots of less than 800m<sup>2</sup> may have one or more **common building boundaries** that are not adjacent to a public road; and
  - (b) a **dwelling** may be built up to a **common building boundary** referred to in paragraph (a) despite the setback provisions of clause 7.3.

Enclosed structures located on the boundary must be fire rated under the Building Code of Australia.

Clause 7.3 relates to the setbacks applicable to **residential buildings** in some zones.

## 11.1.3 Subdivision of Land Zoned FD

1. The purpose of this clause is to provide for the subdivision of land in Zone FD in a manner that will not prejudice the intended ultimate subdivision and future use or development of the land.
2. Land in Zone FD may be subdivided generally in accordance with any relevant Area Plan for urban (typically residential or mixed use) development once services are, or can be, made available to that land.
3. Despite anything to the contrary in this Planning Scheme, the consent authority may permit subdivision into lots of a size and configuration consistent with the intended ultimate zoning of the land.

Clause 6.13 refers to the development of land Zoned FD.

Clause 11.1.1 refers to minimum lot sizes in various zones.

Clause 11.1.2 refers to integrated residential developments.

Clause 11.2 refers to residential subdivision.

Clauses 11.4.1 to 11.4.6 refer to subdivision of rural land.

## 11.2 RESIDENTIAL SUBDIVISION

### 11.2.1 Site Characteristics in Residential Subdivision

1. The purpose of this clause is to ensure residential subdivisions respond to the physical characteristics of the land.
2. Residential subdivision design should:
  - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
  - (b) retain and protect significant natural and cultural features;
  - (c) avoid development of land affected by a 1% AEP flood or storm surge event; and
  - (d) retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them in public open space.

### 11.2.2 Infrastructure and Community Facilities in Residential Subdivisions

1. The purpose of this clause is to ensure that residential subdivisions are integrated with infrastructure, community services and facilities.
2. Residential subdivision design should:
  - (a) provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements;
  - (b) provide links to schools, commercial facilities and public transport services;
  - (c) provide traffic management to restrain vehicle speed, deter through traffic and create safe conditions for all road users;
  - (d) incorporate street networks capable of accommodating safe and convenient bus routes with stops within a 400m radius of a majority of  **dwellings** ;
  - (e) provide for connection to reticulated services;
  - (f) provide a minimum of 10% of the subdivision area as public open space which:
    - i. ensures the majority of  **dwellings**  are within 400m walking distance of a neighbourhood park;
    - ii. incorporates recreational open space in larger units available for active leisure pursuits;
    - iii. is unencumbered by drains and has sufficient flat area for informal recreation; and
    - iv. is designed to provide a safe environment for users by allowing clear views of the open space from surrounding  **dwellings**  or passing vehicles.

## 11.2.3 Lot Size and Configuration in Residential Subdivisions

1. The purpose of this clause is to ensure residential subdivisions contain lots of a size, configuration and orientation suitable for residential purposes.
2. Residential subdivision design should provide that:
  - (a) lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including **dwelling**s, vehicle access, parking and ancillary buildings;
  - (b) lots conform with the building envelope requirements in the table to this clause;
  - (c) there are no battleaxe lots;
  - (d) lots are oriented to allow **dwelling**s to take advantage of environmental conditions such as prevailing breezes and sunlight;
  - (e) lots are connected to reticulated services;
  - (f) potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents; and
  - (g) where there are lots for medium and higher density residential development, those lots are:
    - i. distributed in small groups serviced by public transport;
    - ii. in close proximity to public open space and with adequate access to community facilities and services; and
    - iii. not located in a cul-de-sac.

Amendment No. 320 gazetted 26.03.2014 omits and substitutes table to clause 11.2.3

TABLE TO CLAUSE 11.2.3	
Lot Size	Minimum Building Envelope Requirement
300m <sup>2</sup> to <450m <sup>2</sup>	7m x 15m (exclusive of any boundary setbacks or service authority easements)
450m <sup>2</sup> to 600m <sup>2</sup>	10m x 15m (exclusive of any boundary setbacks or service authority easements) or 11.5m x 15m where there is a <b>common building boundary</b>
>600m <sup>2</sup>	17m x 17m (exclusive of any boundary setbacks or service authority easements)

Clause 7.3.3 allows a zero building setback for **single dwelling**s on lots less than 600m<sup>2</sup> in Zone MD in some circumstances.

Clause 11.1.2 also refers to **common building boundaries**.

#### 11.2.4 Lots less than 600m<sup>2</sup> for Single Dwellings in Zone MD

Amendment No. 320  
gazetted 26.03.2014  
introduces  
clause 11.2.4.

1. The purpose of this clause is to provide for the subdivision of land in Zone MD to accommodate **single dwellings** on lots of less than 600m<sup>2</sup> and having regard for access, street parking and infrastructure.
2. Lots subject to this clause shall not have a boundary to any public road of less than 10m in length.
3. Lots subject to this clause shall not be battleaxe lots.
4. Lots subject to this clause must allow for future vehicle access via a single driveway unrestricted by street infrastructure or furniture.
5. The consent authority must not **consent** to a subdivision that is not in accordance with sub clauses 2 and 3.

Clause 11.1.1 prescribes the minimum lot size in Zone MD

Clause 7.1 refers to density limitations.

Clause 7.3 refers to **residential building** setbacks.

Clause 7.3.3 allows a zero building setback for **single dwellings** on lots less than 600m<sup>2</sup> in Zone MD in some circumstances

### 11.3 INDUSTRIAL SUBDIVISION

#### 11.3.1 Site Characteristics in Industrial Subdivisions

1. The purpose of this clause is to ensure that industrial lots respond to the physical characteristics of the land.
2. Industrial subdivision design should:
  - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
  - (b) retain and protect significant natural and cultural features; and
  - (c) avoid development of land affected by a 1% AEP flood or storm surge event.

