

CITY OF PALMERSTON

Notice of Council Meeting
To be held at MacKillop Catholic College,
MacKillop Court, Palmerston
On Tuesday, 7 June 2016 at 6:30pm



Ben Dornier
Acting Chief Executive Officer

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.

Audio Disclaimer

An audio recording of this meeting is being made for minute taking purposes as authorised by City of Palmerston Policy MEE3 Recording of Meetings, available on Council's Website.

1 PRESENT

2 APOLOGIES

3 CONFIRMATION OF MINUTES

RECOMMENDATIONS

1. THAT the minutes of the Council Meeting held Tuesday, 17 May 2016 pages 8574 to 8595, be confirmed.
2. THAT the Confidential minutes of the Council Meeting held Tuesday, 17 May 2016 pages 237 to 239, be confirmed.
3. THAT the minutes of the Special Council Meeting held Thursday, 19 May 2016 pages 8596 to 8599, be confirmed.
4. THAT the Confidential minutes of the Special Council Meeting held Thursday, 19 May 2016 pages 240 to 242, be confirmed.
5. THAT the minutes of the Special Council Meeting held Tuesday, 31 May 2016 pages 8600 to 8602, be confirmed.

4 MAYOR'S REPORT

5 REPORT OF DELEGATES

6 QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS BEEN GIVEN

7 QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS NOT BEEN GIVEN

8 PETITIONS

9 DEPUTATIONS/PRESENTATIONS

10 CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

11 COMMITTEE RECOMMENDATIONS

11.1 Governance and Organisation Nil

11.2 Economic Development and Infrastructure Nil

11.3 Community Culture and Environment

THAT the minutes from the Community, Culture and Environment Committee meeting held on 1 June 2016, be received and noted and that Council adopts the recommendations made by the Committee and accordingly resolves as follows:-

11.3.1 Breastfeeding Friendly Initiative

THAT a report be provided outlining possible breastfeeding friendly initiatives which Council could enact.

11.3.2 Arafura Wind Ensemble Sponsorship

THAT Council sponsors the Arafura Wind Ensemble to the value of \$6000 excl. GST for four (4) performances in 2016/17 at Goyder Square.

12 INFORMATION AGENDA

12.1 Items for Exclusion

12.2 Receipt of Information Reports

RECOMMENDATION

THAT the information items contained within the Information Agenda, be received.

12.3 Officer Reports

- | | | |
|--------|---|--------|
| 12.3.1 | Action Report | 8/0895 |
| 12.3.2 | Community Benefits Scheme May 2015/2016 | 8/0903 |

13 DEBATE AGENDA

13.1 Officer Reports

- | | | |
|--------|--|--------|
| 13.1.1 | Development Application (PA2016/0119) - Telecommunications facility with associated antennas and equipment shelter - Lot 9785 (30) Latram Court, Gunn | 8/0896 |
| 13.1.2 | Development Application (PA2016/0301) - Change of use of part of site to Leisure and Recreation (Tenancies 9 & 10) - Lot 7167 (20) Essington Avenue, Gray (Sam's Dance Studio) | 8/0897 |
| 13.1.3 | Development Application (PA2016/0264) - Lot 4536 (11) University Avenue, Palmerston City - Alterations and additions to an existing hotel (Arch Rival Bar) | 8/0898 |
| 13.1.4 | Development Application (PA2016/0303) Lot 4153 (36) Elrundie Avenue, Marlow Lagoon - Shed addition in excess of 8.5m in height (Satellite City BMX) | 8/0899 |
| 13.1.5 | Proposal to Amend NT Planning Scheme (PA2016/0169) - Low Risk, Low Impact Development Amendment | 8/0900 |
| 13.1.6 | Proposal to Amend NT Planning Scheme (PA2016/0290) - Dual Occupancy in Zone SD (Single Dwelling Residential) | 8/0901 |
| 13.1.7 | Local Government Act Legislative Changes | 8/0902 |
| 13.1.8 | PGA Tournament | 8/0904 |
| 13.1.9 | Renewal Insurance Cover for Financial Year 2016/17 | 8/0905 |

14 CORRESPONDENCE

15 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

16 PUBLIC QUESTION TIME

At the invitation of the Chair

17 OTHER BUSINESS – ALDERMAN REPORTS

By-law 14(8) provides that the Chairman must not accept a motion without notice if the effect of the motion would, if carried, be to incur expenditure in excess of \$1,000 unless

- a) the motion relates to the subject matter of a committee's or sub committee's recommendations (as the case may be, or an officer's report that is listed for consideration on the business paper; or*
- b) the matter is urgent*

18 CONFIDENTIAL REPORTS

19 CLOSURE

ITEM NUMBER: 12.3.1 Action Report

FROM: Acting Chief Executive Officer

REPORT NUMBER: 8/0895

MEETING DATE: 7 June 2016

Municipal Plan:

4. Governance & Organisation

4.3 People

4.3 We value our people, and the culture of our organisation. We are committed to continuous improvement and innovation whilst seeking to reduce the costs of Council services through increased efficiency

SUMMARY:

This report outlines individual action items outstanding from previous Council Meetings. Council is asked to receive this report.

<i>Dec #</i>	<i>Task Date</i>	<i>Matter</i>	<i>Action</i>	<i>Update</i>
8/0949	18/02/2014	Car Parking Contribution Plan Update	Matter on the table	Workshop on Car Parking to be held on 21 April 2016.
8/1126	17/06/2014	Reconstruct Radford Road	Council to enter into a memorandum of understanding regarding the use of any contractor security held by LDC.	98% Complete.
8/1354	09/12/2014	Draft Palmerston City Centre Master Plan 2014 and associated documents	<ul style="list-style-type: none"> - Draft Palmerston City Centre Parking Strategy to be presented to and considered by the City of Palmerston's Car Parking Committee. - Final documents and application submission to amend the NT Planning Scheme be submitted to Council for endorsement at the Council meeting scheduled 17 February 2015. - Mayor to forward a letter to the Minister for Lands and Planning to inform the NT 	<p>Council has adopted the Palmerston City Centre Master Plan and associated documents. Council adopted the Palmerston City Centre Parking Strategy on 2 June 2015.</p> <p>Planning Scheme amendment package has been lodged with Strategic Town Planning branch of DLPE.</p>

			Government of the public consultation process for the Draft City Centre Master Plan "package", prior to lodgement of the formal rezoning application with the Minister in 2015.	
8/1666		The Heights Durack Eastern Collector Road	Mayor and CEO to be delegated the ability to apply Council's seal and to sign all documents for the establishment of a road access easement on Lot 11504, 80 University Avenue, Durack.	Awaiting construction and transfer documents from developer. No further action expected until mid to late 2016.
8/1707	20/10/2015	Bi-Annual Council Meetings in Community Venue	Council to trial the holding of two Council meetings in 2016 in community venues with a budget allocation of \$4,600.	Meetings scheduled.
8/1714	20/10/2015	Joy Anderson Centre	CEO to write to the Dept. of Housing, to seek consideration for the freehold title of the Joy Anderson Centre, to be transferred to the City of Palmerston as a community asset.	Letter received by CEO Dept Housing, advising they are currently undertaking a review into NT Government Housing Programs and are unable to comment on future arrangements until the review is completed.
8/1764	17/11/2015	- Costs for Fencing of Playgrounds in Parks	- Council to conduct a level 1 consultation with Palmerston families in 2016, in regards to fencing and partial fencing of some Palmerston playgrounds in our parks.	- Consultation has closed.
8/1768	17/11/2015	- Fencing Options Level 1 Consultation	- Report to be provided to Council regarding the cost of undertaking a Level 1 consultation on fencing options for playgrounds.	- Report will be provided to the July EDI Committee meeting
8/1776	8/12/2015	Goyder Walking Trail	A draft Goyder Walking trail be provided to Council for consideration.	Heritage Study (CCE/0482) to be undertaken to inform possible Goyder Walking trail. Staff are working on commissioning a consultant for the study. Consultant commissioned.
8/1777 8/1780	8/12/2015	Recreational Fishing - Durack Lakes and Marlow Lagoon	- Signage to be erected at Lake 5, 6 and 10 Durack Lakes and Marlow Lagoon. - Estimated cost to construct recreational fishing	Completed.

			infrastructure at lakes 5, 6 and 10 be provided to Council for consideration prior to its inclusion in the draft 2016/17 budget.	
		Community Infrastructure Plan	Progress update.	First workshop on the Plan was held 9/3/2016. A report to Council seeking formal endorsement will follow. Once endorsed, the Plan will undertake Public consultation in March / April 2016.
8/1852	1/03/2016	Power to Sell Land – Assessments 105694 and 105669	Mayor and CEO be authorised to sign and seal all documentation in relation to the sale of land for non-payment of rates for the above mentioned properties.	In progress
8/1853	1/03/2016	Operating Costs – Recreation Facilities	Report to be prepared for Council regarding the cost of operating its recreation facilities.	
8/1872	15/03/2016	PAMRG Meeting 3 & 17 December 2015, and 28 January 2016	The 'Palmerston Dog Owner Guide' be printed and delivered to all Palmerston residential properties.	Completed
8/1872	15/03/2016	Expression of Interest Community Activities	EOI to be released to the public calling for submissions to host regular or one off community place making activities in Palmerston.	
8/1929	19/04/2016	Broadarrow Circuit Footpath	Council develop a forward works program for the upgrade of footpath standards throughout Palmerston.	Under development
8/1931	19/04/2016	Palmerston Seniors Update	<p>Council staff review the concerns expressed by the Palmerston Seniors Advisory Group regarding:-</p> <ul style="list-style-type: none"> - Planned car park numbers at the Palmerston Regional Hospital. - Crossing / island / access to improve safe access for all users at Oasis Shopping Centre. 	Council staff have met with the Seniors to discuss several of the issues, and will continue addressing these areas of concerns.

			- Venue accessibility for mobility aids users at The Hub.	
8/1939	19/04/2016	Expression of Interest to sell Lot 10024, Palmerston Circuit	CEO to bring any offer of purchase for Lot 10024 to Council for its consideration.	Completed.
8/1951	19/04/2016	Internal Audit Committee Call for Independent Representative	The current members of the Internal Audit Committee or their delegate and the Chief Executive Officer interview the applicants.	Completed.
8/1979	17/05/2016	Tracking Software Package for the Management and Monitoring of Confidential Information	Workshop be organised with Elected Members on the handling and distribution of confidential information within Council and that the outcomes be brought back to the Committee.	
8/1980	17/05/2016	Goyder Square Operational Costs and Level of Service	- Council review the level of service provided in Goyder Square in September 2016 following a dry season operation of the area.	
8/1986	17/05/2016	Tender TS2016/04 - City of Palmerston Civic Plaza Roof Replacement - Stage 1	Mayor and Chief Executive Officer are granted consent to sign and seal all required contract documentation for the contract TS2016/04 - City of Palmerston Civic Plaza Roof Replacement - Stage 1.	Completed.
8/1987	17/05/2016	Palmerston Arts Strategy Community Consultation	Council endorses the Palmerston Arts Strategy 2016 - 2021 for Level 2 City Wide Community Consultation.	Consultation has commenced. Submissions for consultation close by 5pm 8 June 2016.
8/1995	17/05/2016	Draft Municipal Plan 2016/2021	Workshop be conducted on the Draft Municipal Plan 2016/2021.	Completed - A workshop was held with Elected Members on 19/05/2016.
8/1996	17/05/2016	Variation to Service Agreement COPAL Project	Mayor and Chief Executive Officer be authorised to sign and seal an extended Service Agreement between Northern Territory Government's Department of Health and City of Palmerston for Childhood Obesity Prevention and Lifestyle (COPAL) Project.	Completed.

8/2005	17/05/2016	City Centre Improvement Levy	Consultation commence with City Centre land owners regarding the introduction of a City Centre Improvements Levy in 2017/18.	
8/2006			City Centre Improvement Reserve be established and a reserve policy be forwarded to Council for consideration.	
8/2018	17/05/2016	Tender TS2016/05 – Construction of Roundabout – Temple Terrace/Emery Avenue	Mayor and Chief Executive Officer are granted consent to sign and seal all required contract documentation for the contract TS2016/05 – Construction of Roundabout – Temple Terrace/Emery Avenue.	Completed
8/2027	17/05/2016	Appointment of Independent Chair – Internal Audit Committee	Council offer the position of Independent Chair of the Internal Audit Committee to Mr Iain Summers for an initial term of two years.	Completed.
8/2035	19/05/2016	Golf Tournament	Council seek a sponsorship proposal from the Palmerston Golf Club and Cazalys prior to giving further consideration to a monetary contribution.	Completed.
8/2036	19/05/2016	Community Engagement	Council approve the holding of community consultation exercises as detailed in this report on 3 and 10 June 2016.	
8/2037	31/05/2016	Draft Municipal Plan 2016/2021	The Draft Municipal Plan 2016/2021 is release for public consultation and a further report is prepared for Council at the expiration of the statutory 21 day public consultation period, being from 1 June to 21 June 2016.	Draft Municipal Plan 2016/2021 has been released to the public for comments.

RECOMMENDATION

THAT Council receives Report Number 8/0895.

