



Business Papers

Town Planning Committee Meeting

**Tuesday, 9 May 2017
5.00pm**



Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend a Town Planning Committee Meeting to be held in Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 9 May 2017, commencing at 5.00pm.

A handwritten signature in black ink, appearing to read 'B P Dowd', is written over a white background.

B P DOWD
CHIEF EXECUTIVE OFFICER

OPEN SECTION

TP05/3

CITY OF DARWIN

TOWN PLANNING COMMITTEE MEETING

TUESDAY, 9 MAY 2017

MEMBERS: Member S J Niblock, (Chair); The Right Worshipful, Lord Mayor, Ms K M Fong Lim; Member R K Elix; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member M Palmer; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Infrastructure, Mr L Cercarelli; Executive Manager, Mr M Blackburn; Manager Design, Projects & Planning, Mr D Lelekis; Strategic Town Planner, Ms C Robson; Planning Officer, Mr B Sellers; Town Planner, Mr D Burrow; Committee Administrator, Mrs P Hart.

Enquiries and/or Apologies: Penny Hart
E-mail: p.hart@darwin.nt.gov.au - PH: 89300 670
OR Phone Committee Room 1, for Late Apologies - PH: 89300 519

Committee's Responsibilities

- Development Applications referred from the Development Consent Authority
- Town Planning Strategy, Policies and Procedures
- Development and Planning Matters referred to Council from Developers, Community Groups and Individuals
- Signage Applications, Policies and Procedures

THAT effective as of 16 April 2012 Council, pursuant to Section 32 (2)(b) of the Local Government Act 2008, hereby delegates to the Town Planning Committee the power to make recommendations to Council and decisions relating to Town Planning matters within the approved budget.

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OPEN SECTION

TP05/4

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OPEN SECTION

TP05/5

Town Planning Committee Meeting – Tuesday, 9 May 2017

1. MEETING DECLARED OPEN

2. APOLOGIES AND LEAVE OF ABSENCE

Common No. 2695036

2.1 Apologies

2.2 Leave of Absence Granted

THAT it be noted Member R M Knox is an apology due to a Leave of Absence previously granted on 14 March 2017 for the period 12 April to 15 May 2017.

3. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

3.1 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 member was granted permission for Electronic Meeting Attendance at this the Town Planning Committee Meeting held on Tuesday, 9 May 2017:

- Member R M Knox

4. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

4.1 Declaration of Interest by Members

4.2 Declaration of Interest by Staff



OPEN SECTION

TP05/6

Town Planning Committee Meeting – Tuesday, 9 May 2017

5. CONFIDENTIAL ITEMS Common No. 1944604

5.1 Closure to the Public for Confidential Items

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 following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C14	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C17.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C17.2	8(e)	information provided to the council on condition that it be kept confidential

5.2 Moving Open Items Into Confidential

5.3 Moving Confidential Items Into Open

6. WITHDRAWAL OF ITEMS FOR DISCUSSION

THAT the Committee resolve under delegated authority that all Information Items and Officers Reports to the Town Planning Committee Meeting held on Tuesday, 9 May 2017 be received and considered individually.

7. CONFIRMATION OF MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING

THAT the Committee resolve that the minutes of the previous Town Planning Committee Meeting held on Tuesday, 6 December 2016, tabled by the Chair, be received and confirmed as a true and correct record of the proceedings of that meeting.



OPEN SECTION

TP05/7

Town Planning Committee Meeting – Tuesday, 9 May 2017

8. BUSINESS ARISING FROM THE MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING

8.1 Business Arising

9. DEPUTATIONS AND BRIEFINGS

Nil



OPEN SECTION

TP05/8

Town Planning Committee Meeting – Tuesday, 9 May 2017

10.1 OFFICERS REPORTS (ACTION REQUIRED)



ENCL: TOWN PLANNING COMMITTEE/OPEN
YES

AGENDA ITEM: 10.1.1

RETROSPECTIVE APPROVAL OF TOWN PLANNING MATTERS

REPORT No.: 16TS0181 NS:hd COMMON No.: 3426041

DATE: 09/05/2017

Presenter: Manager Design, Planning and Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to provide Council with information on ways that City of Darwin “can influence, effect and lobby the Northern Territory Government on behalf of the community, to create a fair and equitable system of fines or some similar disincentive alternative that applies to applicants seeking retrospective approval of town planning matters.”

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies 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

- Retrospective approvals relating to town planning matters implies that consent has not been granted or what has been implemented is inconsistent with a Development Permit.
- The *Northern Territory Planning Act* currently provides mechanisms to deal with enforcement matters, whilst the Northern Territory Planning Scheme provides provisions that permit, prohibit, restrict or impose conditions on the use and/or development of land.
- Development Assessment Services responds to and investigates enforcement matters, whilst the Development Consent Authority considers applications for retrospective planning matters on their individual merits.
- The Territory Labor Party pre-election commitment stated that they are committed to restoring integrity to Government for Territorians, and have identified planning as an area for reform.

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 SUBJECT: RETROSPECTIVE APPROVAL OF TOWN PLANNING MATTERS

RECOMMENDATIONS

THAT the Committee resolve under delegated authority:

- A. THAT Report Number 16TS0181 NS:hd entitled Retrospective Approval of Town Planning Matters, be received and noted.
- B. THAT Council endorse the letter to the Minister for Infrastructure, Planning and Logistics provided at **Attachment A** to Report Number 16TS0181 NS:hd entitled Retrospective Approval of Town Planning Matters, requesting a review of current planning systems to ensure a fair and equitable system for retrospective planning approvals.

BACKGROUND

At the November 1st Ordinary meeting, Council resolved the following:

DECISION NO.21\5000 (15/11/16)

Retrospective approval of town planning matters

Common No. 3411299

THAT a report be provided to the next Strategic Town Planning Committee meeting on ways that City of Darwin can influence, effect and lobby the Northern Territory Government on behalf of the community to create a fair and equitable system of fines or some similar disincentive alternative, that applies to applicants seeking retrospective approval of town planning matters.

Retrospective approval relating to town planning matters implies that:

- an application for a use and/or development is granted after a use or development has commenced and is partially complete or completed and would ordinarily require consent; or
- an owner/developer has not acted in accordance with the provisions of a development permit and further approval is sought after the fact.

DISCUSSION

An assessment of the various processes that Development Assessment Services (DAS) and the Development Consent Authority (Consent Authority) undertake in accordance with the requirements of the *Northern Territory Planning Act* (NT Planning Act) and the Northern Territory Planning Scheme (the Scheme) is provided for Council's information, along with some examples of processes undertaken interstate.

Additionally, consideration to the Northern Territory Government's commitment to "restoring integrity to Government for Territorians" has been included; given that a need has been identified to consider a reform of current planning systems.

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A summary of the findings in relation to retrospective planning matters is provided below:

Northern Territory Planning Act

Part 7 of the NT Planning Act provides criteria in relation to the enforcement of the Act and includes:

- applicable penalties to enforcement matters;
- notice to cease if in contravention of the Scheme;
- powers to enter the land, prosecution permissions;
- timeframes; and
- matters relating to court orders.

It is noted that the Minister; “can prosecute you for breaching the Act, a planning scheme or a development permit.”

Pursuant to the NT Planning Act; “provision is made for default penalties to be imposed in the case of a continuing breach and the (local) court may order work to be done to remedy a contravention.” This would apply where a Development Permit has not been issued for a development or where the development is not implemented in accordance with a Development Permit issued.

Part 7 of the NT Planning Act can be found at:

https://legislation.nt.gov.au/LegislationPortal/Acts/By-Title#header_act_acc_P

Northern Territory Planning Scheme

The Scheme provides provisions that permit, prohibit, restrict or impose conditions on a use and/or development of land. The Scheme does not differentiate between retrospective and non-retrospective planning applications.