#### 11.3.2 Infrastructure in Industrial Subdivisions

1. The purpose of this clause is to ensure industrial lots are integrated with required infrastructure.
2. Industrial subdivision design should:
  - (a) incorporate safe connection to the existing road network with particular consideration given to the needs of heavy vehicles;
  - (b) provide a simple layout with a clear hierarchy of roads, avoiding cul-de-sacs, battleaxe lots and sharp curves and discouraging unrelated through traffic;
  - (c) minimise access from individual lots to major roads by using minor roads for such access;
  - (d) provide for road reserve and carriageway widths appropriate to the circumstances;
  - (e) provide for connection to reticulated services;
  - (f) where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment, and in particular to ground and surface waters; and
  - (g) protect service infrastructure by providing/ preserving easements.

The subdivision of land may attract a monetary contribution toward the cost of infrastructure in accordance with a contributions plan under the *Planning Act*.

## OVERVIEW

Proposed Planning Scheme Amendment PA2015/0161 seeks to provide lots between 450m<sup>2</sup> and 800m<sup>2</sup> for single dwellings within greenfield areas identified in the NT Planning Scheme by an area plan and associated planning principles that include compact urban growth centres.

The proposed Compact Urban Growth (CUG) policy, which was on public exhibition in February 2015, proposes a decision making framework for higher density urban development in select areas. The proposed amendment, which proposes an average lot size of 600m<sup>2</sup>, would have a residential density of 11 or 12 dwellings per hectare, which is consistent with the CUG policy. The CUG policy defines greenfield development as “the creation of new planned suburbs and communities on previously undeveloped land.”

This amendment proposes to adjust the average lot size to achieve the product continuity that the residential land industry needs in order to deliver affordable products and housing choice in greenfield areas. Revisions to performance criteria for small lots are also proposed.

The proposed amendment can be summarised as follows:

- **subdivision provisions**

*Clause 11.1.2 (Lots for Single Dwellings in Greenfield Sites associated with areas for Compact Urban Growth)* replaces the existing clause on integrated residential development. The proposed clause encourages a range of lot sizes by setting the average to 600m<sup>2</sup>.

A provision to minimise the use of land constrained by slope is introduced to *Clause 11.2.1 (Site Characteristics etc.)* to deliver more serviceable construction sites for lots less than 600m<sup>2</sup>.

The minimum building envelope table to *Clause 11.2.3 (Lot Size and Configuration etc.)* is altered to allow for narrower and deeper lots; and the table to *Clause 11.2.4 (Lots less than 600m<sup>2</sup> for Single Dwellings)* gives the minimum length of any boundary to a road.

- **performance criteria**

New table to *Clause 6.5.4 (Vehicle Access and on-site parking ... on lots less than 600m<sup>2</sup>)* requires single vehicle access where the property frontage is less than 15m.

Amended *Clause 7.3.3 (Setbacks for Single Dwellings on lots less than 600m<sup>2</sup>)* allows a zero building setback to one side boundary if the other side boundary has a 3 metre setback; and a reduced front setback for an equivalent increase in private open space.

New subclause 3 to *Clause 7.5 (Private Open Space)* includes the provision of permeable areas for tree planting and landscaping to the front boundary for lots less than 600m<sup>2</sup>.

It is relevant to note that subdivision requires development consent and applications are assessed against Planning Scheme provisions by the Department and determined by the consent authority. Whereas, single dwellings are a permitted use on lots no less than 300m<sup>2</sup>, and home designers and building certifiers will assess compliance with the Scheme's performance criteria. For this reason subdivision provisions can rely on a degree of interpretation, whilst the performance criteria for single dwellings must be clear and measurable.

**AMENDED SUBDIVISION PROVISIONS OF THE NT PLANNING SCHEME**

Current Planning Scheme shown in **blue**.  
Proposed changes shown in **red**.

**Amended Clause 11.1.2 – Integrated residential Development****Discussion**

The provisions of the current clause 11.1.2 have been superseded by events. The average of lot size of 700m<sup>2</sup> with no more than 50% less than 800m<sup>2</sup> is at odds with Government's initiative to provide smaller and more affordable urban residential lots.

This amendment rewrites clause 11.1.2 to respond to the Compact Urban Growth policy and create the option of lots in greenfield areas to be between 450m<sup>2</sup> and 800m<sup>2</sup> with an average of 600m<sup>2</sup> to select areas. The proposed changes do not apply to established residential areas.

An important role of this range of lot sizes for single dwellings will be to provide a transition in residential density from Zone SD to Zone MD in compact walkable neighbourhoods.

**Explanation of amendment**

New clause 11.1.2 is shown below to provide for lots between 450m<sup>2</sup> and 800m<sup>2</sup> for single dwellings in greenfield areas that are currently captured by an area plan, or similar, and the associated planning principles in the Planning Scheme.

A revision to this clause will result in the note against Zone SD in the table to clause 11.1.1 (Minimum Lot Size and Requirements) being updated reflect the changes.

**11.1.2 Lots for Single Dwellings in Greenfield areas**

1. The purpose of this clause is to provide for a range of lot sizes between 450m<sup>2</sup> and 800m<sup>2</sup> for **single dwellings** in greenfield areas identified by a map, plan, design or diagram forming part of the Planning Scheme.
2. Lots created by subdivision in accordance with this clause shall have an area of no less than 450m<sup>2</sup> and no greater than 800m<sup>2</sup>.
3. Lots created by subdivision in accordance with this clause must have a minimum average lot size of 600m<sup>2</sup>.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m<sup>2</sup>.

Clause 7.3.3 allows a reduced setbacks for single dwellings on lots less than 600m<sup>2</sup>.



**Amended Clause 11.2.1 - Site Characteristics in Residential Subdivision****Discussion**

Where smaller housing lots have been developed on sloping land, there is a concern that the on-site management of stormwater and the construction of retaining walls to establish a level building site can cause unreasonable difficulties and costs for the land owner.

Ensuring that residential development responds to site topography is part of the process of subdivision design addressed in Clause 11.2 (Residential Subdivision).

**Explanation of amendment**

Clause 11.2.1 is amended as shown below to introduce at sub-clause 2 a provision to control slope for residential lots less than 600m<sup>2</sup>.