RECOMMENDING OFFICER: Ben Dornier, Acting Chief Executive Officer

Any queries on this report may be directed to Ben Dornier, Acting Chief Executive Officer on telephone (08) 8935 9976 or email ben.dornier@palmerston.nt.gov.au.

Author: Ben Dornier, Acting Chief Executive Officer

ITEM NUMBER: 12.3.2 Community Benefits Scheme May 2015/2016

FROM: Acting Chief Executive Officer

REPORT NUMBER: 8/0903

MEETING DATE: 7 June 2016

Municipal Plan:

4. Governance & Organisation

4.2 Service

4.2 We value and encourage participation in Council activities by the community, and are committed to delivering the highest possible levels of service and community engagement

SUMMARY:

This report has been referred from the Community, Culture and Environment Committee to provide Council with a summary of the Community Benefits Scheme applications processed for the month of May 2016.

On the 1 June 2016 the Committee made the following decision:-

Community Benefits Scheme May 2015/2016

THAT the Report Number CCE/0326 Community Benefits Scheme be brought to Council for information.

CARRIED CCE/0566-01/06/2016

RECOMMENDATION


1. THAT Council receives Report Number 8/0903.

BACKGROUND:

This report details applications received, approved/not approved against the Community Benefits Scheme eligibility criteria and selection process.

GENERAL:

Please see attached the table listing all grants and acquittals received during May 2016.



Included is a table with an update of funds paid to recipients and amount of funds remaining in the budget for Grants, Donations, Sponsorships and Scholarships for 2015/2016.

The budget for the 2015/2016 year for grants, donations, scholarships and sponsorships is \$137,975. The Community Grant Reserve total remains at \$100,000.

Due to the successful distribution of funds to the community the available budget now rests at \$11,850.

FINANCIAL IMPLICATIONS:

Nil

LEGISLATION/POLICY:

Policy number FIN18 – Grants, Donations, Scholarships and Sponsorships.

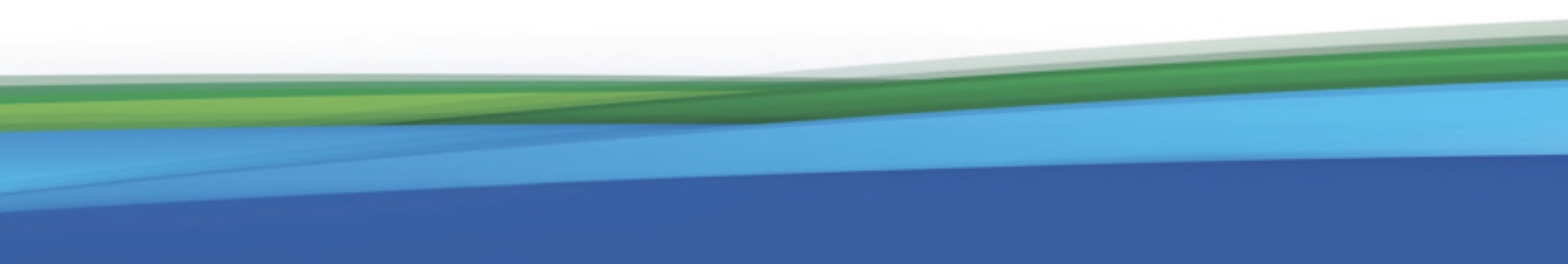
RECOMMENDING OFFICER: Ben Dornier, Acting Chief Executive Officer

Any queries on this report may be directed to Ben Dornier, Acting Chief Executive Officer on telephone (08) 8935 9976 or email ben.dornier@palmerston.nt.gov.au.

Author: Ben Dornier, Acting Chief Executive Officer

SCHEDULE OF ATTACHMENTS:

Attachment A: Applications/Acquittals Received Summary – May 2016, Expenditure to Date



Attachment A: Applications/Acquittals Received Summary – May 2016, Expenditure to Date

Community Benefits Scheme

Applications Received

Activity Project	Applicant	Amount Requested	Amount Received	Outcome
2016-17 Program support	Arafura Wind Ensemble	\$6,000		Under consideration
World Refugee Day event	Melaleuca Refugee Centre	\$20,000	\$7,500	Successful
NAIDOC Activity Day	Gray Primary School	\$500	\$500	Successful
Palmerston parkrun	parkrun Australia	\$5,000		Under consideration

Acquittals Received

Applicant	Activity Project	Amount Granted	Outcome

Current Community Benefits Scheme Expenditure to Date

CC name	Account Name	YTD \$	Commitment \$	YTD+Comm \$	Rev. Budget	Budget Available \$
Grants / Donations/Contributions Paid	Community Grants	125,125	1,000	126,125	137,975	11,850

ITEM NUMBER: 13.1.1 Development Application (PA2016/0119) –
Telecommunications facility with associated antennas and
equipment shelter - Lot 9785 (30) Latram Court, Gunn

FROM: Director Technical Services

REPORT NUMBER: 8/0896

MEETING DATE: 7 June 2016

Municipal Plan:**3. Environment & Infrastructure****3.2 Assets and Infrastructure**

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

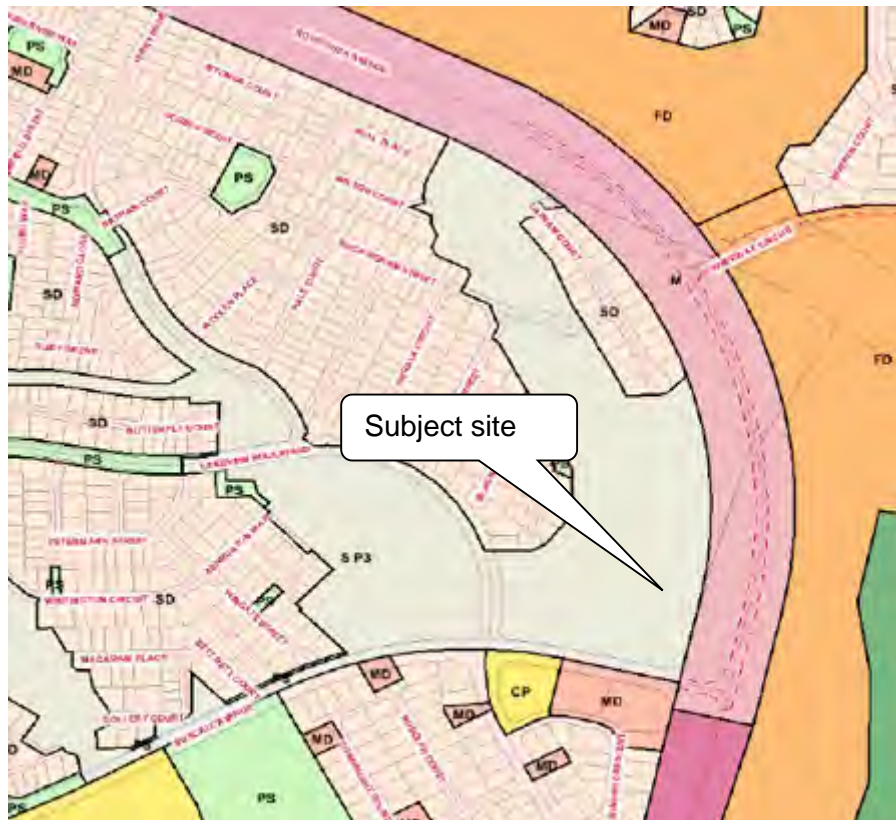
SUMMARY:

This report outlines issues to be considered by Council in regard to the revised development application lodged for telecommunications facility with associated antennas and equipment shelter on Lot 9785 (30) Latram Court, Gunn.

RECOMMENDATION

1. THAT the Council receives Report Number 8/0896.
2. THAT the attachment to Report Number 8/0896 be endorsed.

BACKGROUND:

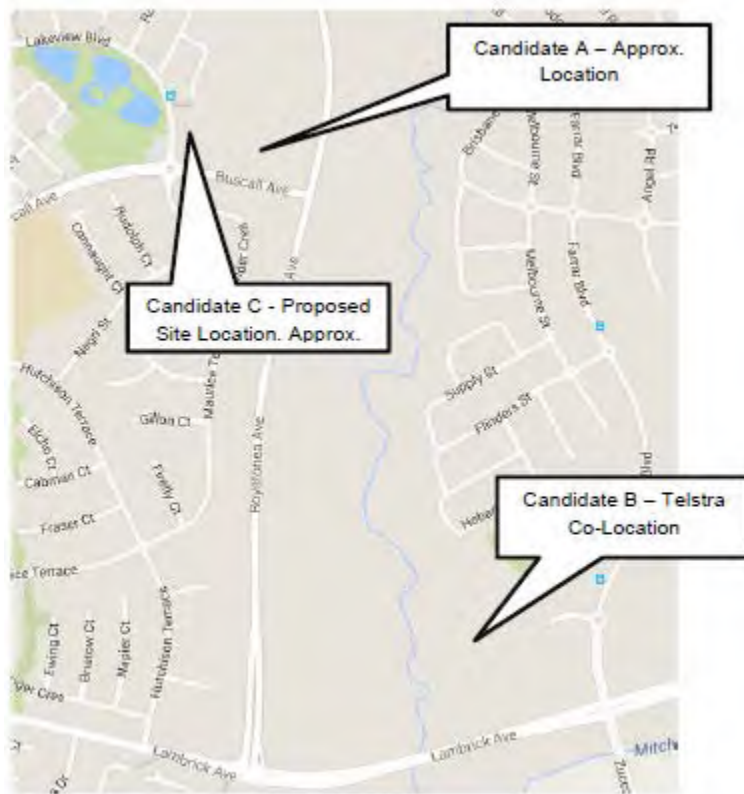


Source: NT Atlas and Spatial Data Directory

The lot is within Zone SP3 (Specific Use) within the suburb of Gunn. Under the NT Planning Scheme the purpose of this zone is to facilitate the subdivision and development of the land as a residential suburb. Existing Zone SD and MD development surround the site to the north and south, Sanctuary lakes occurs to the west and Roystonea Avenue bounds the site to the east.

The application proposed a Telecommunications facility with associated antennas and equipment shelter to provided improved mobile network coverage for wider Palmerston.

The original application was lodged in March 2016 and outlined a number of possible location for a 22.4m proposed tower (outlined below). The original application proposed "Candidate "C" as the final location for the tower.



Source: Original Visionstream Application Material

While a “No Objection” comment (Subject to conditions) was initially provided by Council, local residents raised concern with the location of the facility on amenity and environmental grounds and after a community presentation to Council at the Ordinary Council meeting on 5 April 2016 Council resolved the following:

THAT Council does not support the proposed site of Option C for the Gunn Telecommunications Tower but would consider other more suitable locations.

The applicant had since revised the application and has now amended the proposed tower location with consideration to concerns and suggestions from local residents and the wider community. The below image identifies the proposed revised location.



Source: Revised Visionstream Application Material

The revised location provides further separation from existing residences, in a location closer towards Roystonea Avenue. The applicant has noted that the new site location was not presented in the original Statement of Effect due to the access restrictions; however these have now been addressed in the most recent design.

Access to the facility will now occur via a new access driveway obtained from Buscall Avenue. In consultation with the Department of Transport and Council the applicant determined that whilst access off Buscall Avenue was possible, there would need to be adequate setback from Roystonea Avenue, a major arterial road. This is reflected in the revised plans (Attached)

Specifically the proposal includes the following:

- The installation of a 20m monopole with a hexagonal head frame;
- The installation of six (6) panel antennas, to be represented as twelve (12) panel sections (each measuring less than 2.8 metres in height) to be mounted on the monopole structure, creating a total height of 22.45m;
- The installation of thirty-nine (39) Remote Radio Units
- The installation of one (1) 600mm parabolic antenna to be mounted on the proposed monopole;
- The installation associated ancillary equipment including the aforementioned RRUs, new amplifiers, combiners, mounts etc;
- Creating a base station compound area 13m (long) x 8m (wide). Enclosed by a 2.4 metre chain-link security fence and based with blue metal to suppress weed growth; and
- The installation of a new equipment shelter, within the proposed site compound, elevated on a 1m high platform, to be painted 'pale eucalypt' to match the prevailing background.

GENERAL:

With regards to the Intent of Zone SP3 in the Panning Scheme the proposed telecommunications facility is not considered to jeopardise the ongoing and future use of the land as the zone intends.

With regards clause 13.5 of the NT Planning Scheme (Telecommunications Facilities) the proposal satisfies the intent of the code and complies with the Clause requirements.

The location and form of the access of Buscall Avenue will be finalised in consultation with the applicant and to the satisfaction of the relevant Council standards. A request has also been made for the applicant to provide a lockable gate at the road reserve / access track entry to prevent public access and deter illegal dumping on the site.