Therefore pursuant to the Scheme, assessments of retrospective planning applications are considered with the same requirements and are assessed on their individual merit (as if they were not retrospective).

Development Assessment Services

The Department of Infrastructure, Planning and Logistics (DIPL) website identifies the complaints process and states that; a “complaint may be made by a member of the public, local councils or other government agencies” direct to the DIPL.

The DIPL website states that; a “complaint will be investigated by the department’s compliance team. The compliance team conducts inspections of approved projects, responds to reports and complaints, investigates potential breaches and carries out enforcement action.”

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If a complaint is about a breach, the compliance and planning team may:

- Require remediation of works/use;
- Send warning letters, send penalty notices, take legal action, issue a fine;
- Negotiate an outcome between parties; and/or
- Require a retrospective planning application to be lodged, which will be considered pursuant to the NT Planning Act and the Scheme.

Enforcement matters are responded to by either the dedicated enforcement officer or one of the 42 planners that work within the Darwin, Katherine and Alice Springs offices.

When considering the need to take legal action, DAS has an obligation to consider the expenditure of public monies and the gain in pursuing such action.

As a precautionary measure for the public, DAS offers pre-application meetings with planners, at no financial cost, to discuss proposed uses and/or developments in addition to offering a formal 'compliance check' service at a cost to the applicant.

A compliance check involves planners assessing plans/information and providing a formal written response to the proposal. Building Certifiers often require compliance checks to be applied for, prior to issuing a Building Permit, to reduce their risk in issuing a Building Permit when planning approval may be required.

Development Consent Authority

Part 8 of the NT Planning Act establishes the Consent Authority.

The Scheme prescribes the steps of applying for the use and development of land within the Northern Territory which in summary, requires the processes as demonstrated within **Attachment B** to be undertaken.

Retrospective planning applications are subject to the same fees and processes as non-retrospective planning applications (as identified within **Attachment B**).

It is important to note that:

- "The Consent Authority will consider all applications on their individual merit, exercising the discretion afforded it under the Planning Act";
- Retrospective planning applications are not automatically given a 'right' of approval; a Notice of Refusal may be issued for a retrospective use and/or development which could include conditions that requires changes; and
- Retrospective planning applications are subject to the same level of considerations (i.e. as if the land was not already being used and/or developed).

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Examples of retrospective planning applications

Some examples of recent retrospective approvals sought and subsequent outcomes of and/or decisions made in respect to these are provided at **Attachment C**.

These examples are provided as an indication of how retrospective planning applications are considered consistent with existing mechanisms within the Scheme and NT Planning Act.

Northern Territory Government (Pre-Election) Commitment

The Northern Territory Government (NTG) has committed to creating an open, accountable and transparent Government to ensure confidence for all Territorians. As part of this commitment, the NTG drafted a Restoring Integrity to Government: Trust and Integrity Reform - Discussion Paper (Discussion Paper).

The Discussion Paper highlighted key areas that they considered worthy of reform and planning was identified as being an appropriate area to ensure certainty, balance in competing public interests, transparency, reducing complexity, meaningful community participation and consultation and expanding the scope of third party merit appeals.

The Discussion Paper identified that “further reforms to the Northern Territory planning system will be the subject of a future Labor discussion paper”. The planning reform section of the Discussion Paper is provided at **Attachment D**.

The Discussion Paper invites feedback and questions. The invited questions and identification of future work in the planning arena provides Council an opportunity to comment on its interests in creating a fair and equitable planning system and to seek an opportunity to be active in the ongoing planning reform discussions.

Research on Interstate Practices

Cairns Regional Council:

Cairns Regional Council does not impose additional fees or application processes as a disincentive for retrospective uses and/or development. Retrospective use and/or development applications are considered on their own merits and are subject to any relevant permit conditions that may have ordinarily applied.

City of Perth:

It is understood that Compliance Officers will respond to complaints received and if a use and/or development is found to be in contravention of planning requirements, subsequent approval is required to be sought. Retrospective planning applications are subject to the same processes and assessment criteria as non-retrospective applications.

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As a disincentive, City of Perth charges an application fee three times the value of the original application fee.

Summary

Given the above, it is considered that increased fines alone are unlikely to be a sufficient disincentive for retrospective approval of developments or change of uses.

It is considered that broader issues such as the following, need to be taken into account in creating a fair and equitable system relative to retrospective approval of town planning matters:

- Education - noting that there are varied audiences such as 'Mum and Dad' applicants, Building Certifiers and regular developers etc. Knowledge and experiences of these varied audiences with the current planning systems differs. Education is a broad component in addressing retrospective planning applications.
- Community message - a message to the community needs to be sent stating that retrospective use and/or development will be considered on their individual merits and that retrospective planning applications are not automatically given a 'right' of approval. In fact, a Notice of Refusal may be issued and/or conditions could be included that require changes. Retrospective planning applications are subject to the same level of considerations (i.e. as if the land was not already being used and/or developed.)
- Legislation – does current planning legislation sufficiently address and respond to retrospective uses and/or developments and provide adequate ability for matters to be pursued?

In summary, it is considered that the issues of retrospective planning applications and the creation of a fair and equitable planning system are appropriate to address with the NTG, particularly as planning reform is a matter that has been identified as being important by the current NTG.

It is therefore recommended that Council endorse the response letter at **Attachment A**.

CONSULTATION PROCESS

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

- Town Planner
- Strategic Town Planner

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

- Development Assessment Services

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- City of Perth
- Cairns Regional Council

POLICY IMPLICATIONS

Given that City of Darwin is a “Service Authority” in regard to current planning processes, there are no expected policy implications for Council as a result of the request within **Attachment A**.

BUDGET AND RESOURCE IMPLICATIONS

Given that City of Darwin is a “Service Authority” in regard to current planning processes, there are no expected budget and/or resource implications for Council as a result of the request within **Attachment A**.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

As per the request at **Attachment A**, any review and/or consideration of the Planning Act and/or the Scheme could result in changes that may have risk/legal/legislative implications that may affect City of Darwin and the Northern Territory, given that current planning systems apply Territory wide.

ENVIRONMENTAL IMPLICATIONS

Any review and/or consideration of the Planning Act and/or the Scheme in respect to retrospective planning approvals may result in greater compliance with amenity, streetscape and tropical landscape character and hence better environmental outcomes for the community.

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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
AND PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
c.robson@darwin.nt.gov.au.

Attachments:

Attachment A: Letter to Minister

Attachment B: Development Application Processes

Attachment C: Recent retrospective approvals sought and subsequent outcomes/decisions

Attachment D: Restoring Integrity to Government: Trust and Integrity Reform – Discussion Paper (Planning Reform)

10 May 2017

Please quote: 3426041 NS:hd

Hon. Nicole Manison MLA
Minister for Infrastructure, Planning
& Logistics
GPO Box 3146
DARWIN NT 0801

Dear Minister

RETROSPECTIVE APPROVAL OF TOWN PLANNING MATTERS

Council has observed an increase in the number of planning applications exhibited that are seeking retrospective approval.

We note that as part of its pre-election campaign, your Government committed to creating an open, accountable and transparent Government to ensure confidence for all Territorians. As part of this campaign, the Restoring Integrity to Government: Trust and Integrity Reform - Discussion Paper (Discussion Paper) was developed.

The Discussion Paper highlighted key areas that were considered worthy of reform and planning was identified as being an appropriate area to ensure; certainty, balance in competing public interests, transparency, reducing complexity, having meaningful community participation and consultation and expanding the scope of third party merit appeals. The Discussion Paper identified that further reforms to the Northern Territory Planning System will be the subject of additional work.