**11.2.1 Site Characteristics in Residential Subdivision**

1. The purpose of this clause is to ensure residential subdivisions respond to the physical characteristics of the land.
2. Residential subdivision design should:
  - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
  - (b) ensure, by site selection or site regrading, that areas of a site intended for lots less than 600m<sup>2</sup> are flat to gently sloping such that the need for on-site stormwater structures, retaining walls and the like is minimised;
  - (c) retain and protect significant natural and cultural features;
  - (d) avoid development of land affected by a 1% AEP flood or storm surge event; and
  - (e) retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them in public open space.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m<sup>2</sup> in Zone MD in some circumstances.

**Table to Clause 11.2.3 - Lots Size and Configuration in Residential Subdivisions****Discussion**

The "minimum building envelope" is a requirement to ensure that lots for residential development are configured to enable the practical construction of a dwelling.

It is anticipated that where this amendment may apply to existing residential areas there may be a need for deeper and narrower lots in the 450m<sup>2</sup> to 600m<sup>2</sup> lot range.

**Explanation of amendment**

The table to clause 11.2.3 is amended for lot sizes from 450m<sup>2</sup> to less than 600m<sup>2</sup> to reduce the width of the minimum building envelope from 10m to 8m.

<b>Lot Size</b>	<b>Minimum Building Envelope Requirement</b>
600m <sup>2</sup> and greater	17m x 17m (exclusive of any boundary setbacks or service authority easements)
450m <sup>2</sup> to less than 600m <sup>2</sup>	8m x 15m (exclusive of any boundary setbacks or service authority easements)
300m <sup>2</sup> to less than 450m <sup>2</sup>	7m x 15m (exclusive of any boundary setbacks or service authority easements)

Clause 7.3.3 refers to reduced building setbacks for lots less than 600m<sup>2</sup>

**Clause 11.2.4 - Lots less than 600m<sup>2</sup> for Single Dwellings in Zone MD****Discussion**

Clause 11.2.4 was introduced in March 2014 with the 'MD300' amendment to ensure proper consideration of access, street parking and infrastructure for lots less than 600m<sup>2</sup>. Regardless of residential zone, this clause is relevant for all small lots for single dwellings. With compact urban growth comes the need for careful preparation and assessment of subdivision designs. To assist in this process more detailed information is required.

**Explanation of amendment**

As well as widening the application of the clause by deleting 'Zone MD' from the title, a provision is added at subclause 2 to require information, such as detailed building envelope diagrams, to demonstrate how performance criteria will be met.

A table is added for the different ranges of lot size. Subclause 3 is deleted as it duplicates the general provision at clause 11.2.3 – 2(c).

**11.2.4 Lots less than 600m<sup>2</sup> for Single Dwellings in Zone MD**

1. The purpose of this clause is to provide for the subdivision of land to accommodate **single dwellings** on lots of less than 600m<sup>2</sup> in a manner that has regard for vehicle access, on-site parking and street infrastructure.
2. An application to subdivide land to provide lots subject to this clause must include plans and diagrams to demonstrate that proposed lots, building envelopes, private open space, vehicle access, on-site parking and **habitable rooms** facing the street will be provided to meet performance criteria and respond to parking and infrastructure in the adjacent public road.
3. Lots subject to this clause shall not have a boundary to any public road less than specified in the table to this clause.
4. The consent authority must not consent to a subdivision that is not in accordance with subclause 3.

Clause 11.1.1 prescribes the minimum lot size in residential zones.

Clause 6.5.4 refers to vehicle access for **single dwellings** on lots less than 600m<sup>2</sup>

Clause 7.3 refers to **residential building** setbacks.

Clause 7.3.3 allows a reduced setbacks for **single dwellings** on lots less than 600m<sup>2</sup>.

Clause 7.5 refers to private open space

Table to Clause 11.2.4	
Range of Lot Size	Minimum Length of any Boundary to a Public Road
450m <sup>2</sup> to less than 600m <sup>2</sup>	13m
300m <sup>2</sup> to less than 450m <sup>2</sup>	10m

## AMENDED PERFORMANCE CRITERIA OF THE NT PLANNING SCHEME

Current Planning Scheme shown in **blue**.

Proposed changes shown in **red**.

### Clause 6.5.4 - Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m<sup>2</sup> in Zone MD

#### Discussion

Lots greater than 600m<sup>2</sup> for single dwellings in Zone SD do not require any further development provisions than for 800m<sup>2</sup> lots, but lots less than 600m<sup>2</sup> have potential lot configuration, access and on-site parking issues that should be provided for.

Clause 6.5.4 can be altered to provide generally for the impact of parking and vehicle access on the public road and the availability of kerbside visitor parking for lots less than 600m<sup>2</sup>.

#### Explanation of amendment

Clause 6.5.4 is amended by deleting 'Zone MD' from the title to extend its provisions to **single dwellings** on all lots less than 600m<sup>2</sup>, and by including a table to the clause.

### 6.5.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m<sup>2</sup> **in Zone MD but not less than 300m<sup>2</sup>**

1. The purpose of this clause is to ensure that vehicle access driveways and on-site parking spaces for **single dwellings** on lots less than 600m<sup>2</sup> and not less than 300m<sup>2</sup> do not unduly reduce the amenity of a public road or the availability of kerbside visitor parking.
2. The on-site parking and its vehicle access from the public road shall be located to ensure that the street frontage has a minimum continuous length of 6.5 metres without **on-site parking** or vehicle **access** within that length.
3. **Vehicular access driveways shall be provided in accordance with the table to this clause.**

Clause 7.3.3 allows a reduced setbacks for single dwellings on lots less than 600m<sup>2</sup>.

<b>Table to Clause 6.5.4</b>	
<b>Lot Size</b>	<b>Vehicle Access Driveways</b>
450m <sup>2</sup> to less than 600m <sup>2</sup>	Vehicle access shall be via a single driveway, no wider than 3.5 metres, where the boundary to the public road is less than 15m.
300m <sup>2</sup> to less than 450m <sup>2</sup>	Vehicle access shall be via a single driveway, no wider than 3.5 metres, where the boundary to the public road is less than 13m.

Clause 11.2.4 refers to subdivision applications and frontage widths for lots less than 600m<sup>2</sup>.