Officers are of the view that the revised location addresses community concerns and is a suitable location for the tower. Based on the above no objection is raised with the current proposal. General standard conditions have also been included in Council comments to the DLPE.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

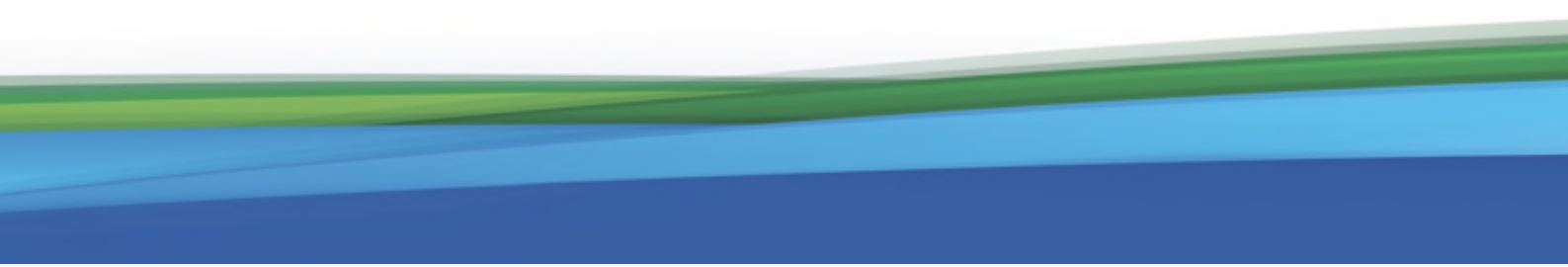
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

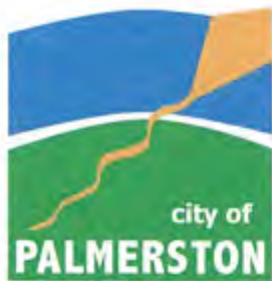
Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Council's letter of comment for the Telecommunications facility with associated antennas and equipment shelter on Lot 9785 (30) Latram Court, Gunn.

Attachment B - Development Application and Drawings.





Please include the following reference in all correspondence

File: P9785

ID: MS:gr

30 May 2016

Telephone (08) 8935 9922

Facsimile (08) 8935 9900

Email

palmerston@palmerstonnt.gov.au

Web

www.palmerstonnt.gov.au

Civic Plaza

2 Chung Wah Terrace

Palmerston NT 0830

Please address

all correspondence to:

Chief Executive Officer

PO Box 1

Palmerston NT 0831

ABN 42 050 176 900

Ms Deborah Curry
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Deborah

PA2016/0119

**Development Application - Lot 9785 (30) Latram Court, Gunn
22.4m high telecommunications facility with associated antennas and
equipment shelter**

Thank you for the Development Application referred to this office on 14 March 2015 and amended documentation provided on 13 May 2016, concerning Lot 9785 (30) Latram Court, Gunn. This letter replaces previous letters dated 15 March 2016, 6 April 2016 and 27 May 2016 may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not object the granting of a Development Permit subject to the following issues being addressed:

- a) A site stormwater drainage plan indicating how the concentrated flow is to be collected on site and connected to Council's stormwater drainage system shall be provided to the satisfaction of the City of Palmerston, prior to the commencement of works. No stormwater will be permitted to discharge across the boundary to the neighbouring property.
- b) Council supports the proposed colour of the facility being the "pale eucalypt" shade of green to blend in with the surrounding vegetation.
- c) The applicant to provide a lockable gate at the road reserve / access track entry to prevent public access and deter illegal dumping on the site. The gate and its location are to be to the satisfaction of Council and at no cost to Council.

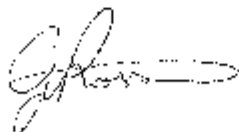
Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated by-Laws:

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

- a) Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
- b) The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- c) Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleway shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- d) Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- e) 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.
- f) 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.
- g) All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director of Technical Services, City of Palmerston.
- h) Waste bin storage and pick up shall be provided in accordance with Council requirements.
- i) Further subject to conditions of subdivisions to the satisfaction of service authorities.

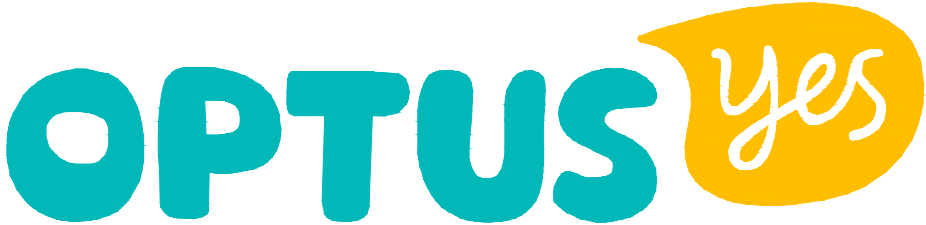
If you require any further discussion in relation to this application please feel free to contact me on 8935 9923.

Yours sincerely



Gerard Rosse
Manager Planning and Environment Services

DATE OF ISSUE		04.02.16																	
DRAWING PACKAGE VERSION		01	02	03															
GENERAL																			
D8083-P1	SITE LAYOUT	01	02	03															
D8083-P2	SITE ELEVATION	01	02	03															
D8083-P3	SITE ACCESS	01	02	03															
ANTENNAS & TRANSMISSION																			
STRUCTURAL																			
ELECTRICAL																			
SHELTER / FITOUT																			
EME EXCLUSION ZONES																			
LEASE / LICENCE																			
REFERENCE DOCUMENTS																			
DEV703-C-DWG-001	PALMERSTONE CITY COUNCIL SUBDIVISION GUIDELINES	A	A	A															
DISTRIBUTION																			
VPL REGIONAL PM	JOSH WEYGOOD	1	1	1															



OPTUS SITE - D8083

BAKEWELL

JD3060

30 LATRAM CT, OFF BUSCALL AVE,
GUNN,
NT 0832

eJV GREENFIELD PROJECT

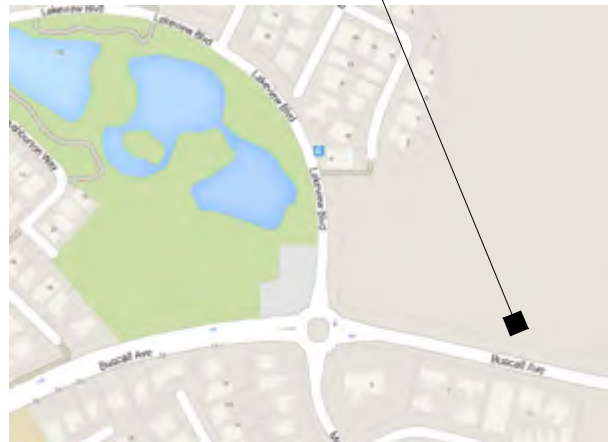
OPTUS WORK AUTHORITY N° 161 879



VISIONSTREAM PTY LTD
236 East Boundary Road
2 North Drive Virginia Park Bentleigh East VIC 3165
Tel- (03) 9258 5700 Fax- (03) 9563 7481
www.visionstream.com.au

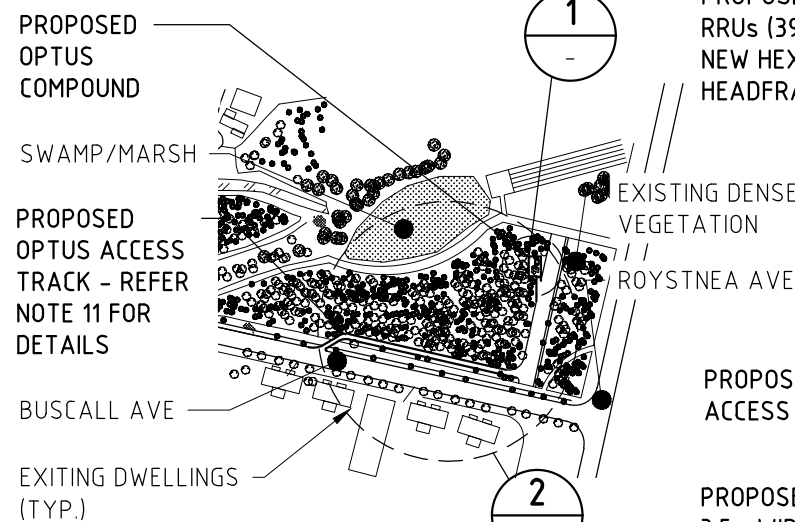
FOR APPROVAL

Drawing No.
D8083 - 00

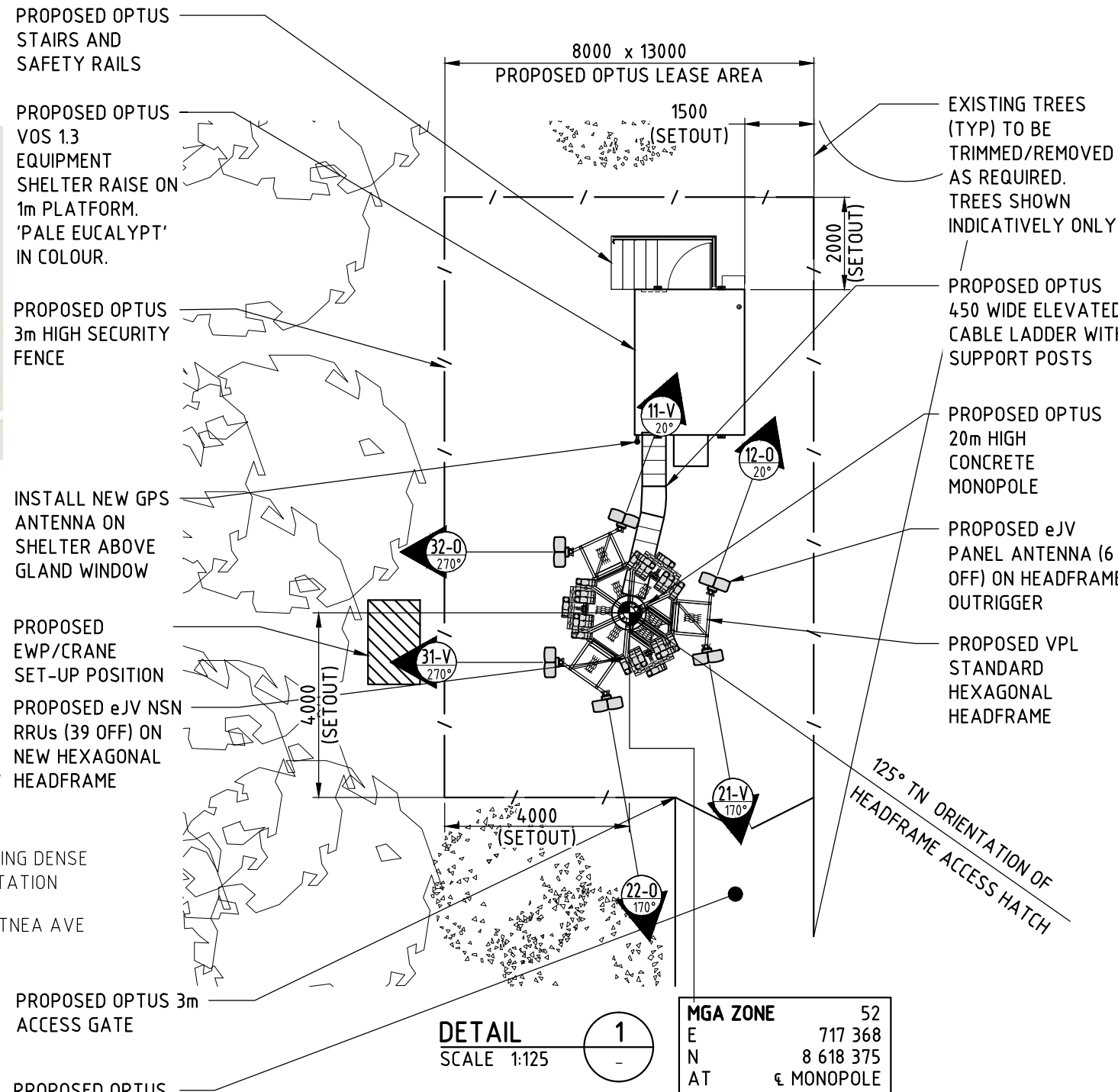
PROPOSED OPTUS
BASE STATION

LOCALITY MAP

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OVERALL SITE PLAN



NOTES:

1. THIS DRAWING IS DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED.
2. DIMENSIONS, COORDINATES, AND LEVELS SHOWN ARE NOMINAL AND SUBJECT TO CONFIRMATION BY SURVEYOR.