As part of the planning reform considerations, Council seeks a review of the *Northern Territory Planning Act*, the Northern Territory Planning Scheme and all other current planning related systems and processes in relation to retrospective uses and/or developments and enforcement.

Additionally, Council offers that better educating of and messaging to the community on these matters could be one of many considerations in addition to those identified within the Discussion Paper. This would result in greater awareness of planning processes and that retrospective uses and/or development will not be tolerated and that approval may not be granted for such applications.

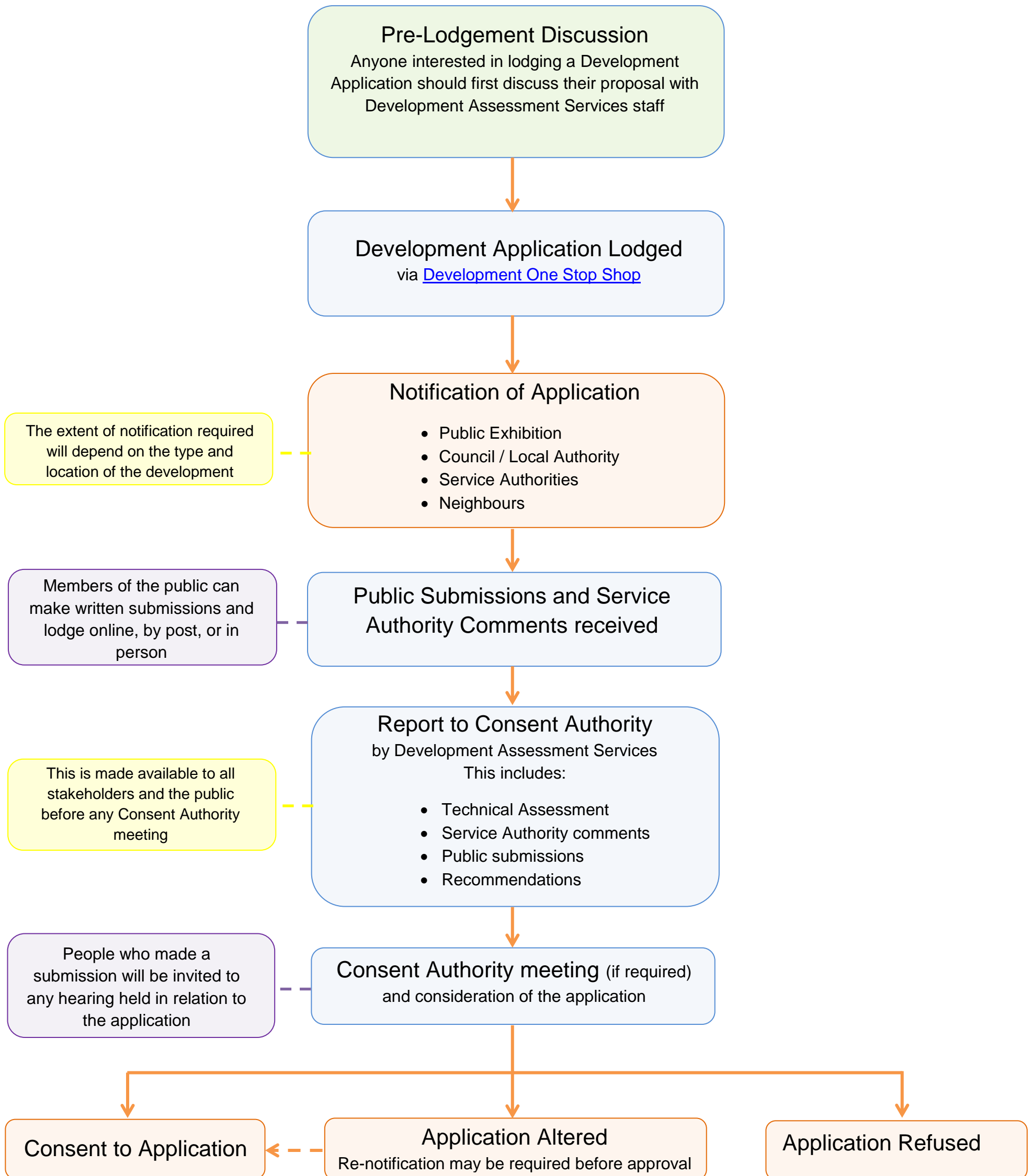
Council is keen to participate and partner with the Northern Territory Government in this planning reform process.

If you have any further queries please contact Luccio Cercarelli on 8930 0581 or l.cercarelli@darwin.nt.gov.au.

Yours Sincerely

KATRINA FONG LIM
LORD MAYOR

DEVELOPMENT APPLICATION PROCESS



Note: An application may be deferred at any stage if further information is considered necessary to enable proper assessment of the proposal

Examples of Recent Retrospective Development Applications

Application:	Outcome:
<p>33 Lakes Crescent, Marrara</p> <p>Development of a shed</p>	<p>Constructed shed with a 2.7m front setback (3.3m variation to the Scheme).</p> <p>The Consent Authority refused the application, which resulted in the shed being relocated.</p>
<p>68 Frances Bay Drive, Stuart Park</p> <p>Stockpile of fill</p>	<p>Temporary stockpile of fill (for a maximum of 12 months) which was from the development of a car park on site.</p> <p>The Consent Authority approved the application provided:</p> <ul style="list-style-type: none"> • the height of the stockpile was reduced; • the permit was limited to 6 months; and • the environmental conditions precedent would address related environmental concerns.
<p>4 Finniss Street, Darwin</p> <p>Change of use from warehouse to a leisure and recreation facility (gym)</p>	<p>Gym (leisure and recreation facility) from a warehouse.</p> <p>The Consent Authority resolved to adopt noise attenuation measures and restrict the use of the gym prior to 6.30am on weekdays and 8.30am on weekends.</p> <p>An appeal was lodged by the applicant.</p> <p>A Notice to Cease was issued ordering exercise classes prior to 6.30am to cease operation effectively immediately.</p> <p>The Consent Authority resolved to issue a Notice of Consent allowing the 5.30am group exercise classes, due to noise works within the site.</p>

RESTORING INTEGRITY TO GOVERNMENT

TRUST AND INTEGRITY REFORM
DISCUSSION PAPER



11. Planning Reform

Public confidence that the Northern Territory planning process is open and transparent is essential for creating trust in the political process.

Recent events and development approvals have raised concerns within the community that the Northern Territory's planning system lacks the appropriate checks and balances to guard against corruption and to ensure the public interest is taken precedence over competing private interests.

A Territory Labor Government will adopt the six principles outlined in the 2012 NSW ICAC *Report into Anti-corruption safeguards and the NSW planning system*^{xv}. These are listed below.

While the recommendations are drawn from the experiences and practises in NSW, they are directly relevant to the issues that are continuing to cause community concern in the northern Territory.

Further reforms to the Northern Territory planning system will be the subject of a future Labor discussion paper.

1. Providing certainty

Historically, developments have been assessed against planning instruments, which clearly articulate up front the set of "rules" that apply to a proposal. In recent years, there has been an increasing tendency towards departures from the stated requirements. The existence of a wide discretion to approve projects, which are contrary to local plans and do not necessarily conform to state strategic plans, creates a corruption risk and community perception of lack of appropriate boundaries. A re-emphasis on the importance of strategic planning, clear criteria to guide decisions and a consistent decision-making framework will help address this issue.

2. Balancing competing public interests

The planning system should recognise the spectrum of competing public interests, including environmental, social and economic outcomes. If it is the intent of the planning system to prefer a particular public interest over another, this should be clearly articulated in the legislation to avoid perceptions of undue favouritism.