### Clause 7.3.3 – Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup>

#### Discussion

The design opportunities for single dwellings on lots between 300m<sup>2</sup> and 600m<sup>2</sup> will benefit from some flexibility on the Planning Scheme's standard provisions for building setbacks.

The proposal is to provide for a zero building setback to one side boundary and a reduction to front setback in lieu of an equal increase in private open space. This latter is only offered for **habitable rooms**. This should result in dwellings, rather than vehicle garaging, having a visible presence on the street and thereby supporting passive surveillance.

#### Explanation of amendment

Existing clause 7.3.3 is altered to include setbacks for single dwellings on lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup> and to allow a zero building setback to one side boundary and a reduction to front setbacks to habitable rooms. The proposed new table to clause 7.3.3, shown on the following page, tabulates the setback reductions for two ranges of lot sizes. The basis for the nominated minimum front setback follows the table.

### 7.3.3 Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> ~~in Zone MD~~ but not less than 300m<sup>2</sup>

1. The purpose of this clause is to allow **single dwellings** on lots less than 600m<sup>2</sup> ~~in Zone MD~~ but not less than 300m<sup>2</sup> to maximise design opportunities without unduly impacting on adjacent development.
2. **Despite Table A to clause 7.3, a single dwelling** subject to this clause may, in accordance with the table to this clause, have a zero building setback to a side boundary, providing:
  - (a) that boundary is internal to the subdivision that created the lot; and
  - (b) that lot was created after the inclusion of this clause to the Planning Scheme.
3. Any part of a dwelling utilising a zero building setback shall have its external wall erected to the boundary with no gap.
4. **Despite Table A to clause 7.3, a single dwelling** on a lot subject to this clause may, in accordance with the table to this clause, have a reduced front setback to **habitable**

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m<sup>2</sup> ~~in Zone MD~~ in some circumstances.

**rooms only, providing:**

- (a) the area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with clause 7.5;
- (b) the reduced setback is not less than the front setback of an existing building on an adjacent lot; and
- (c) a landscaped area is included along the front boundary that will provide visual amenity to the public road.

Table to Clause 7.3.3	
Lot Size	Building Setbacks
450m <sup>2</sup> to less than 600m <sup>2</sup>	If a 3m setback is provided to one side boundary: <ul style="list-style-type: none"> <li>• a zero building setback is permitted to no more than one side boundary of the lot; and</li> <li>• the front building setback may be reduced to no less than 3 metres subject to the provisions of subclause 4.</li> </ul>
300m <sup>2</sup> to less than 450m <sup>2</sup>	A zero building setback is permitted to no more than one side boundary of the lot. The front building setback may be reduced to no less than 3 metres subject to the provisions of subclause 4.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m<sup>2</sup>

**Explanation of minimum front setback**

As clarified on page 1, performance criteria for permitted uses under the Planning Scheme should be clear and measurable. The front setback in the above table is a case in point. Although there is no compelling argument to adopt any particular minimum front setback, a minimum is needed.

2.5 to 3.5 metres would allow a metre width of landscaping along the front boundary, leaving a couple of metres to accommodate a utility / bin storage area and provide private space between the dwelling and street. If permeable open space, 2.5 to 3.5 metres would be sufficient to assist with stormwater management and accommodate a deep rooted tree. 2.5 to 3.5 metres is also sufficient to allow the dwelling to be brought well forward of on-site vehicle garaging and be the more visible element from the street.

For these reasons 3 metres is proposed as the minimum front setback under clause 7.3.3.

**Amended Table to Clause 7.5 - Private Open Space**

**Discussion**

Private open space becomes more important as more compact residential development leads to suburbs with a greater proportion of impervious surface. Two associated problems are the higher concentration of stormwater discharge and less opportunity to establish shade trees.

***Explanation of amendment***

Subclauses 1 and 3 are amended to require lots less than 600m<sup>2</sup> to have permeable areas for stormwater infiltration shade tree planting and to provide for landscaping at the property frontage to complement the streetscape amenity.

**7.5 Private Open Space**

1. The purpose of this clause is to ensure that each dwelling has private open space that is:
  - (a) of an adequate size to provide for domestic purposes;
  - (b) appropriately sited; and
  - (c) inclusive of permeable areas for shade tree planting and landscaping.
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.
3. Private open space on lots less than 600m<sup>2</sup> should:
  - (a) for its greater part, be permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
  - (b) include at least one area of approximately 5m<sup>2</sup> for the planting of a deep rooted shade tree; and
  - (c) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.
4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:
  - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
  - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.
5. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings.  
(rest of clause omitted for clarity)

26 June 2015

Please quote:3114885 NS:dj  
Your reference: PA2015/0161

Mark Meldrum  
Director Lands Planning  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Meldrum

**Parcel Description: Provisions to allow small lots in Zone SD (Single Dwelling Residential) in Greenfield Areas**

**Proposed Development: Proposed Planning Scheme Amendment to amend various provisions within the Northern Territory Planning Scheme to enable single dwellings on lots between 450m<sup>2</sup> and 800m<sup>2</sup> in Greenfield areas identified by an area plan**

Thank you for the Development Application referred to this office 2 June 2015, concerning the above. This letter will be placed before the City of Darwin's, Ordinary Council Meeting to be held on 30 June 2015. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The City of Darwin supports the proposed amendment and offers the following additional comments for the Reporting Body's consideration:

### ***Amended Clause 11.1.2 Integrated Residential Development***

Whilst these provisions have been developed to support the "Government's initiative to provide smaller and more affordable urban residential lots", the Clause does not consider the need:

- for residential development to be in keeping with the character and amenity of the area, providing a transition in density, height, bulk and massing where lower density localities are adjacent or adjoining.

For example, Zuccoli has larger lots (1,000m<sup>2</sup> and greater) which have an interface to Zone RR (Rural Residential) lots of about 2,000m<sup>2</sup> in area. The Specific Use Zone developed for Zuccoli provided a range of lots of 255m<sup>2</sup> – 1,000m<sup>2</sup> in Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) to meet the needs of affordable housing and an interface

between Zone RR.

This is reflected in the recently adopted Compact Urban Growth Policy, however it is considered that it should also be added to this amendment for clarification; and

- to provide buffers to address land constraints such as biting insects and conflicting land uses.