SITE ADDRESS:

BUSCALL AVENUE,
BAKEWELL,
NT, 0832

NOTES:

1. **BASIS OF DESIGN**
 - > SITE INSPECTION 12/02/2015
2. **PANEL ANTENNAS**
 - > 2-OFF PER SECTOR (EACH 2.49m LONG) AT EL 21m
 - > SECTOR 1 - 20°, SECTOR 2 - 170°, SECTOR 3 - 270°
 - > MOUNTED ON VPL HEADFRAME ON MONOPOLE
3. **TRANSMISSION**
 - > PRIMARY TX SOLUTION IS FIBRE
 - > Ø600 PARABOLIC ANTENNA AT EL 17m
 - > LINK SITE: PALMERTON D0003
 - > TO BE CONFIRMED BY OPTUS
4. **EQUIPMENT SHELTER**
 - > VOS 1.3 (3.01m x 2.38m) EQUIPMENT SHELTER, COLOURED "PALE EUCALYPT"
 - > SUPPORTED ON ELEVATED PLATFORM
5. **OPTUS MONOPOLE**
 - > 20m HIGH CONCRETE MONOPOLE WITH HEADFRAME AS PER DWG. VPL-STD-S100 TO S109 HEADFRAME AT EL 21.0m
6. **FEEDER CABLES**
 - > SIZE: 6/12 TRUNK CABLE (6 OFF) ALL SECTORS
 - > LENGTH: 25m ALL SECTORS
7. **SITE ACCESS**
 - > TURN NORTH OFF BUSCALL AVE ONTO NEW ACCESS TRACK. FOLLOW ACCESS TRACK FOR APPROX. 130m AND CONNECT TO EXISTING ACCESS TRACK. FOLLOW TRACK FOR APPROX. 72m TO REACH OPTUS PROPOSED COMPOUND AREA.
8. **ANTENNA ACCESS**
 - > STEP-PEGS & 'LAD-SAF' PROVIDED ON MONOPOLE. ORIENTATION OF STEP-PEGS & 'LAD-SAF' TO MATCH WITH HEADFRAME ACCESS HATCH. CHECK ON SITE PRIOR TO HEADFRAME INSTALLATION.
 - > OUTRIGGER PROVIDED ON THE HEADFRAME
9. **POWER SUPPLY (TBC)**
 - > 63A THREE PHASE
 - > DETAILS TO BE CONFIRMED/ADVISED
10. **OTHER (PAINTING, LANDSCAPING, SCREENING)**
 - > TBC DURING DESIGN STAGE
11. **ACCESS TRACK**
 - > NEW 3.5m WIDE ACCESS TRACK TO BE BUILT (APPROX. 130m LONG) AS PER PALMERSTONE CITY COUNCIL SUBDIVISION GUIDELINES-REFER DRAWINGS DEV703-C-DWG-001 (REV A) FOR DETAILS.
12. **STORM WATER MANAGEMENT WITHIN OPTUS COMPOUND**
 - > OPTUS PROPOSED COMPOUND AREA WILL BE LEVELLED AS PER OPTUS STANDARD LAYOUT. IT IS IDENTIFIED THAT FOR NEW ELEVATED EQUIPMENT SHELTER INSIDE SMALL COMPOUND AREA (13m x 8m), THE EXISTING STORM WATER FLOW PATH WILL BE MAINTAINED AND NO ADDITION STORM WATER MANAGEMENT WILL BE REQUIRED WITHIN COMPOUND.

Rev	Date	Revision Details	Consultant	CAD	Designer	Verifier	Approver
03	21.04.16	FOR APPROVAL - OPTION 1	VPL	LD	SY	HR	DM
02	21.04.16	FOR APPROVAL - OPTION 2	VPL	LD	SY	HR	DM
01	04.02.16	FOR APPROVAL - OPTION 1	VPL	LD	MM	HR	SY

visionstream

VISIONSTREAM PTY LTD
236 East Boundary Road
2 North Drive Virginia Park Bentleigh East VIC 3165
Tel- (03) 9258 5700 Fax- (03) 9563 7481
www.visionstream.com.au

Client:

OPTUS yes

Project:

MOBILE NETWORK
AUSTRALIA
SITE No:- D8083
BAKEWELL
30 LATRAM CT, OFF BUSCALL AVE

Drawing Title:

SITE LAYOUT

Drawing Status:

FOR APPROVAL

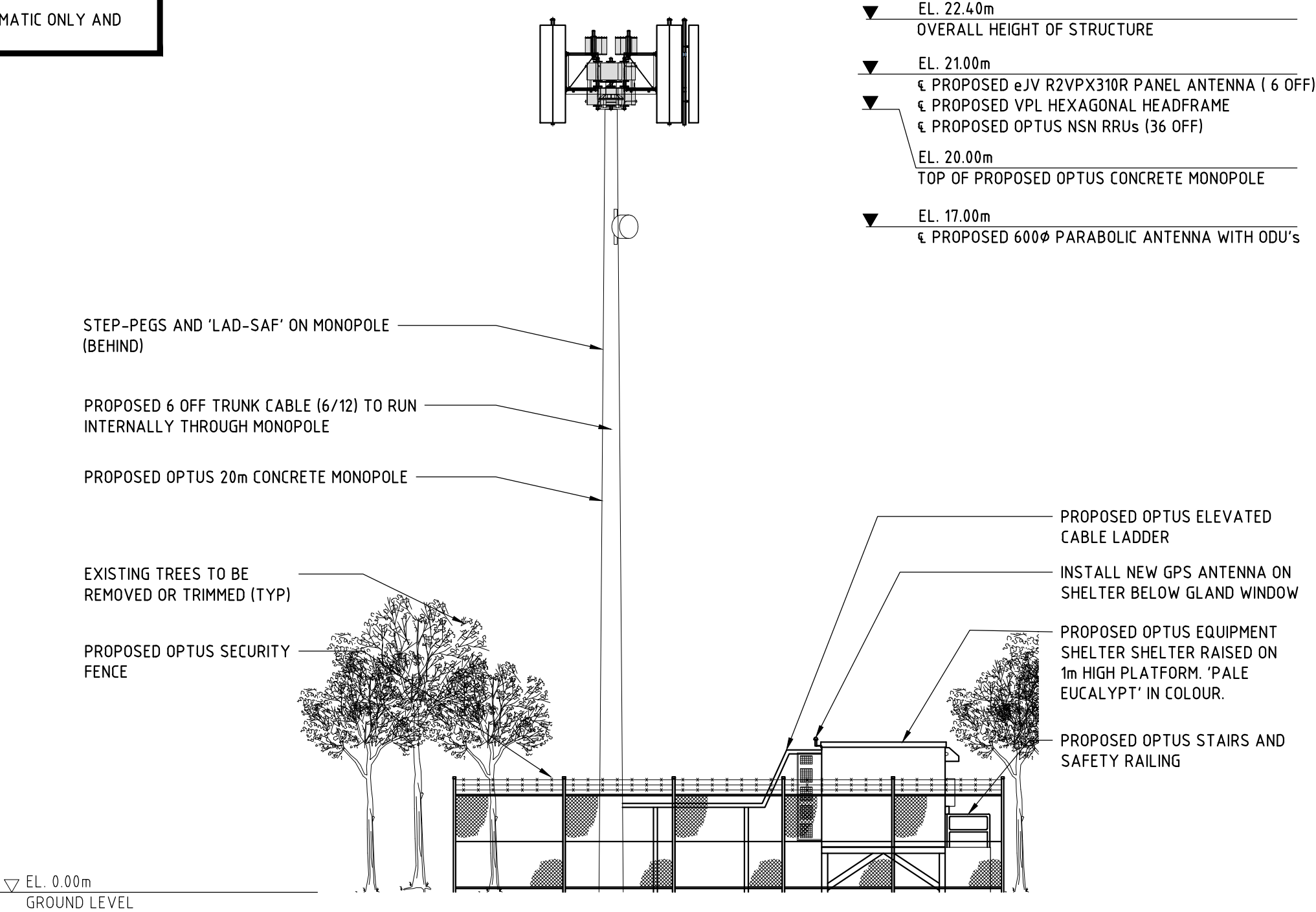
Drawing No.

D8083-P1

Revision

02

- NOTES:**
- 1. EXISTING ANTENNAS AS SHOWN ARE INDICATIVE ONLY AND ARE BASED ON INFORMATION SUPPLIED BY OTHERS AND/OR BY INSPECTION ON SITE.
 - 2. THIS DRAWING IS DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED.



WEST ELEVATION
SCALE 1:125

Rev	Date	Revision Details	Consultant	CAD	Designer	Verifier	Approver
03	21.04.16	FOR APPROVAL - OPTION 1	VPL	LD	SY	HR	DM
02	21.04.16	FOR APPROVAL - OPTION 2	VPL	LD	SY	HR	DM
01	04.02.16	FOR APPROVAL - OPTION 1	VPL	LD	MM	HR	SY



VISIONSTREAM PTY LTD
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Tel- (03) 9258 5700 Fax- (03) 9563 7481
www.visionstream.com.au

Client:



Project:

MOBILE NETWORK AUSTRALIA
SITE No:- D8083 BAKEWELL
30 LATRAM CT, OFF BUSCALL AVE

Drawing Title:

SITE ELEVATION

Drawing Status:

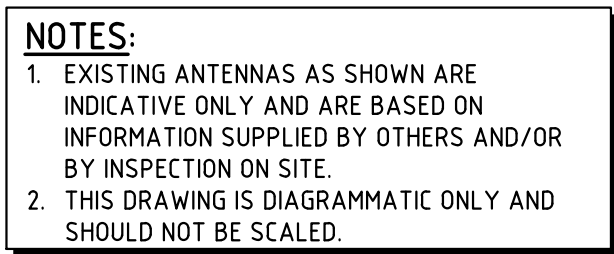
FOR APPROVAL

Drawing No.

D8083-P2

Revision

03



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ITEM NUMBER: 13.1.2 Development Application (PA2016/0301) –
Change of use of part of site to Leisure and Recreation
(Tenancies 9 & 10) - Lot 7167 (20) Essington Avenue, Gray
(Sam's Dance Studio)

FROM: Director Technical Services

REPORT NUMBER: 8/0897

MEETING DATE: 7 June 2016

Municipal Plan:**3. Environment & Infrastructure****3.2 Assets and Infrastructure**

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

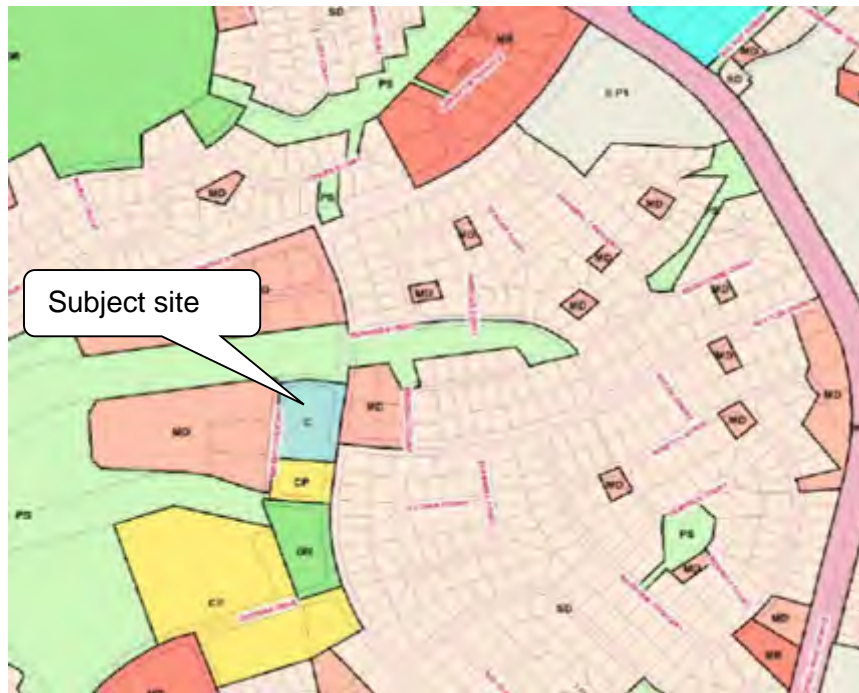
SUMMARY:

This report outlines issues to be considered by Council in regard to the development application lodged for a change of use for part of a site to Leisure and Recreation (Sam's Dance Studio) over Tenancies 9 & 10 of the Gray Shopping Centre on Lot 7167 (20) Essington Avenue, Gray

RECOMMENDATION

1. THAT the Council receives Report Number 8/0897.
2. THAT the attachment to Report Number 8/0897 be endorsed.

BACKGROUND:



Source: NT Atlas and Spatial Data Directory

The lot is within Zone C (Commercial). The subject site is surrounded by Zone MD (Multiple Dwellings), Zone CP (Community Purpose) and Zone PS (Public Open Space).

The applicant (Sam's Dance Studio), is in its 7th year of operation, having previously operated in the Industrial area of Yarrowonga. In March 2016 Council objected to a retrospective application for the existing use operating out of an industrial shed in Yarrowonga citing a lack of parking (Significant shortfall from the requirements of the scheme) and safety concerns with pedestrians (particularly children) accessing the site. The application resulted in a refusal from the Development Consent Authority primarily due to the lack of car parking and safety concerns for users.

The above refusal has now prompted the operator to relocate to a more suitable facility to continue operation. The proposed facility is the Gray Shopping centre, located on Essington Avenue, Gray

The application proposes the utilisation of Tenancies 9 and 10 within the existing centre with a total area of 171m² to be used for the dance studio (Leisure and Recreation under the NT Planning Scheme). The use of these particular tenancies results in no external changes to the existing built form and the car parking design is not being altered from the original development.

Overall, the shopping complex provides for a total of 96 existing car parking spaces and when combined with existing tenancies on site the addition of the dance studio requires the provision of 96.11 car parking spaces on the site. As per the NT Planning Scheme requirements this number must be rounded up to the nearest whole number and therefore total of 97 car parking spaces are technically required.

GENERAL:

It is noted that proposed occupation and use of the building results in no external changes to the existing centre and this includes the current parking layout and manoeuvring areas are proposed to remain as is.

While it is noted that the required car parking has a shortfall of 1 space (96.11 (97) spaces required and 96 spaces provided), it is acknowledged that in this particular case the shortfall is minor (0.1 of a space) in the overall scheme of the development.