3. Ensuring transparency

Transparency is an important tool in combating corruption and providing public accountability for planning decisions. A transparent planning system ensures the public has meaningful information about decision-making processes as well as being informed about the basis for decisions.

4. Reducing complexity

A straightforward regulatory structure assists in the detection of corrupt conduct and acts as a disincentive for individuals to undermine the system. The risk of error, which can provide a convenient cloak for corrupt conduct, is also reduced when established processes are clearly defined and understood.

5. Meaningful community participation and consultation

Meaningful community participation in planning decisions is essential to ensuring public confidence in the integrity of the system. Community involvement in planning outcomes includes the public exhibition of planning instruments and development proposals as well as planning authorities giving adequate weight to submissions received as part of this process.

TELL US WHAT YOU THINK

Will the adoption of these principles improve the integrity of the Northern Territory Planning system?

What other safeguards might be considered?

6. Expanding the scope of third party merit appeals

Under the EP&A Act, there is a disparity between objector and applicant rights on the issue of merit appeals. Merit appeals provide a safeguard against biased decision-making by consent authorities and enhance the accountability of these authorities. The extension of third party merit appeals acts as a disincentive for corrupt decision-making by consent authorities.

ENCL: TOWN PLANNING COMMITTEE/OPEN **AGENDA ITEM:** 10.1.2
YES

ZERO OR REDUCED FRONT SETBACKS FOR GARAGES AND CARPORTS

REPORT No.: 17TS0036 DB:hd **COMMON No.:** 3500460 **DATE:** 09/05/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to provide Council with information on the planning objectives and principles relating to zero or reduced front setbacks for ancillary structures such as garages and carports as a reasonable proportion of a front lot line.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies 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

- Council has been discussing the impacts of continued setback variations, particularly with regard to front setbacks on ancillary structures without external walls, such as carports or verandahs and in March 2017 requested a report.
- The issue of reduced building setbacks is a complex and subjective matter and this report is intended to provide information for Council's consideration.
- The scheme applies to the entire Northern Territory and has limited design guidelines and outcomes for specific areas.
- Pursuant to the Northern Territory Planning Scheme (the Scheme) some setbacks can be varied by the Development Consent Authority (DCA) whilst others are prescriptive and can only be varied by the Minister through an Exceptional Development Process (EDP).
- Council makes comment on development and strategic applications, however as City of Darwin are not the Consent Authority, Council's comments may or may not influence the outcome of an application.
- Council may wish to provide some guidance on what it deems acceptable.

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- City of Darwin officers assess development applications against the criteria outlined in the Scheme. Where a variation is proposed, the merits of the proposal are assessed against criteria including existing neighbourhood character, built form, likely amenity impacts and any relevant Council policies.
- Setback variations that may be appropriate for one area, may not be appropriate for another.
- Due to the subjective and complex nature of assessing reduced building setbacks, the current system and the Scheme are considered adequate as it both prescribes a consistent setback and allows for a more detailed assessment where necessary.

RECOMMENDATIONS

THAT the Committee resolve under delegated authority:

- A. THAT Report Number 17TS0036 DB:hd entitled Zero or Reduced Front Setbacks for Garages and Carports be received and noted.
- B. THAT Council note that the Northern Territory Planning Scheme prescribes and approves setbacks and that assessment and comments made by Council to the Development Consent Authority on variations from the Northern Territory Planning Scheme should be assessed on a case by case basis on individual merits considering issues such as streetscape character, access, environmental and social impacts, and urban and tropical amenity.

BACKGROUND

At the March 1st Ordinary Council meeting, Council resolved the following:

DECISION NO.21\5242 (14/03/17)

Issue of zero or reduced front setbacks

Common No. 3500460

THAT the issue of zero or reduced front setbacks for garages and carports (as a reasonable proportion of a front lot line) be referred to the Strategic Town Planning agenda for a future report to be considered by Council.

It is noted that for the purpose of discussion in this report the terminology has been revised from 'garages and carports' to any ancillary structures in order to be consistent with the terminology found within the Scheme.

The issue of reduced building setbacks for ancillary open sided structures and their impacts is a complex and subjective issue. The Northern Territory Government (NTG) is responsible for Development Assessment within the Northern Territory. Council is afforded the opportunity to comment on an application's impacts at a local level and does so as a service authority to represent the wishes of the community. Subsequently, Council does not approve nor reject Development Applications. This

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report is intended to provide information on the assessment criteria for variation to front setbacks for Council to consider its interest in this issue.

DISCUSSION

The positioning of built form is crucial in establishing the relationship between development and the public realm. Setbacks set the parameters for interaction between public and private spaces. Australia's reliance on vehicular transportation further complicates this issue as moving and storing motor vehicles takes up a significant amount of space, particularly within capital cities.

The "Northern Territory Planning Scheme" (Scheme) is a broad scheme providing development criteria for almost the entire Northern Territory.

It is the role of the Northern Territory planners to assess use and development on a 'what fits the area' level. A detailed assessment approach undertaken by City of Darwin officers and the Northern Territory Government officers is discussed further within the report.

Scheme Setback requirements within Residential Zones

Clause 3.0 Definitions, of the Scheme states that a '**building setback**' "means the distance from any lot boundary to a building" and is measured to:

- the wall of a residential building,
- the outer surface of the railings of a balcony or a verandah,
- the outer surface of any support column of a ground level verandah, and
- the outer surface of any support column of structures without external walls (except that the setback of a shade sail is measured to the outer extremity of the fabric).

Clause 7.3 of the Scheme controls building setbacks in residential buildings. Setbacks are defined by the scale of the residential building. Clause 7.3 of the Scheme has been broken down in **Attachment A**.

The Scheme prescribes a minimum setback of 4.5 metres for verandahs, balconies and ancillary structures without external walls from any Primary street frontage and 1.5 metres from a Secondary street frontage. Shade sales are prescribed a minimum of 3 metres from any Primary street frontage and 0.9 metres from any Secondary street frontage provided the shade sail does not exceed 2.5 metres in height.

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General purpose of setbacks

The purpose of front setbacks is to ensure that development is consistent with the existing streetscape and neighbourhood character whether it is in a residential, industrial, city or commercial context.

Setbacks should not unduly cause amenity impacts such as, but not limited to the following;

- an alteration to the continued built form which may impact upon the public realm and streetscape character,
- bulk and scale (particularly when viewed from adjoining development and within the street),
- reduction of passive surveillance to the street through development forward of the building line,
- the loss of off-street car parking through reduced building setbacks etc., and
- reduction of prevailing breezes which assist in cooling buildings.

Setbacks for ancillary structures such as garages and carports

The Scheme specifies a minimum setback of 1.5 metres from any rear or side boundary and 4.5 metres from any primary street frontage for ancillary structures, provided the structure is open sided. However, if a variation for a setback does not meet the requirements listed within the Scheme the following must be considered:

Character

Building setbacks play an important role in ensuring the character of a locality. Prescribed setbacks can ensure consistency and visual symmetry for the streetscape. Furthermore, as a result of prescribing setbacks the consent authority can ensure a degree of equality between residences and create a form of visual harmony.

It is important to note that secondary street frontages are prescribed a lesser setback so that allotments with more than one frontage to a road reserve are not unduly penalised yet still provide consistent transitions between street setbacks.

In some instances a reduced setback may already be established in order to maintain consistency within the street. In such circumstances development should be consistent with the established setback. This should not occur as a result of any isolated instance setting a 'precedence' but rather be identified as part of the character of the locality.

The reduction of building setbacks whether by carport, verandah or any other structure has the ability to disrupt the consistency and visual symmetry of the street, and ultimately the character of the locality. Any variations to the prescribed setbacks

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within the Scheme require assessment on a case by case basis. Such assessments are afforded through the current legislation.