For example, Muirhead requires a lot with “greater than 80% of its area within the biting insect buffer, has an area of less than 4,000m<sup>2</sup>”. The Specific Use Zone developed for Muirhead provided a range of lots of 450m<sup>2</sup> – 4,000m<sup>2</sup> to meet the needs of affordable housing and reduced residential development on constrained land.

Whilst it is acknowledged that such development in greenfield areas is to be supported by a “map, plan, design or diagram forming part of the Planning Scheme”, these provisions of the scheme should consider the need to provide such buffers.

#### **Amended *Clause 11.2.1 Site Characteristics in Residential Subdivision***

The amendment to *Clause 11.2.1* introduces an additional subclause which requires “residential subdivision design should”:

- (b) “ensure, by site selection or site regarding, that areas of a site intended for lots less than 600m<sup>2</sup> are flat to gently sloping such that the need for on-site stormwater structures, retaining walls and the like is minimised”.

In the absence of a nominal percentage, “flat” and “gently sloping” are open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority’s.

#### **Amended Table to *Clause 11.2.3 Lot Size and Configuration in Residential Subdivision***

Dense urban areas typically store more heat during the day than areas with less development (i.e. rural areas) and therefore take longer to cool during the night. This is often referred to as the urban heat island effect. Large, undeveloped vegetated land at the perimeter of highly developed areas provides cool air into urban areas. Integrating vegetation within urban streets assists in circulating the cooler air. Given that solar heating isn’t necessary in Darwin, buildings (especially windows) should be shaded from the sun as much as possible. Orientating blocks to receive a south-east and north-west orientation, promotes prevailing breezes during both the wet and dry season and maximises cross ventilation. Clause 11.2.3 already requires consideration of breezes in relation to lot orientation.



Building envelopes also play an important role in allowing breeze penetration and therefore consideration of the location of building envelopes in relation to breeze penetration should also be included in the provisions.

***Clause 7.3.3 Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup>***

It is considered that subclause 4. (b) is 'loose' in its terminology; consideration to both of the adjacent lots should be made to ensure built form and streetscape character are consistent. For example if both adjacent lots have been developed, the setback could be (at minimum) the average setback of the two adjacent dwellings. If there is no adjacent development then the subject dwelling should be assessed against the requirements of the scheme.

Nil setbacks to both side boundaries are not ideal but by offsetting buildings on opposite sides of the block, paths for the wind to move through are created, as well as private outdoor rooms; therefore encouraging prevailing breezes. Nil setbacks should be nominated on building envelop plans to provide consistency and certainty.

The nil setback provisions do not consider the amenity impacts that double storey dwellings would have on adjacent lots. Nil setbacks for double storey dwellings may present as excessively bulky or overwhelming, particularly when viewed from the adjacent lot. Consideration needs to be given to the maximum length and height where nil setbacks are applied.

The proposed clause fails to address criteria for corner allotments, consideration to setbacks needs to be included given that single dwellings are a permitted use on lots no less than 300m<sup>2</sup>.

It is considered that subclause 4. (c) is also 'loose' in its terminology; the intent of the provision is open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority's.

***Clause 7.5 Private Open Space***

To address stormwater discharge and shade trees, *Clause 7.5* has been amended to include such considerations.

Whilst subclause 3. (a) provides some consideration to permeable surfaces to address stormwater issues, the intent of the provision is open for interpretation and may result in inconsistent decision making. It is requested that nominal percentages be included within the Clause to guide decision makers, developers and Service Authority's; for instance 30% of the site to be landscaped with 15% of that area to be permeable surfaces

Subclause 3. (b) states: “approximately 5m<sup>2</sup> for the planting of a deep rooted shade tree”, again the intent of the provision is open for interpretation. There should be a minimum standard to guide decision makers, developers and Service Authority’s.

It is also questioned, given that the scheme provides minimal consideration to vegetation removal, how will the inclusion of such provisions ensure that “5m<sup>2</sup> for the planting of deep rooted shade tree” actually occurs and is maintained for the life of the development. The inclusion of such provisions are ideal to ensure that the tropical lifestyle and amenity is maintained, however further detail within the scheme is required to ensure that such provisions are not ‘lost’ once developed. Such provisions could include: a minimum nominal landscaping and permeable surfaces requirement for the entire site, not just for the private open space.

### Summary

In summary, the amendments to the scheme attempt to promote site responsive development, which the City of Darwin are supportive of. However, it is considered that there are some additional elements that need to be expanded within the proposed scheme amendments to provide clarity, definition and further environmental considerations.

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**

## NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

## AMENDMENT TO NT PLANNING SCHEME

I, DAVID WILLIAM TOLLNER, Minister for Lands and Planning, under section 25(2)(c) of the *Planning Act*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated

15/6/2015.



Minister for Lands and Planning

## SCHEDULE

## AMENDMENT TO NT PLANNING SCHEME

## AMENDMENT No. 387

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 387.

**2. Amendment of clause 4.1**

(1) After paragraph (c) -

*Insert*

(d) promote a more compact urban form in appropriate locations to maximise infrastructure utilisation and enhance urban liveability;

(2) After the final paragraph -

*Insert*

(l) consider the provision of social infrastructure in order to maintain and enhance the quality of community facilities.

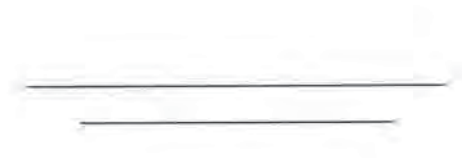
**3. Amendment to Schedule 2 - Schedule to Clause 2.7**

- (1) After the Katherine Land Use Plan -

*Insert*

Northern Territory Compact Urban Growth Policy  
May 2015

Department of Lands,  
Planning and the  
Environment



# **Northern Territory Compact Urban Growth Policy**

A Reference Policy Document to clause 2.7  
(Reference to Policy) of the NT Planning Scheme

May 2015

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# 1 Policy Setting

## 1.1 Context for this Policy

The Compact Urban Growth Policy is a response to the Northern Territory Government's strategic goals outlined within the *Framing the Future* document. Specifically, this policy implements objective one of the strategic goal titled "Balanced Environment", which sets out to develop an urban densification strategy.