Officers are of the view that the proposed development and occupation for the Leisure and Recreation land use will not negatively impact the amenity of the locality or function of the development and therefore do not object to the proposals minor shortfall.

General standard conditions have also been included in Council comments to the DLPE.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

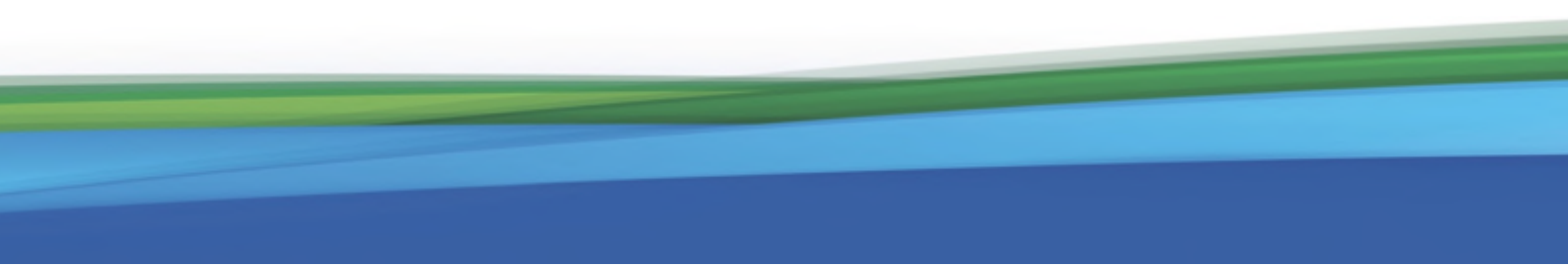
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

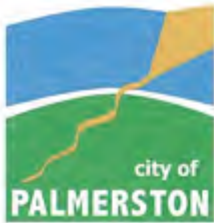
Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Council's letter of comment for change of use of part of site to Leisure and Recreation (Sam's Dance Studio) over Tenancies 9 & 10 of the Gray Shopping Centre on Lot 7167 (20) Essington Avenue, Gray.

Attachment B - Development Application and Drawings.





Please include the following reference in all correspondence

File: P7167

ID: MS:gr

27 May 2016

Telephone

(08) 8935 9922

Facsimile

(08) 8935 9900

Email

palmerston@palmerstonnt.gov.au

Civic Plaza

1 Chung Wah Terrace

www.palmerston.nt.gov.au

Ms Deborah Curry
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Deborah

**PA2016/0301
Development Application - Lot 7167 (20) Essington Avenue, Gray
Change of use of part of site to Leisure and Recreation
(Tenancies 9 & 10)**

Thank you for the Development Application referred to this office on 16 May 2016, concerning Lot 7167 (20) Essington Avenue, Gray. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not object the granting of a Development Permit for the following reasons:

- a) While it is noted that the provided car parking has a shortfall of 1 space (96.11 (97) spaces required and 96 spaces provided) it is acknowledged that in this particular case the shortfall is minor (0.1 of a space) in the overall scheme of the development. Despite the car parking shortfall Council is of the view that proposed development and occupation for the leisure and Recreation land use will not negatively impact the amenity of the locality or function of the development.

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated by-Laws:

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

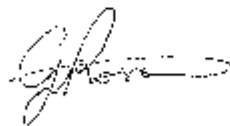
- a) Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.

Please address all correspondence to
Chief Executive Officer
PO Box 1
Palmerston NT 0831
ABN 42 050 176 900

- b) The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- c) Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleway shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- d) Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- e) 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.
- f) 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.
- g) All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director of Technical Services, City of Palmerston.
- h) Waste bin storage and pick up shall be provided in accordance with Council requirements.
- i) Further subject to conditions of subdivisions to the satisfaction of service authorities.

If you require any further discussion in relation to this application please feel free to contact me on 8935 9923.

Yours sincerely



Gerard Rosse
Manager Planning and Environment Services

Lot 7167 (20) Essington Ave Town of Palmerston



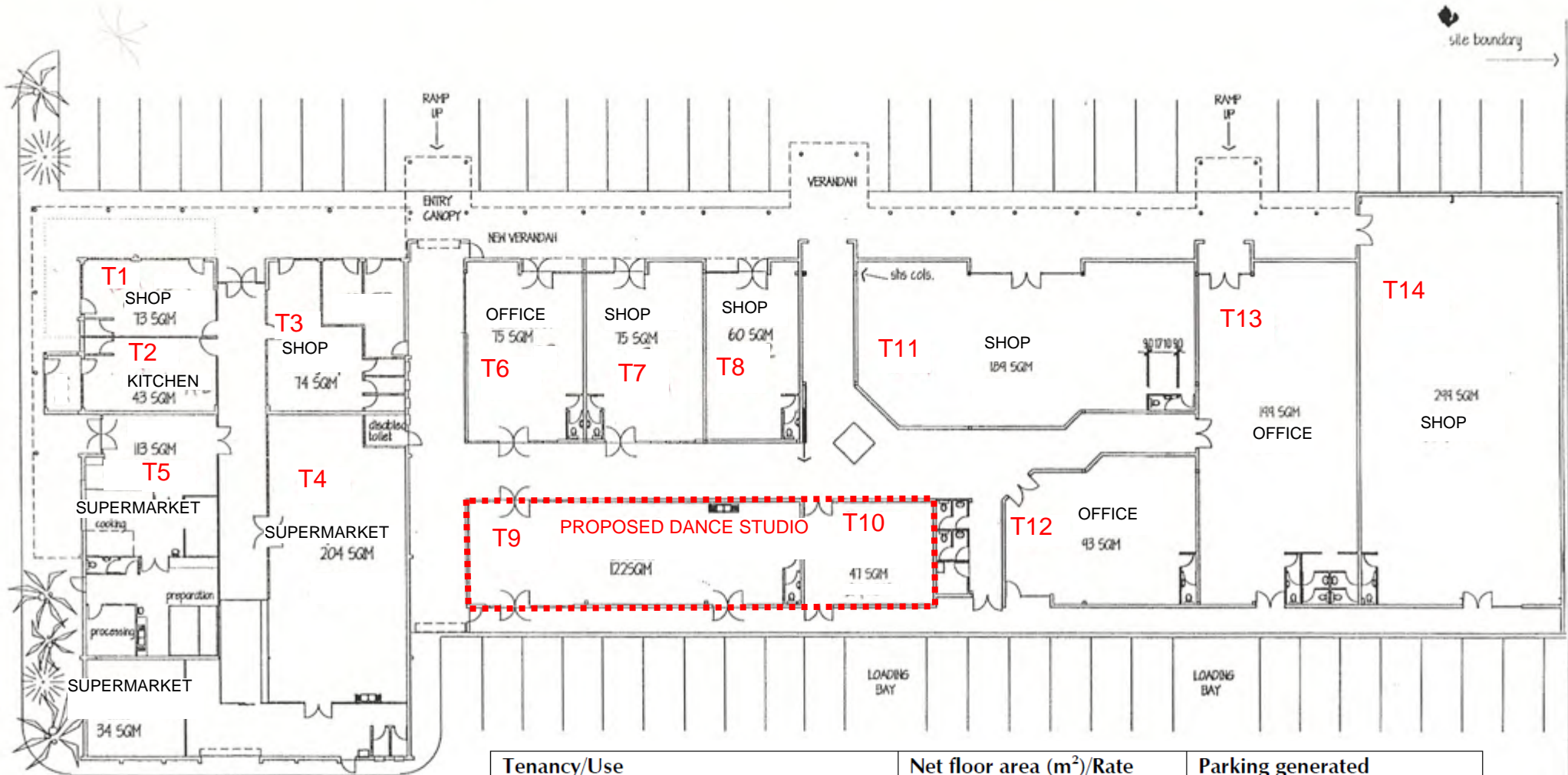
Map Center: 130° 58' 53.76" E, 12° 29' 16.11" S

Created by ANTHONB

Bottom Left: -12° 29' 18", 130° 58' 50" Top Right: -12° 29' 14", 130° 58' 57" Approximate Scale: 1:1,000 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia



Tenancy/Use	Net floor area (m ²)/Rate	Parking generated
Shop - tenancies 1, 2, 3, 4, 5, 7, 8, 11 & 14	1121m ² @6/100	69.84
Office - tenancies 6, 12, & 13	367m ² @2.5/100	9.17
Proposed Dance Studio (leisure and recreation) – tenancies 9 & 10	171m ² @10/100	17.1
		Total required 96.11 (97)
		Total on site 96
		Shortfall of 1

PROPOSED ADDITION
LOT 4556 ESSINGTON AVENUE
PALMERSTON
LAY PROPERTIES

TEL: 0947 2250 3/390 HIDDEN VALLEY ROAD
FAX: 0947 2050 BERRIMAN ST
P.O. BOX 41269 CANTERBURY, D.C.

CONNOLLY
KENNEDY
ARCHITECTS

Drawn Scale Date Sit Job No. Amend

ITEM NUMBER: 13.1.3 Development Application (PA2016/0264) – Lot 4536
 (11) University Avenue, Palmerston City - Alterations and
 additions to an existing hotel (Arch Rival Bar)

FROM: Director Technical Services

REPORT NUMBER: 8/0898

MEETING DATE: 7 June 2016

Municipal Plan:**3. Environment & Infrastructure****3.2 Assets and Infrastructure**

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

SUMMARY:

This report outlines issues to be considered by Council in regard to the development application lodged for alterations and additions to an existing hotel (Arch Rival Bar) on Lot 4536 (11) University Avenue, Palmerston City.

RECOMMENDATION

1. THAT the Council receives Report Number 8/0898.
2. THAT the attachment to Report Number 8/0898 be endorsed.

[illegible]

Source: NT Atlas and Spatial Data Directory

The lot is within Zone CB (Central Business). The subject site is surrounded by Zone CB (Central Business) to the east, west and south and bounded by University Avenue to the north.

The application proposes alterations and additions to the existing Arch Rival Bar.

Specifically the proposal seeks to:

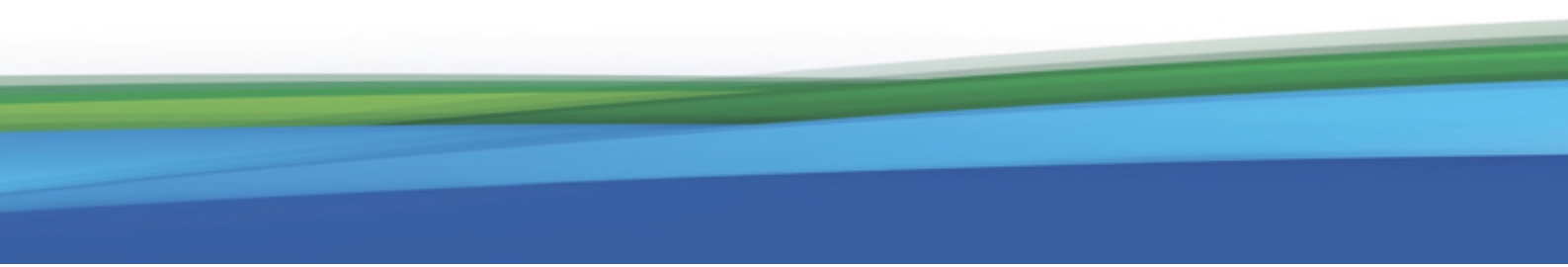
- Partially enclosing the outdoor area located on the Verge with a roof over the existing Alfresco Dining area; and
- Removal of existing garden on the site itself to be replaced with new outdoor smoking area, with new retractable awning and manicured landscaping.

GENERAL:

The proposal is largely compliant with the provisions of the NT Planning Scheme however the proposed works and built from will require the owner/developer enter into an Alfresco Dining and/or Awning Agreement with the Council for all buildings and/or the occupation of area that occurs over the Council road reserve.

It is noted the proposed outcome will be an improvement on the current built form and occupation of the subject site.

To ensure pedestrian safety, particularly for patrons exiting the premises onto the footpath it has been requested via Council comments that the owner/developer is to construct a



pedestrian barrier to replace and/or integrate with the existing bollards that front the site. The barrier is positioned so as to protect patrons and pedestrians from inadvertently stepping onto Palmerston Circuit.

Overall the proposal is a positive outcome for the site and locality and therefore no objection is raised, subject to conditions outlined above and in the attached letter provided to the DLPE.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

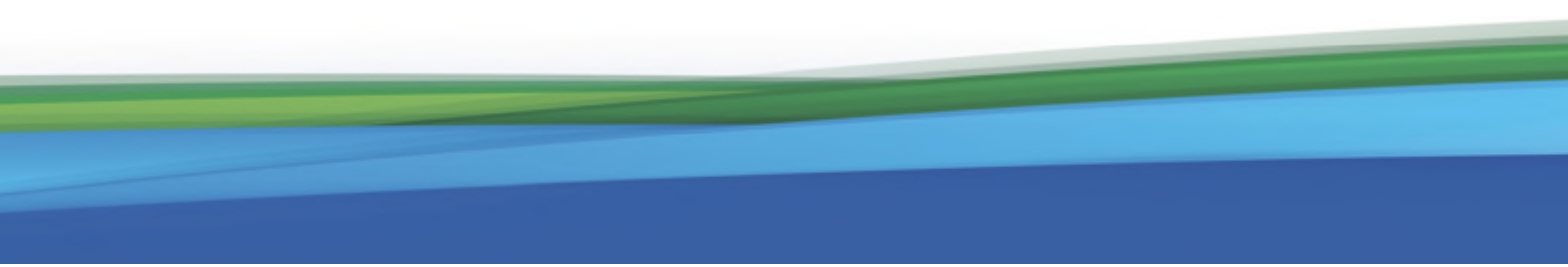
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

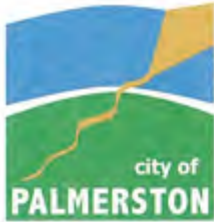
Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Development Application (PA2016/0264) – Lot 4536 (11) University Avenue, Palmerston City - Alterations and additions to an existing hotel (Arch Rival Bar).