Scale

Building setbacks should be compatible with the built form and general presentation to the street. Different setbacks relate to different scales of development. Development of a building over two storeys is required to be setback an additional 1.5 metres. Ancillary structures are generally excluded from this as they are predominantly proposed in a single storey form.

Allowances may be afforded in the event that the proposed development is of a 'small' bulk and scale. In the instance of a carport or verandah with a low profile and with limited walling (open sided), reduced setbacks may be considered to not cause undue impact upon the streetscape and locality. This must be balanced with the existing character of the locality.

Safety

Prescribed building setbacks should encourage buildings to face the street and provide passive surveillance creating safer pedestrian streets. Planning principles seek to promote activation through consistent setbacks with habitable rooms facing the streets.

Streets within the City of Darwin area are required to have habitable rooms facing the roadway. Ancillary structures which are not habitable should not inhibit the ability for a dwelling to survey/view the roadway. Shade sails, carports, and garages have the ability to unnecessarily restrict the ability for dwellings to provide surveillance for the street. Subsequently, in most cases the ancillary structure is required to be located to the rear of the dwelling.

It should be noted that this form of passive surveillance may only work where the people within the community are comfortable and confident enough to engage with their neighbours. However, such engagement between neighbours is generally more prevalent where buildings are more approachable from the street.

Access

Access to residential dwellings should be obvious and convenient for both vehicles and pedestrians. The area between the road and the front door of a dwelling is a transitional space between public and private and is pivotal in creating places where people want to live.

Research in the field of town planning has come to a general consensus that integration between public and private at a street level will build a more inclusive and engaged neighbourhood and ultimately a community.

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To ensure that such inclusive and engaged communities are fostered windows and pedestrian doors should not only face the street but be regularly visible.

Although vehicle access should not be prohibited, it should not dominate nor detract from the provision of pedestrian access. In addition, it should provide a clear transitional space between the public and private realm. This is the reasoning behind restricting the size of ancillary structures that encourage vehicle storage to a reasonable portion of the front allotment boundary. The emphasis is on maintaining the transition space for pedestrians as well as vehicles. Such requirements may vary depending upon the locality and the scale of the existing/proposed structure. Any variations to the prescribed setbacks within the Scheme require assessment on a case by case basis and such assessments are afforded through the current legislation.

A detailed breakdown of the above mentioned four points of assessment can be found in **Attachment A**.

Council's role in setback variations

City of Darwin responds in its capacity as a service authority to all planning applications, representing the views and expectations of the community along with a professional planning assessment.

Given that City of Darwin is not the Consent Authority, Council's ability to influence planning decisions is limited. However, Council does have the ability to make an appeal pursuant to the *Northern Territory Planning Act 2011* for decisions that Council feels strongly about. The *Planning Act* and regulations outline third party appeal rights, these rights are generally limited to appealing decisions made in relation to development on Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) land.

Whilst Council may object to an application (for example where reduced setbacks are being sought for a carport) on the basis that the proposal detracts from the character of the locality both Council and Development Assessment Services/Development Consent Authority are restricted given that the Scheme provides limited/no design requirements or principles to guide site responsive design. Ultimately, if approval is not granted, the area can be concreted and used for the informal parking of vehicles, or a solid fence could also be constructed without planning approval regardless of the decision made.

Council needs to carefully consider what it wants to achieve in its capacity as a service authority and its relationship to the Development Assessment Services and Development Consent Authority. Currently, Council has the ability to pass comment on any variation to the Scheme with regard to prescribed setbacks without the concern of legal recourse. This provides Council with the opportunity to present the community's views without the burden of making the ultimate decision on an application.

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Summary

The issue of reduced building setbacks and their impacts is a complex and subjective issue. This report is intended to provide information on the assessment process for variations to prescribed setbacks for Council's interest, particularly with regard to ancillary structures.

City of Darwin has no legislative ability to implement new processes regarding the application and assessment of reduced building setbacks. City of Darwin officers' can assess an application according to Council's views and relevant policies. However, Council's comments and proactive suggestions may or may not influence the outcome given the Northern Territory Government are the Consent Authority.

The Scheme is considered to lack planning objectives and principles that provide insight into the desired character of the locality. However, by providing prescribed setbacks the Scheme allows for a detailed assessment to commence once a variance has been noted. The Northern Territory Government and City of Darwin Town Planners are then able to make an assessment based on the proposals merits.

It is recommended that the Town Planning Committee under delegation make note of the current assessment process under the *Northern Territory Planning Act 1999* and associated Scheme. Alternatively, the Town Planning Committee may wish to write to the minister requesting addition criteria be placed within the Scheme regarding further assessment of variations to prescribed setbacks.

CONSULTATION PROCESS

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

- Strategic Town Planner
- Town Planner
- Planning Officer

In preparing this report, the following literature was referenced:

- The Northern Territory Planning Scheme
- The City of Monash's (Victoria) Guidelines for report and consent to vary Building Regulation 409: minimum street setbacks
- The South Australian Planning Policy Library
- Safer Places: The Planning System and Crime Prevention
- City of Raymond Zoning Code
- Victorian Department of Infrastructure, Understanding Neighbourhood Character
- C. Tucker, M. Ostwald and S. Chalup, A method for the visual analysis of streetscape character using digital image processing

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POLICY IMPLICATIONS

By Council advocating a change of practice on the application and assessment of reduced building setbacks, this may result in changes to the Scheme and in turn Council's position in responding to development applications where a reduced setback is applied for.

BUDGET AND RESOURCE IMPLICATIONS

There are no current budget implications in regard to the content of this report for Council.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

As City of Darwin is not the Consent Authority for development, any risks are limited.

ENVIRONMENTAL IMPLICATIONS

Adequate urban planning and building techniques aid the retention of a tropical environment, prevailing breezes reduce the reliance on cooling aids, retention of vegetation assists in cooling and shading and the amenity of people, maintaining a tropical and vibrant place to live, work and stay.

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.

Attachments:

Attachment A: Scheme setback requirements

DISCUSSION

The positioning of built form is crucial in establishing the relationship between development and the public realm. Setbacks set the parameters for interaction between public and private spaces. Australia's reliance on vehicular transportation further complicates this issue as moving and storing motor vehicles takes up a significant amount of space, particularly within capital cities.

The "Northern Territory Planning Scheme" (Scheme) is a broad scheme providing development criteria for almost the entire Northern Territory.

It is the role of the Northern Territory Planners to assess use and development on a 'what fits the area' level. A detailed assessment approach undertaken by City of Darwin officers' and the Northern Territory Government officers' is discussed further within the report.

Scheme Setback requirements within Residential Zones

Clause 3.0 Definitions, of the Scheme states that a '**building setback**' "means the distance from any lot boundary to a building" and is measured to:

- the wall of a residential building,
- the outer surface of the railings of a balcony or a verandah,
- the outer surface of any support column of a ground level verandah, and
- the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.