These strategic goals complement recent Commonwealth Government commentary in publications such as *Our Cities – Our Future* and *Creating Places for People – An Urban Design Protocol for Australian Cities*. These publications aim to ensure that we create prosperous cities that support the wellbeing of current and future generations.

This policy also complements initiatives in regional land use planning in the Northern Territory, such as the draft Darwin Regional Land Use Plan 2014 and the Katherine Land Use Plan.

## 1.2 Why is this Policy Required

Population growth in our urban areas has been predominately accommodated in new low density urban suburbs or larger rural lots. This approach has seen extensive areas of natural vegetation and habitat replaced with human habitat.

However, land is a finite resource. Government policy needs to ensure that we are not wasteful in the way we use this resource, as using too much of it now may be detrimental to future generations and the environment.

Land capability issues within each of the Northern Territory's urban regions constrain land development, and dictate the extent to which an urban area can expand. Hence, it is important to ensure that we use the limited supply of developable land efficiently.

It is healthy for urban areas and towns to grow, as this indicates that positive economic and social conditions exist. Urban areas traditionally provide job opportunities and a means of earning an income. Earning an income allows people to interact with society in a positive way. Naturally, people from other geographic regions are attracted to the opportunities offered where such positive conditions exist.

It is acknowledged that population growth results in a demand for new housing, commercial and community floor space. Population growth also generates new demands on infrastructure and services, such as roads, power and water services, parks and other community facilities.

Therefore, the challenge is to ensure that existing urban areas and new broad acre land releases efficiently use valuable land and resources in order to cater for a growing population. Further, it is also important that the population of an urban centre has efficient access to the social and economic benefits of the locality, and can be supported by the services and infrastructure of that locality.

It is recognised that these issues need careful policy management - a policy that manages the issue of a growing population and compact urban development is required. Such a policy needs to establish a consistent and balanced approach to identifying localities where urban growth can be accommodated.

## 2 Background

### 2.1 What is Compact Urban Growth

Compact Urban Growth is aimed at the efficient use of land, and the efficient use of services and infrastructure that support land use.

Compact Urban Growth aims to create compact and mixed activity places that play a role in improving people's lifestyle, whilst creating healthy people, sustainable economies, sustainable environments and sustainable communities. Higher density residential buildings are encouraged, and are usually a key component of a Compact Urban Growth locality.

Figure 1 outlines the general philosophy behind Compact Urban Growth. In principle, Compact Urban Growth localities should:

- occur around activity centres and public transport nodes, where dwelling and activity density may be at its highest;
- occur along transport corridors that are within 400 metres of an activity centre;
- maximise cycling and walking access to public transport, commercial and community facilities; and
- include a transition zone, where dwelling and activity density will become less intense, and will transition to lower densities generally matching the surrounding locality (generally occurs 400 metres away from the activity centre and public transport node).

Areas outside of a 400 metre radius of an activity centre or a zone defined by an Area Plan will experience minimal change in residential density under this model.

Density of dwellings and activities at individual activity centres and transport nodes should be in keeping with changes that are reasonably anticipated within a locality. Densities should be respectful of the scale and character of the surrounding locality.

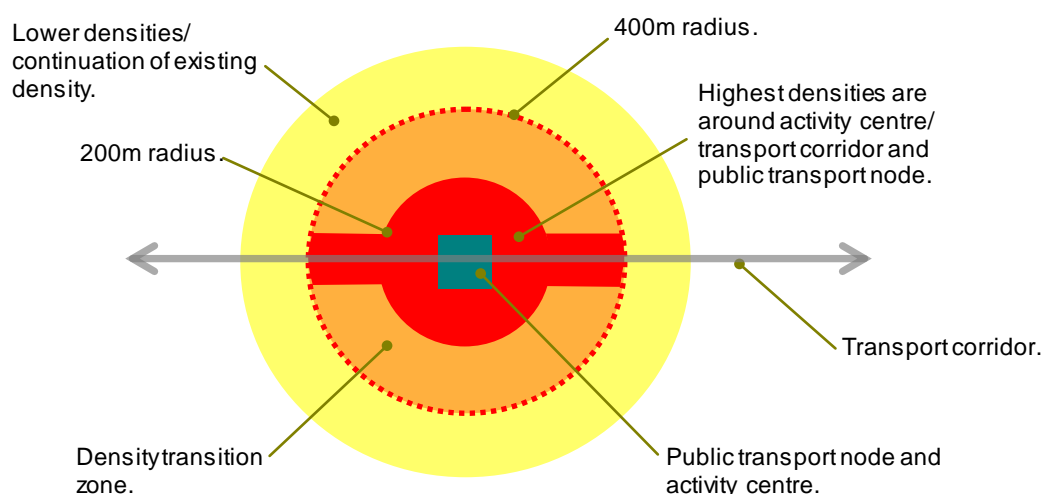


Figure 1 – Higher densities are encouraged within 400 metres of an activity centres and high frequency public transport corridors.



## 2.2 What are the Benefits of Compact Urban Growth

The Compact Urban Growth model described above has been linked to improving urban sustainability. Urban sustainability is not just about environmental concerns, it is also about economic viability, liveability and social equity.

For example, locating more dwellings close to shops, existing employment centres, public open spaces, public transport and schools allows improved access to jobs, services and facilities.

Compact growth localities add to the variety of housing products, which cater for the diverse aspirations of our socio-demographic.

The closer people are to local services, the higher likelihood that these services will be used, and the more viable it becomes to operate these services.

If more people start using their local services and facilities, the opportunity for safety via passive surveillance improves (ie. eyes on the street).

If you locate more people close to these facilities, the likelihood of people walking to and using local shops, using public open space and using public transport increases.

If people start walking more as part of their daily routine, it increases people's ability to exercise, which has many health benefits for the individual.

If people walk or use public transport to their daily destinations, people start reducing their carbon footprint.

Cumulatively, these factors result in the ability to access a greater social network locally. In simple terms, these factors in combination can lead to the development of stronger and more resilient communities.