Attachment B – Development Application and Drawings.





Please include the following reference in all correspondence

File: P4536

ID: MS:gr

27 May 2016

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(08) 8935 9900

Email

palmerston@palmerston.nt.gov.au

Civic Plaza

1 Chung Wah Terrace

www.palmerston.nt.gov.au

Ms Deborah Curry
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Deborah

PA2016/0264

Development Application – Lot 4536 (11) University Avenue, Palmerston City - Alterations and additions to an existing hotel

Thank you for the Development Application referred to this office on 16 May 2016, concerning Lot 4536 (11) University Avenue, Palmerston City. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not object to the granting of a Development Permit for the subject to the following issues being addressed:

- a) The owner/developer is required to enter into agreements with the Council for all buildings and/or the occupation of area that occurs over the Council road reserve, with the detailed design specifications and final agreements to the satisfaction of the Council and at no cost to Council.
- b) The owner/developer is to construct a permeable pedestrian barrier to replace and/or integrate with the existing bollards that front the site. This barrier is to be provided to the satisfaction of Council and at no cost to Council.
- c) A site stormwater drainage plan indicating how the concentrated flow is to be collected on site and connected to Council's stormwater drainage system shall be provided to the satisfaction of the City of Palmerston, prior to the commencement of works. No stormwater will be permitted to discharge across the boundary to the neighbouring property.

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated by-Laws:

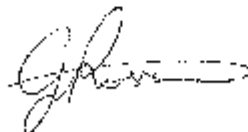
Should this application be approved, the following conditions pursuant to the Planning Act and Councils responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

Please address all correspondence to
Chief Executive Officer
PO Box 1
Palmerston NT 0831
ABN 42 050 176 900

- a) Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
- b) The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- c) Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleway shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- d) Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- e) 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.
- f) 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.
- g) All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director of Technical Services, City of Palmerston.
- h) Waste bin storage and pick up shall be provided in accordance with Council requirements.
- i) Further subject to conditions of subdivisions to the satisfaction of service authorities.

If you require any further discussion in relation to this application please feel free to contact me on 8935 9923.

Yours sincerely



Gerard Rosse
Manager Planning and Environment Services

THE ARCH RIVAL

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION



DO NOT SCALE OFF THE DRAWING CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING OF ANY WORK ON OR OF SITE

RAZORBAK
BUILDING DESIGNERS

MICK GORHAM
PH 89886602 - MO 0404468866
PO BOX 1272 PALMERSTON 0831 N.T
E-razorbakdesigner@bigpond.com

CLIENT

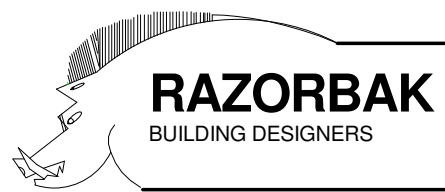
JASON HANNA

PROJECT PROPOSED ROOF OVER EXISTING ALFRESCO DINING AREA AT LOT 4536 No 11 UNIVERSITY AVENUE. PALMERSTON					DATE 29-7-2013
ELEVATIONS					
DRAWN M.G	AMENDMENT	SCALE 1:100	SHEET 3 OF 3	DRAWING No No 306 - A3	
CHECKED					

28/10/2015 11:08:15 AM



DO NOT SCALE OFF THE DRAWING CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING OF ANY WORK ON OR OF SITE



MICK GORHAM
PH 89886602 - MO 0404468866
PO BOX 1272 PALMERSTON 0831 N.T
E-razorbakdesigner@bigpond.com

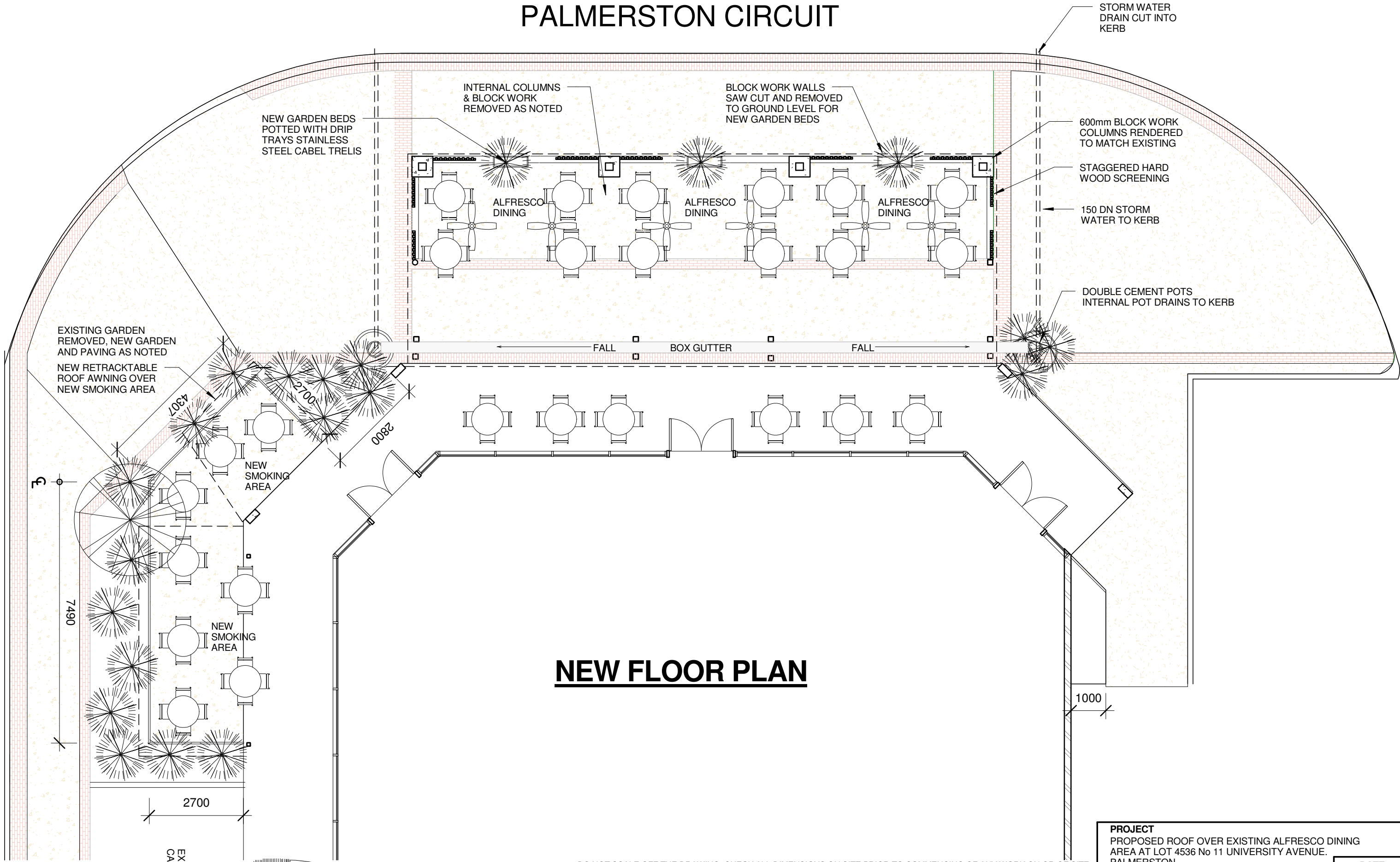
CLIENT

JASON HANNA

PROJECT PROPOSED ROOF OVER EXISTING ALFRESCO DINING AREA AT LOT 4536 No 11 UNIVERSITY AVENUE. PALMERSTON					DATE 29-7-2013	
PERSPECTIVE						
DRAWN M.G	AMENDMENT	SCALE	SHEET 1 OF 3	DRAWING No No 306 - A3		
CHECKED						

28/10/2015 11:06:05 AM

PALMERSTON CIRCUIT



NEW FLOOR PLAN

RAZORBAK
BUILDING DESIGNERS

MICK GORHAM
PH 89886602 - MO 0404468866
PO BOX 1272 PALMERSTON 0831 N.T
E-razorbakdesigner@bigpond.com

CLIENT
JASON HANNA

PROJECT
PROPOSED ROOF OVER EXISTING ALFRESCO DINING
AREA AT LOT 4536 No 11 UNIVERSITY AVENUE.
PALMERSTON

DATE
29-7-2013

NEW PLAN

DRAWN M.G.	AMENDMENT	SCALE	SHEET 2 OF 3	DRAWING No No 306 - A3
CHECKED				

28/10/2015 11:07:20 AM

ITEM NUMBER: 13.1.4 Development Application (PA2016/0303) Lot 4153 (36)
Elrundie Avenue, Marlow Lagoon - Shed addition in excess
of 8.5m in height (Satellite City BMX)

FROM: Director Technical Services

REPORT NUMBER: 8/0899

MEETING DATE: 7 June 2016

Municipal Plan:**3. Environment & Infrastructure****3.2 Assets and Infrastructure**

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

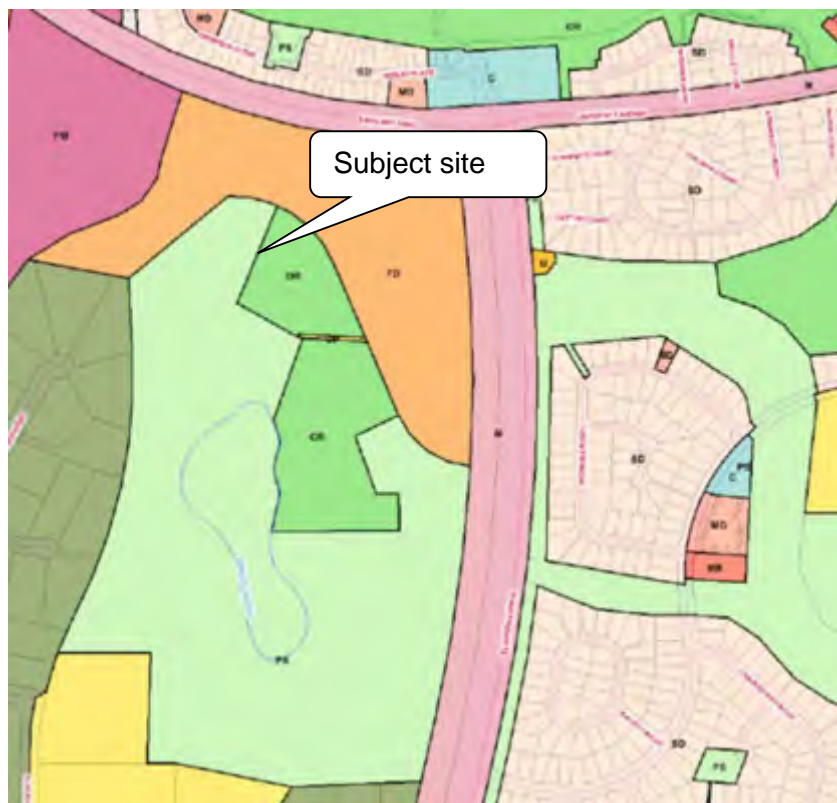
SUMMARY:

This report outlines issues to be considered by Council in regard to the development application lodged for a shed addition in excess of 8.5m in height on Lot 4153 (36) Elrundie Avenue, Marlow Lagoon (Satellite City BMX).

RECOMMENDATION

1. THAT the Council receives Report Number 8/0899.
2. THAT the attachment to Report Number 8/0899 be endorsed.

BACKGROUND:



Source: NT Atlas and Spatial Data Directory

The site is commonly known as Marlow Lagoon recreation area and is contained within both Zone PS (Public Open Space) and Zone OR (Organised Recreation). The subject site owned by Council and sub-leased to the Satellite City BMX Club and contains the existing BMX racing track. The current lease agreement commenced on 1 March 2013 and ends on 29 February 2024 with an option to extend to 28 February 2035.

As part of a Northern Territory Government grant received by the club, the club has secured funding to upgrade the existing BMX track to include the coverage of the facility with a structure to reduce damage to the track in the wet season and upgrade the facility to a national and international standard.

As the owner of the site, Council was approached in March 2016 by the club seeking consent to lodge the relevant Planning and Building Applications for the proposed development. In late March 2016 Officers provided general support for the proposal and consent for the Lessee to lodge the relevant Planning and Building Applications over the site.