Clause 7.3 of the Scheme controls building setbacks in residential buildings. Setbacks are defined by the scale of the residential building, refer below:

	Primary Street frontage	Secondary street frontage	Side and rear lot boundaries
Setbacks for one and two storey residential buildings and associated structures...	<ul style="list-style-type: none"> • 6m for residential buildings and ancillary structures with external walls, and • 4.5m for verandahs, balconies and ancillary structures without external walls, or • 3m for shade 	<ul style="list-style-type: none"> • 2.5m for residential buildings, and • 1.5m for verandahs, balconies and structure without external walls, or • 0.9m for shade sails, to a maximum height of 2.5m at the 	<ul style="list-style-type: none"> • 1.5m, including structures, or • 1m, provided that the subject wall: <ul style="list-style-type: none"> ○ Only includes openings that are either glazed in an opaque material and cannot be opened or have a sill height of 1.6m or greater, ○ Does not extend beyond a maximum height

	sails, to a maximum height of 2.5m at a minimum setback.	minimum setback.	<ul style="list-style-type: none"> o of 3.5m, and o Does not extend beyond a maximum length of 9m, and • 0.9m for shade sails, to a maximum height at the minimum setback.
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	Primary Street frontage	Secondary street frontage	Side and rear lot boundaries
Setbacks for residential buildings over two storeys and associated structures...	<ul style="list-style-type: none"> • 7.5m for residential buildings including verandahs and balconies, and • 4.5m for structures without external walls. 	<ul style="list-style-type: none"> • 2.5m for residential buildings including verandahs and balconies, and • 1.5m for structures without external walls. 	<p>1.5m for:</p> <ul style="list-style-type: none"> • non-habitable rooms, • habitable rooms <u>without</u> windows and/ or doors facing the subject boundary, and • verandahs and/or balconies where the side of the verandah or balcony is <u>fully</u> screened to the subject boundary, and • structures without external walls excluding shade sails. <p>3m for:</p> <ul style="list-style-type: none"> • habitable rooms <u>with</u> windows and/ or doors facing the subject boundary, and • verandahs and/or balconies facing the subject boundary and shade sails.

Clause 7.3.3 provides further consideration for lots less than 600m² in area in Zone MD (Multiple Dwelling Residential) that were subdivided after 26 March 2014, allowing for zero metre setback to no more than one side boundary of a lot.

Clause 7.4 guides setbacks for development in Zone MR (Medium Density Residential) that abuts land in Zone SD (Single Dwelling Residential), accordingly a building setback of not less than 3 metres to the boundary that abuts land in Zone SD and to each frontage of a street reserve not exceeding 18 metres in width on the opposite side of which the land is in Zone SD. This is also to be vegetated to provide a visual screen.

General purpose of setbacks

The purpose of front setbacks is to ensure that development is consistent with the existing streetscape and neighbourhood character whether it is in a residential, industrial, city or commercial context.

In general setbacks should not unduly cause amenity impacts such as, but not limited to the following;

- an alteration to the continued built form which may impact upon the public realm and streetscape character,
- bulk and scale (particularly when viewed from adjoining development and within the street),
- reduction of passive surveillance to the street through development forward of the building line,
- the loss of off-street car parking through reduced building setbacks etc.
- reduction of prevailing breezes which assist in cooling buildings, and

Setbacks for ancillary structures such as garages and carports

As provided within the table above, the Scheme specifies a minimum setback of 1.5 metres from any rear or side boundary and 4.5 metres from any primary street frontage for ancillary structures provided the structure is open sided. However, if a variation for a setback does not meet the requirements listed within the Scheme the following must be considered.

Character

Building setbacks play an important role in ensuring the character of a locality. Prescribed setbacks can ensure consistency and visual symmetry for the streetscape. Furthermore, as a result of prescribing setbacks the consent authority can ensure a degree of equality between residences and create a form of visual harmony.

It is important to note that secondary street frontages are prescribed a lesser setback so that allotments with more than one frontage to a road reserve are not unduly penalised yet still provide consistent transitions between street setbacks.

In some instances a reduced setback may already be established in order to maintain consistency within the street. In such circumstances development should be consistent with the established setback. This should not occur as a result of any

isolated instance setting a 'precedence' but rather be identified as part of the character of the locality.

The City of Monash's (Victoria) Guidelines for report and consent to vary Building Regulation 409: minimum street setbacks, state that their objectives for setbacks are, "To ensure that setbacks of new buildings are in context with surrounding environment ... (and) to encourage consistent setbacks which help to visually unify diverse types of buildings." It goes on to note that "dispensation to reduce the front setback to less than the Regulation standard will generally only be granted where the front setback is not less than the 'Prevailing Street Setback'. The Prevailing Street Setback is the setback calculated by averaging the setback of the five adjoining residential properties on both sides of the development."

The South Australian Planning Policy Library provides the following table with respect to varied setbacks.

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:
<p>When $b - a \leq 2$, setback of new dwelling = a or b</p>	
Greater than 2 metres	At least the average setback of the adjacent buildings

In summary, the above diagram indicates that "except where specified in a particular zone, policy area or precinct, the main façade of a building should be setback from the primary road frontage ... at least the average setback of the adjacent buildings". However, the setback may be in line with the adjoining buildings if the difference between the two buildings is 'minor' (<2 metres). Policies relating to consistent prescribed setbacks are applied across Australia in order to provide consistency, symmetry and equality.

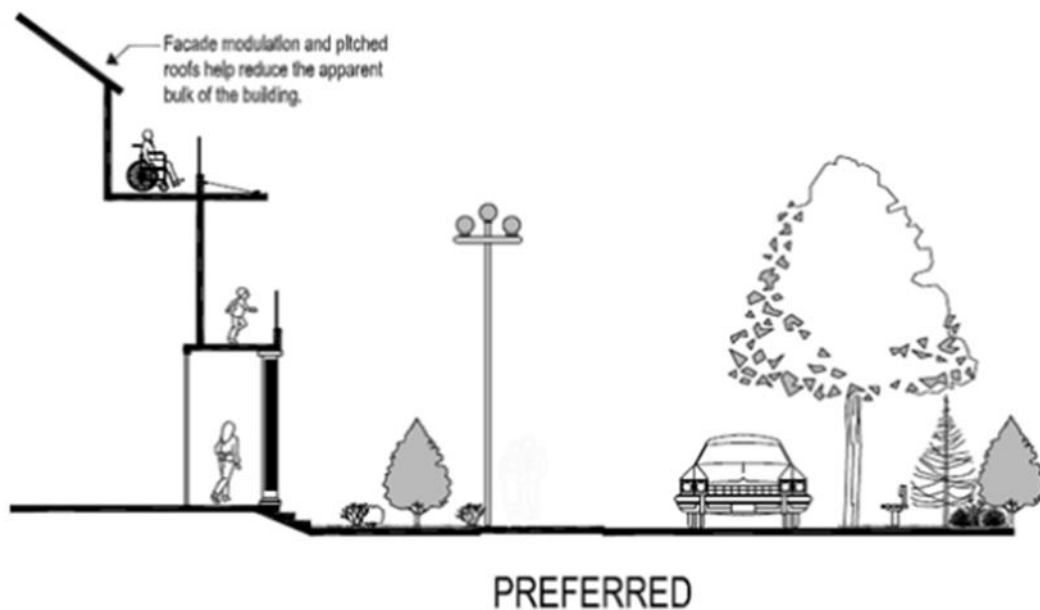
The reduction of building setbacks whether by carport, verandah or any other structure has the ability to disrupt the consistency and visual symmetry of the street, and ultimately the character of the locality. Any variations to the prescribed setbacks within the Scheme require assessment on a case by case basis. Such assessments are afforded through the current legislation.