## 3 Operation of this Policy

### 3.1 Policy Application

This Policy applies to higher density residential proposals in urban brownfield and greenfield localities throughout the Northern Territory.

This Policy will be used to assess the appropriateness of delivering higher density residential land uses.

This Policy will also be used to guide the development of Area Plans, Rezoning and Exceptional Development Applications where higher density residential land uses are proposed.

### 3.2 Use of Policy Performance Criteria

This Policy contains performance criteria for assessing applications and Area Plans at section 4. The performance criteria contain:

- objectives that express the high level aspirations to be achieved; and
- key performance indicators that provide a detailed check list for measuring compliance with this Policy.

The objectives and key performance indicators in this policy will allow the appropriateness of compact urban growth in a locality to be considered.

An application or Area Plan is to demonstrate compliance with the all key performance indicators listed in section 4 of this policy.

Where the key performance indicators cannot be met, the application or Area Plan will instead demonstrate an alternative solution that achieves the objectives of this policy.

Where an application proposes higher density residential land uses and compliance with the key performance indicators in this policy is not achieved, an Area Plan may be required. This Area Plan is to demonstrate the achievement of the objectives of this policy, despite any non-compliance with the key performance indicators.

## 4 Performance Criteria

### 4.1 Accessibility

#### Objective:

To allow for higher density residential proposals that are within a comfortable walking distance of:

- (a) an activity centre where commercial and community facilities are available; and
- (b) a public transport route (applicable in regions where public transport services are available).

#### Key Performance Indicators:

1. Is the proposal within 400 metres walking distance of the following:
  - (a) an activity centre;
  - (b) frequent public transport;
  - (c) public open space; and
  - (d) schools and other education/ community facilities?
2. Do local walking and cycling routes allow for direct, quick and safe access to public transport, commercial and community facilities?

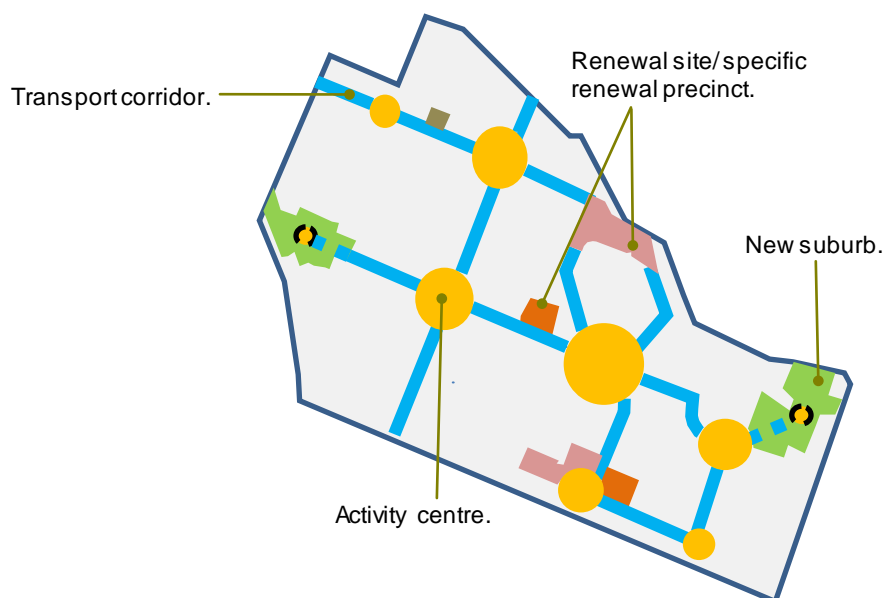


Figure 2 – A network of places where densification can be expected.

## 4.2 Neighbourhood Character

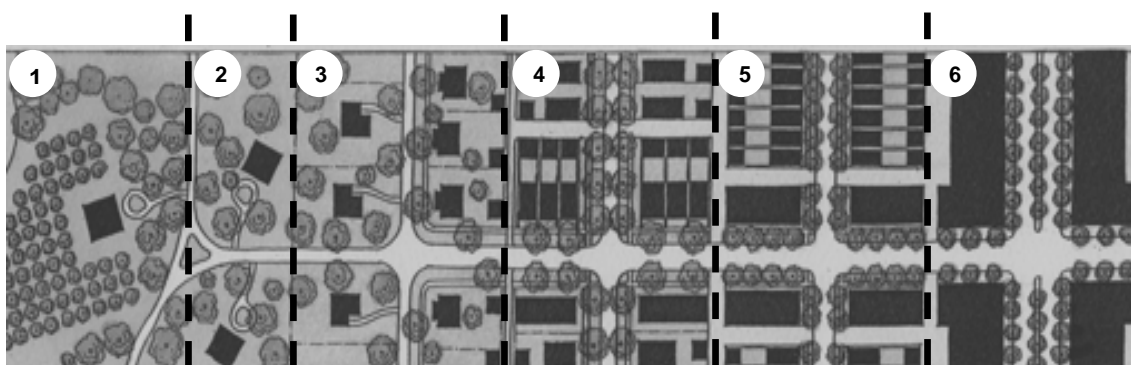
### Objective:

To encourage higher density residential proposals that:

- (a) positively respond to the established neighbourhood character;
- (b) integrate positively with neighbouring lower density localities;
- (c) positively contribute to the values of neighbouring heritage sites; and
- (d) are consistent with the current or future envisaged pattern of urban development within the locality; and

### Key Performance Indicators:

1. Will the proposal positively contribute to the neighbourhood character by:
  - (a) providing development outcomes consistent with the existing building height and building type in the neighbourhood, or a building height and building type envisaged by an Area Plan or Policy within the NT Planning Scheme;
  - (b) improving the neighbourhood aesthetic through landscaped setbacks and/ or active frontages; and
  - (c) ensuring that heritage places are not dominated or diminished in appearance?
2. Is the proposal continuing an existing town planning zoning sequence or is it consistent with a future development vision outlined by an Area Plan or Policy within the NT Planning Scheme?
3. Is the proposal providing a transition in density, height, bulk and massing where lower density localities are adjacent or adjoining?