The applicant has stated that the BMX track is being designed with international standards (UCI regulations) as per the requirements of the NT Government Capital Grant. The UCI requirements provide for an 8m start gate. For rider's safety, the roof level above an 8m start gate needs to be 3m above the gate, furthermore Jumps around the track are about 3m high and there needs to be adequate roof clearance above jumps for rider safety. The applicant details further that the roof has been designed with the intent to maintain the

aesthetics of the environment; that is, rather than an apex or skillion roof, the roof curves to its highest point and has been designed around airflow for rider and spectator comfort.

Specifically, the proposal has triggered a planning application as the structure is in excess of the 8.5m height limit of the NT Planning Scheme (15.5m proposed).

GENERAL:

While it is acknowledged that the proposed structure is in excess of the 8.5m height limit (15.5m proposed) under 6.1 of the NT Planning Scheme, it is acknowledged the proposed height is required to ensure the structure can contain the use of the facility (BMX track).

It is further acknowledged that proposed use of the site and structure is a consistent outcome for the locality (Organised Recreation) and therefore no objection is raised in this particular case.

General standard conditions have also been included in Council comments to the DLPE.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

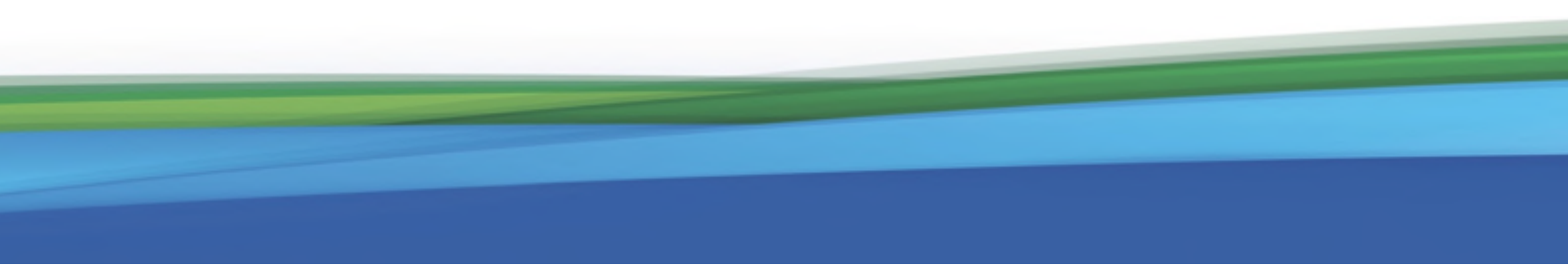
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Council's letter of comment for a shed addition in excess of 8.5m in height on Lot 4153 (36) Elrundie Avenue, Marlow Lagoon (Satellite City BMX).

Attachment B - Development Application and Drawings.





Please include the following reference in all correspondence

File: P4153

ID: MS:gr

27 May 2016

Telephone

(08) 8935 9922

Facsimile

(08) 8935 9900

Email

palmerston@palmerston.nt.gov.au

Civic Plaza

1 Chung Wah Terrace

www.palmerston.nt.gov.au

Ms Deborah Curry
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Deborah

**PA2016/0303
Development Application - Lot 4153 (36) Elrundie Avenue, Marlow
Lagoon
Shed addition in excess of 8.5m in height**

Thank you for the Development Application referred to this office on 16 May 2016, concerning Lot 4153 (36) Elrundie Avenue, Marlow Lagoon. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not object to the granting of a Development Permit for the following reasons:

- a) While the proposed structure is in excess of the 8.5m height limit under Clause 6.1 of the NT Planning Scheme (15.5m proposed), it is acknowledged the proposed height is required to ensure the structure can safely contain the use of the facility (BMX track).

It is further acknowledged that proposed use of the site and structure is a consistent outcome for the locality (as Organised Recreation) and therefore no objection is raised.

Subject to the following issues being addressed:

- a) A site stormwater drainage plan indicating how the concentrated flow is to be collected on site and connected to Council's stormwater drainage system shall be provided to the satisfaction of the City of Palmerston, prior to the commencement of works. No stormwater will be permitted to discharge across the boundary to the neighbouring property.

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated by-Laws:

Should this application be approved, the following conditions pursuant to the Planning Act and Councils responsibilities under the Local Government Act

Please address all correspondence to
Chief Executive Officer
PO Box 1
Palmerston NT 0831

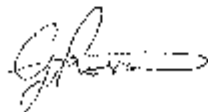
ABN 42 050 176 900

are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- a) Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
- b) The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- c) Kero crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleway shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- d) Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- e) 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.
- f) 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.
- g) All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director of Technical Services, City of Palmerston.
- h) Waste bin storage and pick up shall be provided in accordance with Council requirements.
- i) Further subject to conditions of subdivisions to the satisfaction of service authorities.

If you require any further discussion in relation to this application please feel free to contact me on 8935 9923.

Yours sincerely



Gerard Rosse
Manager Planning and Environment Services

SATELLITE CITY BMX CLUB

ATTACHMENT B

MARLOW LAGOON RECREATION PARK, ELRUNDIE AVE, PALMERSTON
PO BOX 108 PALMERSTON, NT 0831. PHONE: 0401 473 664. EMAIL: satcitybmxclub@gmail.com

Document Intent:

This document is for the purpose of planning assessment; the document provides aerial views of the location and positioning of the roof on the Satellite City BMX Club facility.

Satellite City BMX Club Location:

The following photo shows the Satellite City BMX Club location and proximity to neighbouring residential areas:



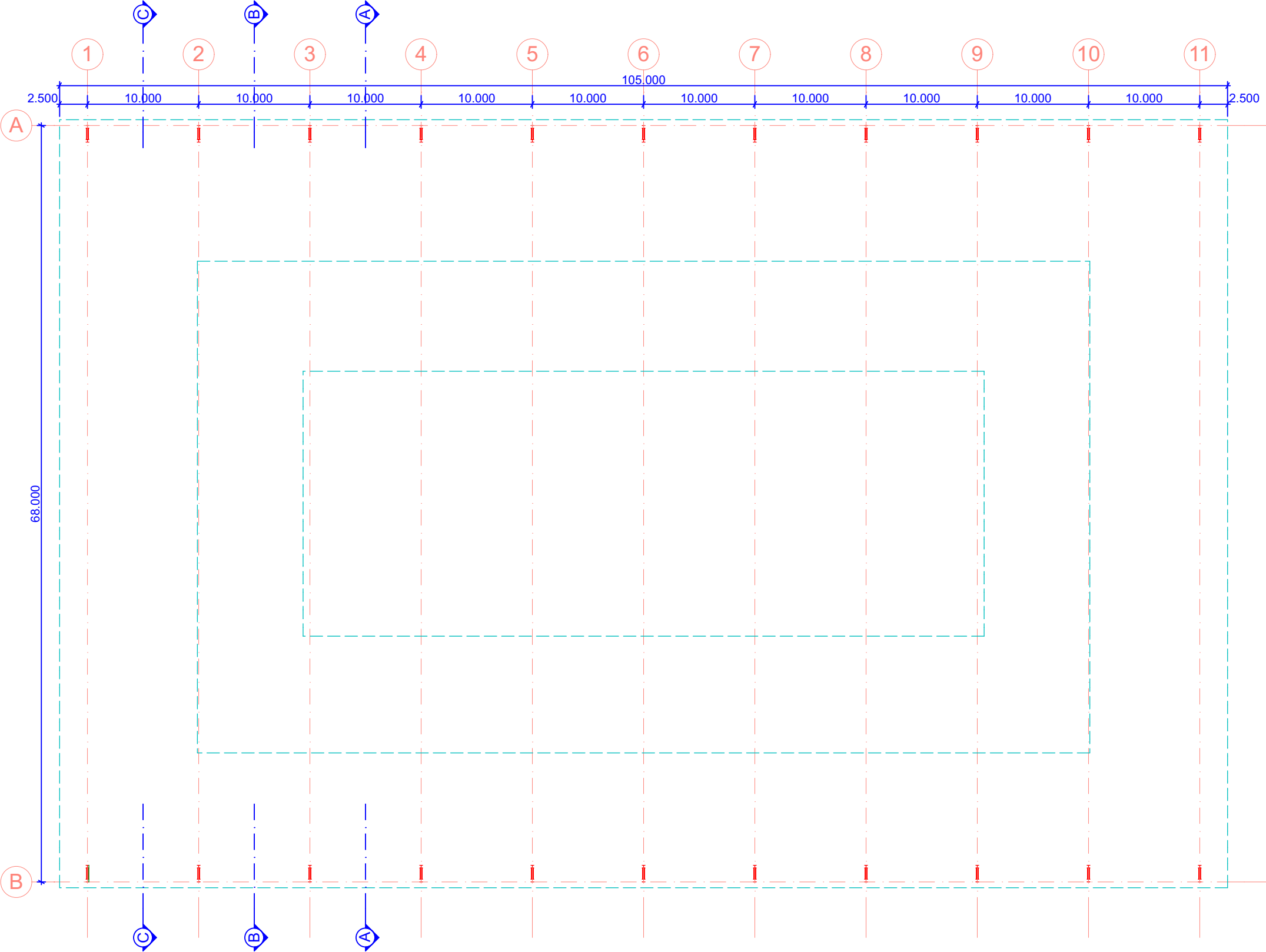
Location of Roof at the site:

Spanlift have provided the following document showing the roof overlay on the facility:



The satellite photo is an old photo and does not include the car park; the following photo puts the above into perspective with regard to currency of site:



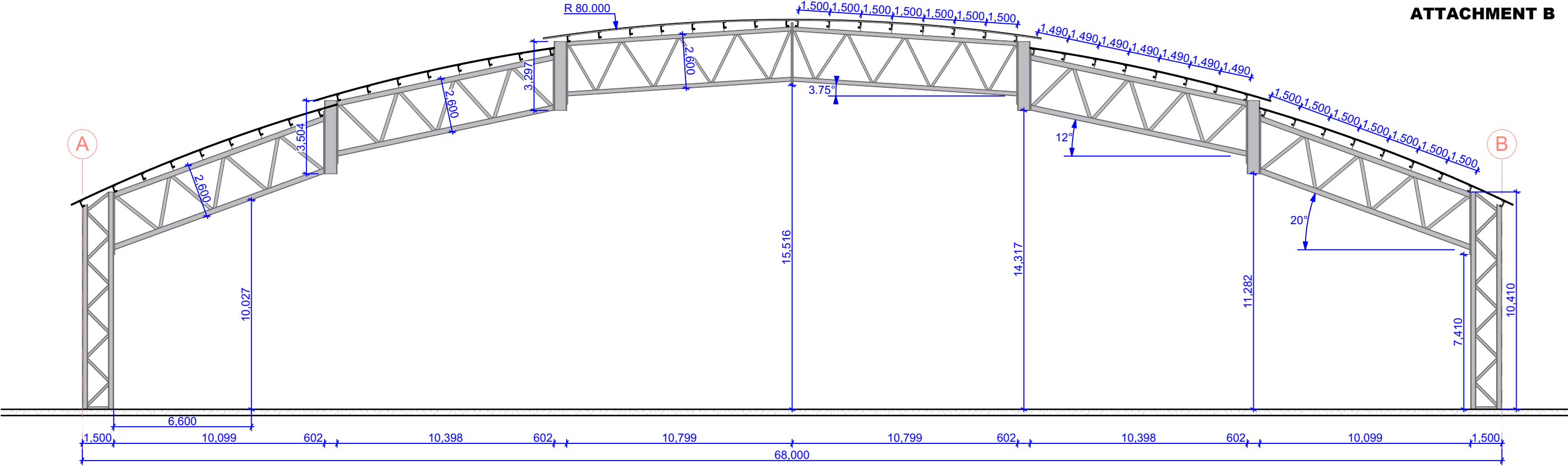


SPANLIFT AUSTRLIA
12 WIRELESS ROAD
MOUNT GAMBER S.A. 5290
PH - (08) 8723 4321
FX - (08) 8723 2725

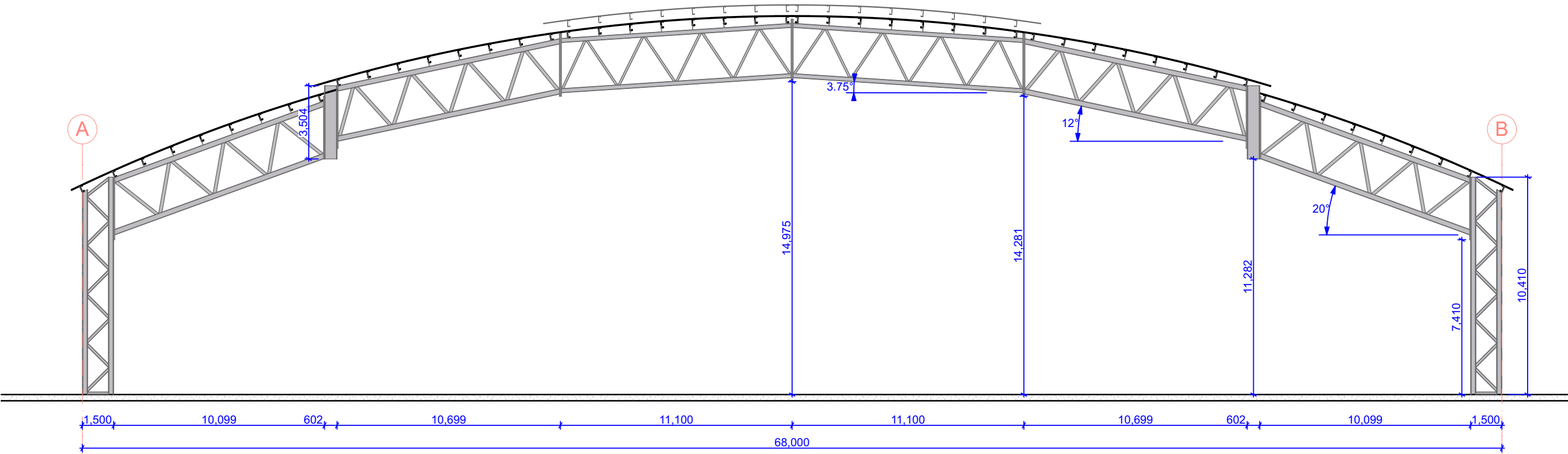
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FROM SPANLIFT AUSTRALIA.