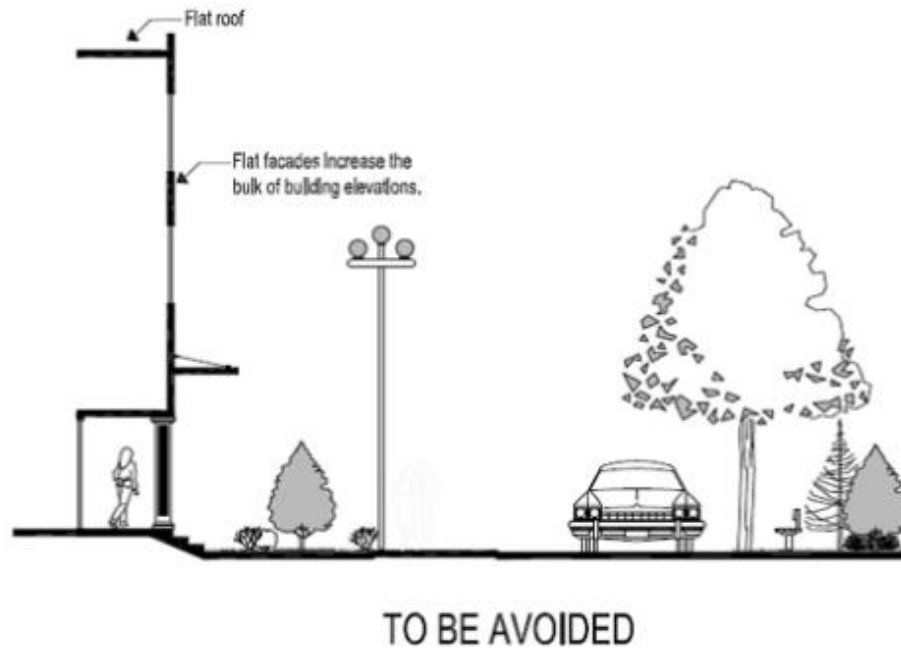
Scale

Building setbacks should be compatible with the built form and general presentation to the street. As noted within the above table from the Scheme different setbacks relate to different scales of development. Development of a building over two storeys is required to be setback an additional 1.5 metres. Ancillary structures are generally excluded from this if they are predominantly proposed in a single storey form.

Allowances may be afforded in the event that the proposed development is of a 'small' bulk and scale. In the instance of a carport or verandah with a low profile and with limited walling (open sided), reduced setbacks may be considered to not cause undue impact upon the streetscape and locality. This must be balanced with the existing character of the locality.

The forms of development often differ between locations and planners must make an assessment on a case by case basis. Some of the criteria to consider include, overlooking, overshadowing, provision of landscaping and architectural design. Any variations to the prescribed setbacks within the Scheme require assessment on a case by case basis and such assessments are afforded through the current legislation.



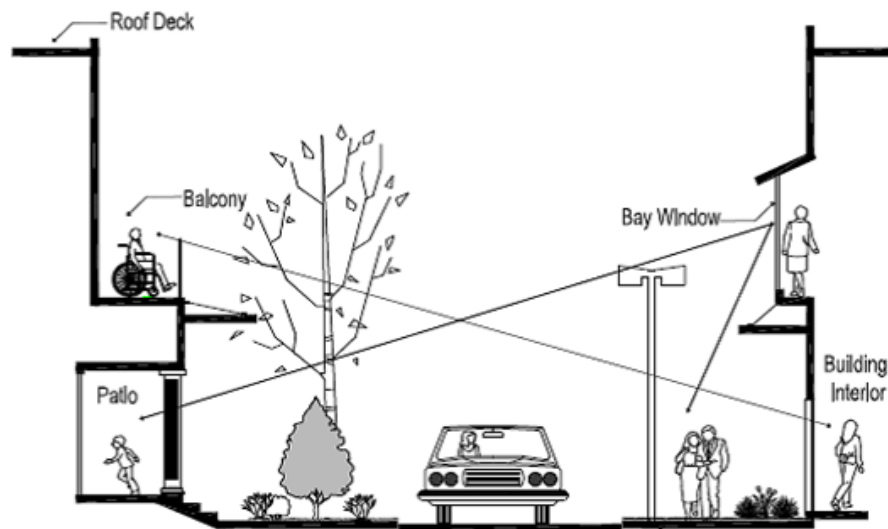


Safety

Prescribed building setbacks should encourage buildings to face the street and provide passive surveillance creating safer pedestrian streets. Planning principles seek to promote activation through consistent setbacks with habitable rooms facing the streets. Criminal activity and anti-social behaviour are generally considered more likely to occur where the perpetrator “can operate without the fear of being seen, is confident that no one will take any action, where all sides of the buildings and all parts of spaces are not overlooked by surrounding users or passers-by and in buildings and spaces that are not designed to allow surveillance ‘outside’ from ‘inside’ and vice versa.” (Safer Places: The Planning System and Crime Prevention, Llewelyn-Davies, 2004).

Streets within the City of Darwin area are required to have habitable rooms facing the roadway. Ancillary structures which are not habitable should not inhibit the ability for a dwelling to survey/view the roadway. Shade sails, carports, and garages have the ability to unnecessarily restrict the ability for dwellings to provide surveillance for the street. Subsequently, in most cases the ancillary structure is required to be located to the rear of the dwelling.

The following is a diagram from City of Raymond Zoning Code, identifying the potential for habitable rooms to survey the street and assist in deterring criminal or antisocial behaviour.



City of Raymond Street Surveillance

It should be noted that this form of passive surveillance may only work where the people within the community are comfortable and confident enough to engage with their neighbours. However, such engagement between neighbours is generally more prevalent where buildings are more approachable from the street.

Access

Access to residential dwellings should be obvious and convenient for both vehicles and pedestrians. “Streetscape is defined as either the transition space between the private and the public realms or the delineating zone between an individual and society ... While the visual character of any streetscape will vary when compared with another, planning authorities require that every new development consider its context in terms of its relation to the public space it addresses, which in residential areas is commonly the street.” (Victorian Department of Infrastructure, Understanding Neighbourhood Character, 2001) The area between the road and the front door of a dwelling is a transitional space between public and private and is pivotal in creating places where people want to live. A development authority can choose to encourage separation between the public and the private or support reasonable integration between public and private.

Research in the field of town planning has come to a general consensus that integration between public and private at a street level will build a more inclusive and engaged neighbourhood and ultimately a community.

To ensure that such inclusive and engaged communities are fostered windows and pedestrian doors should not only face the street but be regularly visible.

“The public’s right to look – and indeed to share symbolic possession through active or passive surveillance – suggests that the owner of a private space has some obligation to provide a public front to their personal dwelling. The streetscape is also the home of a reciprocal relationship wherein the individual owner of a dwelling has some right to view the public and in doing so exert their influence over common

space.” (C. Tucker, M. Ostwald and S. Chalup, A method for the visual analysis of streetscape character using digital image processing, 2004)

Although vehicle access should not be prohibited, it should not dominate nor detract from the provision of pedestrian access. In addition, it should provide a clear transitional space between the public and private realm. This is the reasoning behind restricting the size of ancillary structures that encourage vehicle storage to a reasonable portion of the front allotment boundary. The emphasis is on maintaining the transition space for pedestrians as well as vehicles. Such requirements may vary depending upon the locality and the scale of the existing/proposed structure. Any variations to the prescribed setbacks within the Scheme require assessment on a case by case basis and such assessments are afforded through the current legislation.

OPEN SECTION

TP05/9

Town Planning Committee Meeting – Tuesday, 9 May 2017

10.2 OFFICERS REPORTS (RECEIVE & NOTE)

ENCL: TOWN PLANNING COMMITTEE/OPEN AGENDA ITEM: 10.2.1
NO

SOCIAL INFRASTRUCTURE PLAN FOR CITY OF DARWIN - UPDATE REPORT

REPORT No.: 16TS0083 CR:hd COMMON No.: 3267863 DATE: 9/05/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to update Council on the development of a social infrastructure and open space funding and implementation plan for City of Darwin.