1. Rural Lifestyle locality, where densities are 0.5 dwellings per hectare or less.
2. Rural Residential locality, where densities are between 1 and 2.5 dwellings per hectare.
3. Lower density locality, where densities are approximately 12 - 15 dwellings per hectare.
4. Low to medium density locality, where densities are approximately 30 dwellings per hectare.
5. Medium density locality, where densities are approximately 60 dwellings per hectare
6. Higher density locality, where densities are in excess of 60 dwellings per hectare.

*Figure 3 – An illustration showing how to structure a compatible transition of density and scale. A compatible transition is usually successful when it follows the sequence outlined above.*

### 4.3 Traffic Management

**Objective:**

To ensure that higher density residential proposals do not cause a detrimental impact on vehicle movement.

**Key Performance Indicators:**

1. Can the existing road network support the proposed density increase (ie. is it likely that the development will result in road intersection failure)?
2. Is the road reservation adjoining the proposal wide enough to cater for on street car parking and vehicle movement? Higher density residential development is not encouraged:
  - (a) in cul-de-sacs; and
  - (b) on road reserves less than 17 metres in width for lower and medium density developments; or
  - (c) on road reserves less than 20 metres in width for high densities.

### 4.4 Service Infrastructure

**Objective:**

To ensure that higher density residential proposals do not cause a detrimental impact on the operation of essential power, water, sewerage and stormwater infrastructure.

**Key Performance Indicators:**

1. Have the relevant service authorities indicated that power, water, sewerage and stormwater infrastructure:
  - (a) currently exists to adequately cater for the increase in density; or
  - (b) will be provided to a level that will support the envisaged change in population?
2. Is reticulated sewerage infrastructure available within the locality? Higher density residential proposals are only encouraged where reticulated sewerage services are available.

## 4.5 Constrained Land

### Objective:

To discourage higher density residential proposals in localities that are affected by noise, public health or public safety constraints.

### Key Performance Indicators:

1. Is the proposal affected by any constraint where higher residential densities are discouraged? For example, higher densities are discouraged on land affected by the following constraints:
  - (a) Australian Noise Exposure Forecast Contours relating to aircraft noise;
  - (b) Primary or Secondary Storm Surge Areas;
  - (c) odour buffers relating to sewerage infrastructure;
  - (d) biting insects in greenfield developments; and
  - (e) riverine flooding in greenfield development.
2. Is the proposal in accordance with the airport building height limitations applied by:
  - (a) Defence (Area Controls) Regulations 1989;
  - (b) Airports (Protection of Airspace) Regulations 1996: Obstacle Limitation Surface; and
  - (c) Airports (Protection of Airspace) Regulations 1996: Procedures for Air Navigation Services – Aircraft Operations?

## 4.6 Social Infrastructure

### Objective:

To ensure that higher density residential proposals respond appropriately to the social infrastructure needs of a locality.

### Key Performance Indicators:

1. Where a proposal involves a land area greater than 1 hectare, is the social infrastructure (ie. park facilities, community centres etc.) of an adequate standard to cater for the estimated increase in population? Or, will further embellishment, planning for or the provision of new facilities be required?
2. Will the redevelopment of a site designated for community purposes result in an unacceptable impact on the provision of social infrastructure in a locality?

## 5 Glossary of Terms

To aid the use of terminology, frequently used terms are defined below.

<b>Activity Centre</b>	A location where a mix of activities occurs, such as shops, banks, offices, restaurants, cafes etc.
<b>Brownfield</b>	Previously used and disused urban sites that have been identified for new land uses and development.
<b>Comfortable Walking Distance</b>	As a rule of thumb, 400 metres or a 5 minute walk is classified as a comfortable walking distance universally. However, a comfortable walking distance varies, and can also be assessed based on: an individual's willingness to walk; the weather conditions; the aesthetics, attractiveness, directness and safety of the walking route; and the facilities at the destination.
<b>Frequent Public Transport</b>	Frequent services, particularly on key trunk routes linking major centres, along with local services reliably operating on exactly the same route, at regular intervals throughout the day.
<b>Greenfield</b>	The creation of new planned suburbs and communities on previously undeveloped land.
<b>Higher Density Residential</b>	Usually taller than two storeys in height and a neighbourhood density greater than 20 dwellings per hectare (or one dwelling per 300m <sup>2</sup> of site area or less).
<b>Neighbourhood Character</b>	The combined characteristics of built form, vegetation and topographic characteristics, in both the private and public domains, that make one place different from another.
<b>Public Open Space</b>	Areas of land reserved for the provision of green space and/ or natural environments and intended for use for recreation purposes (active or passive) by the general public.
<b>Public Transport Node</b>	A major stop on a public transport route in an activity centre.
<b>Renewal Site</b>	Usually a small site that is accessed from an existing road and only requires internal circulation driveways to support internal movement.
<b>Service Infrastructure</b>	Includes roads, sewer, water mains, power networks, stormwater or any other essential infrastructure that is required to support the basic living standards of a neighbourhood.

<b>Site Responsive</b>	A design response that ensures a new development responds to the characteristics of the site, and that the site can accommodate the proposed form of development to a standard that does not frustrate the achievement of other objectives.
<b>Social Infrastructure</b>	Infrastructure that supports the social service requirements of a population, and includes infrastructure such as schools, community centres, public open spaces, organised recreation facilities, community health services and child care centres.
<b>Specific Renewal Precinct</b>	Usually a large redevelopment site that requires its own local road network.
<b>Sub-Region</b>	A defined locality that forms part of a broader region.
<b>Transport Corridor</b>	A road or reservation containing high frequency public transport.
<b>Town Planning Zoning Sequence</b>	The uninterrupted continuation of a town planning zone from one site to adjoining sites.



**18. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**19. REPORTS OF REPRESENTATIVES**  
Common No. 1735503

**20. QUESTIONS BY MEMBERS**

**21. GENERAL BUSINESS**

**22. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**  
Common No. 2695130

THAT the next Ordinary Meeting of Council be held on Tuesday, 14 July 2015, at 5:00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

**23. CLOSURE OF MEETING TO THE PUBLIC**  
Common No. 2695131

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.

**24. ADJOURNMENT OF MEETING AND MEDIA LIAISON**  
Common No. 2695132