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

- This report follows on from a report presented to the Town Planning Committee in April 2016 on options for funding social infrastructure.
- The Darwin Regional Land Use Plan identifies the need to plan for an increasing population, which includes increased densities throughout the Darwin Municipality.
- Ongoing work is being undertaken with the Northern Territory Government to prepare Area Plans across the Darwin Municipality.
- These Area Plans may identify the high level infrastructure (including Social) required to accommodate the predicted population growth.
- A range of mechanisms can be used to fund infrastructure.
- Before infrastructure is funded, first a need should be identified and an implementation plan prepared, outlining responsibilities, timing and funding options.
- Infrastructure upgrades identified in the Darwin Inner and Middle Suburbs Area Plans are being collated to provide an overview of likely infrastructure required in these areas and responsibility for delivery.

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- Further work is required, and will commence before total costs and funding requirements for social infrastructure can be determined and the appropriate funding models implemented.

RECOMMENDATIONS

THAT the Committee resolve under delegated authority:

THAT Report Number 16TS0083 CR:hd entitled Social Infrastructure Plan for City of Darwin – Update Report, be received and noted.

BACKGROUND

At the Town Planning Committee Meeting on 5 April 2016, Council resolved as follows:

DECISION NO.21\4277 (5/4/16)

Funding for Social Infrastructure and Open Space

Report No. 16TS0064 CR:dj (5/4/16) Common No. 2795247

THAT the Committee resolve under delegated authority:

- A. *THAT Report Number 16TS0064 CR:dj entitled Funding for Social Infrastructure and Open Space be received and noted.*
- B. *THAT a further report be prepared to identify the specific process, studies required, and associated costs to develop a social infrastructure model for the Municipality of Darwin.*

DISCUSSION

Area plans have been prepared for the Darwin Inner and Middle Suburbs and work has begun on the Darwin City Centre and Periphery Area Plan. The Inner and Middle Suburbs Area Plans identify key infrastructure required to meet the projected population growth outlined in the Darwin Regional Land Use Plan. This includes social infrastructure and it is expected that the Darwin City and Periphery Area Plan will identify similar levels of infrastructure.

More detailed information relating to key infrastructure is included in the background studies undertaken to prepare the Area Plans. However, the Area Plans stop short of identifying who's responsible for funding and implementing the infrastructure and do not provide an implementation plan or determination of the broad infrastructure identified in terms of the need for future upgrades but is not in itself enough detail for City of Darwin to implement this infrastructure within its jurisdiction.

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Further detailed studies will be required for any infrastructure as the need arises for their implementation. For City of Darwin, this may include, but not be limited to:

- * Further detailed traffic design studies for new road infrastructure;
- * A needs and priority assessment for upgrades to open space; and,
- * A needs assessment for upgrades/new community facilities.

Work is currently being undertaken to collate and understand infrastructure needs identified within the Darwin Middle and Inner Suburbs Area Plans. This list will be used to identify the relevant parties responsible for providing the new and upgraded infrastructure. Infrastructure that will be the responsibility of City of Darwin can then be prioritised, further detailed studies can be undertaken (if required) and costings be prepared for the development of funding models, prioritisation and timeframes.

Further work is also currently being undertaken for the Darwin City Centre and Periphery Area Plan and this project will also identify infrastructure upgrades required. Current area plans do not cover the entire municipality therefore a complete picture cannot be developed at this stage.

Summary

City of Darwin staff will continue to work with the Northern Territory Government in preparing Area Plans throughout the Municipality and this work can be used to prepare a social infrastructure and open space plan for the Darwin Municipality in the future.

CONSULTATION PROCESS

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

- Strategic Town Planner

POLICY IMPLICATIONS

Not considered as a part of this update report.

BUDGET AND RESOURCE IMPLICATIONS

City of Darwin staff will continue to participate on working groups for the Area Planning process and costs associated with this are accommodated in existing operational budgets.

Previous reports identified various funding models opportunities including but not limited to:

- Developer Contribution Plans
- General rates and special rates levies
- Public-private partnerships

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REPORT

- Grant funding and partnering with the NTG
- Specific Planning Scheme Provisions

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not considered at this stage.

ENVIRONMENTAL IMPLICATIONS

Environmental considerations will be considered a part of the Area Planning process and further detailed studies.

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.

ENCL: NO	TOWN PLANNING COMMITTEE/OPEN	AGENDA ITEM: 10.2.2
TOWN PLANNING COMMITTEE STRATEGIC ISSUES		
REPORT No.: 17TS0019 NS:hd	COMMON No.: 2481144	DATE: 09/05/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to identify priority strategic town planning issues for discussion and reporting on in the first half of 2017.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies 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

- The majority of strategic planning issues previously identified for reporting have now either been addressed or are no longer priority issues.
- This report is intended to identify outstanding priority strategic planning issues.

RECOMMENDATIONS

THAT the Committee resolve under delegated authority:

THAT Report Number 17TS0019 NS:hd entitled Town Planning Committee Strategic Issues, be received and noted.

BACKGROUND

Council previously resolved that the Town Planning Committee Meeting will be held once every two months, with a primary focus on strategic town planning matters.

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 REPORT NUMBER: 17TS0019 NS:hd
 SUBJECT: TOWN PLANNING COMMITTEE STRATEGIC ISSUES

Council also resolved to address strategic town planning matters on a priority basis, with an updated schedule of identified strategic town planning matters and expected time frames for addressing these matters being presented at each Town Planning Committee meeting.

DISCUSSION

A majority of the strategic planning issues previously identified by the Town Planning Committee for reporting have now either been addressed or are no longer priority issues.

This report is intended to identify and prioritise outstanding strategic planning issues suitable for reporting on at Town Planning Committee meetings.

The following Table provides the status of the strategic planning issues previously identified, and is yet to be considered by the Town Planning Committee due to current work with the Northern Territory Government.

Table 1: Strategic Planning Reports

Issue	Council Decision No.	Expected Report Date
Car parking on the podium level.	Decision No.21\3135	Will be provided in the 2017/2018 Financial Year. Will coincide with other policies and reference NTG commitments.

In addition to the above, City of Darwin is actively progressing issues as they arise, some of which are in conjunction with the Northern Territory Planning Commission and the Department of Infrastructure, Planning & Logistics. Projects include the ongoing involvement in the preparation of Area Plans across the Darwin Municipality.

Other issues include, but are not limited to, reviewing the City of Darwin Policy No. 042 - Outdoor Advertising Signs Code along with commenting and input on Planning Scheme Amendments as they arise.

Current National and Local Planning Issues

In considering these strategic planning matters, the Town Planning Committee should consider current national, regional and local planning issues.

National Planning issues are raised through a range of forums including the Federal Government, Council of Capital City Lord Mayors (CCCLM) and Peak Professional bodies.

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REPORT NUMBER: 17TS0019 NS:hd
SUBJECT: TOWN PLANNING COMMITTEE STRATEGIC ISSUES

The following are current issues:

- Smart Cities
- City Deals
- Planning for Active and Healthy Communities
- Developing the North

Local Planning Issues are raised through community consultation, the Northern Territory Planning Commission and the Northern Territory Government (NTG) and other local groups. The following are current issues:

- Projects arising from the Darwin Inner and Mid Suburbs Area Plans. This may include identifying projects that are suitable for partnering with the NTG.
- Implementation of the Darwin City Centre Master Plan.
- Darwin CBD summit.

CONSULTATION PROCESS

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

- Town Planner
- Strategic Town Planner

POLICY IMPLICATIONS

Any applicable policy implications will be considered during the preparation of specific reports resulting from this report.

BUDGET AND RESOURCE IMPLICATIONS

Not assessed

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not assessed

ENVIRONMENTAL IMPLICATIONS

Nil

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SUBJECT: TOWN PLANNING COMMITTEE STRATEGIC ISSUES

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

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OPEN SECTION

TP05/10

Town Planning Committee Meeting – Tuesday, 9 May 2017

11. INFORMATION ITEMS

Nil

12. GENERAL BUSINESS