REV No.	DESCRIPTION	DATE	DRAWING No: DW#PIn	DATE: 4/04/2016		SCALE 1:400	
			DRAWING NAME: Ground Floor - BMX				
			DRAWN BY: Edwin Hernandez	SIZE A3	SHEET A.01	REV: A	JOB No: #PIn



Section A-A 1:200



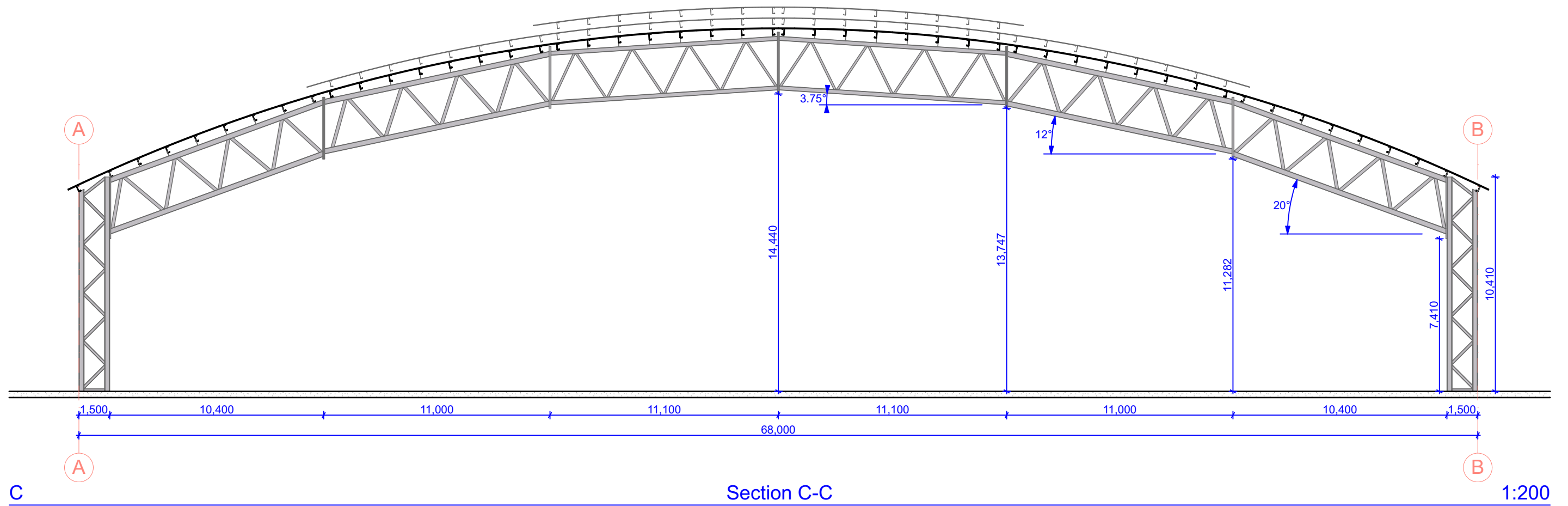
Section B-B 1:200

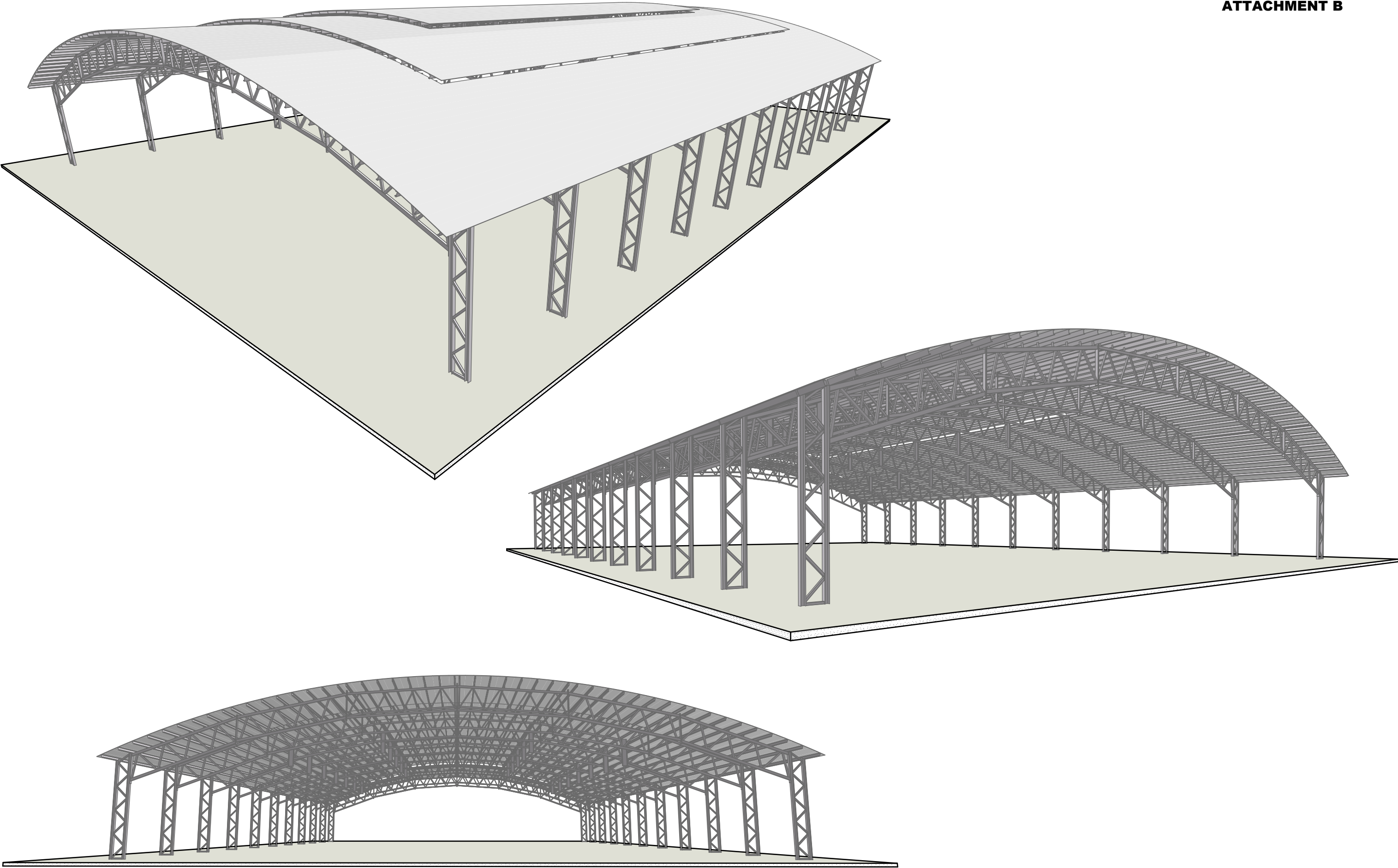


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FX - (08) 8723 2725

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REV No.	DESCRIPTION	DATE	DRAWING No: DW#PIIn	DATE: 4/04/2016	SCALE 1:200
			DRAWING NAME: Sections - BMX		
			DRAWN BY: Edwin Hernandez	SIZE A3	SHEET A.02
				REV: A	JOB No: #PIIn





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REV No.	DESCRIPTION	DATE	DRAWING No: DW#Pln	DATE: 4/04/2016	SCALE 1:200
			DRAWING NAME: 3D Representation - BMX		
			DRAWN BY: Edwin Hernandez	SIZE A3	SHEET A.04
				REV: A	JOB No: #Pln

ITEM NUMBER: 13.1.5 Proposal to Amend NT Planning Scheme (PA2016/0169)
 - Low Risk, Low Impact Development Amendment

FROM: Director Technical Services

REPORT NUMBER: 8/0900

MEETING DATE: 7 June 2016

Municipal Plan:

3. Environment & Infrastructure

3.2 Assets and Infrastructure

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

SUMMARY:

This report outlines issues to be considered by Council in regard to a proposal to amend NT Planning Scheme (PA2016/0169) - Low Risk, Low Impact Development Amendment.


RECOMMENDATION

1. THAT the Council receives Report Number 8/0900.
2. THAT the attachment to Report Number 8/0900 be endorsed.

BACKGROUND:

In February 2016 the Manager of Planning and Environment Services provided Technical comments on a discussion paper released by the NT Planning Commission relating to a proposal to amend the NT Planning Scheme to address a number of clauses to streamline Low Risk, Low Impact Developments. While general support was provided to the intent of the proposal outlined in the discussion paper a number of comments and concerns were highlighted that would require amendments in order for full support to be granted once a formal amendment was notified.

This report and attached comments relates the now notified proposed amendment. The proposed amendment intends to streamline the planning consent process by:

- Reducing the number of minor or ancillary developments that require consent; and
 - Increasing flexibility in some development provisions to reduce the number of minor variations requiring consent.
- 

Specifically, the proposed amendment seeks to review a total of 13 clauses and introduce two new clauses to the NT Planning Scheme. Elements considered include Exceptions, Definitions, Heights controls, Building Setbacks of residential and commercial buildings and other administrative changes.

GENERAL:

It is noted the department has considered some of the preliminary comments and suggested changes provided by Council in February 2016 which are reflected in the advertised amendment, while other comments and suggestions have not been implemented. Some of these are administrative in nature and large numbers of changes are appropriately included to alleviate small, minor applications that in a lot of cases are not warranted.

Despite the above it is noted that a number of changes are inappropriate, or require further refinement and consideration. With regards to these matters and the specific issues, these are outlined below and can be reviewed from the attached proposed amendment:

Item 2 - Clause 1.3 (Exceptions)

- Proposed Sub Clauses 2 (u) (v) and (x):

While it is acknowledged the provision of a shade sail and/or an increase of 200m² or 15% of a site results in minimal change to the overall function of site, consideration should be given the potential stormwater drainage implications of a "shade sail" being an impenetrable material and the extension of built form not considering stormwater drainage. It is note the previous discussion document released by the NT Planning Commission did contain an appropriate clause that ensured an addition would not interfere with the functioning of existing drainage fixtures or flow paths. This clause or an appropriate similar statement should be included to ensure the matter of stormwater drainage is satisfactorily addressed.

Item 11 - Clause 7.3 (Building setbacks of residential buildings)

- Proposed Table A to Clause 7.3.

Significant concern is raised with the proposed secondary street setback to 1.5m and a blanket reduction of side boundaries to 1m.

Secondary Street setback (from 2.5m to 1.5m) - With regards to the secondary street setback concern is raised with the reduced amenity along the secondary street frontage, the impact on the streetscape and the building massing along the street frontage for the locality. It is recommended the Department revisit this aspect and practically measure the potential impact on the streetscape with examples of such development elsewhere.

Secondary Street Access - An emerging issue in Palmerston is the provision of the existing secondary street frontage setback of 2.5m (now proposed to 1.5m) for new residential buildings with two street frontages (corner lots) where vehicle access (driveway) occurs in conjunction with a garage, shed or carport. While the location of the access crossover is assessable by Council, the setback of the building or structure

is regulated by the requirements of the Scheme, which in this case are inadequate. The existing 2.5m setback and even more so the proposed 1.5m setback for a garage are both inadequate for the parking of a vehicle within the setback and results in parking spill over onto the verge and in some cases across the pedestrian footpath which is a significant safety issue. Furthermore it is noted that Q100 stormwater flows in newer suburbs are generally contained within the road reserve, from boundary to boundary of properties. The current requirements of the NT Building Regulations (Sec 39 (a)) requires the height of the lowest floor level, or lowest part of the floor level, of a habitable room to be at least 300 mm above the flood level for the flood prone area. While a garage would not ordinarily require this elevation of 300mm, contemporary building practices for single slab building methods (rather than a split level slab) are resulting in excessive driveway gradients over a short setback distance. Reducing the secondary street frontage to 1.5m combined with a single slab construction will only exacerbate an existing issue that needs to be addressed.

While no objection is raised to the setback of the habitable area of a building on a secondary street frontage to 2.5m (as it stands), in the case where a garage, shed or carport (non habitable portions) are located on a secondary street frontage in conjunction with a driveway access the setback should be that of the primary street frontage for the portion of the non-habitable area (to account for garages, sheds or carports). This should also be applied to the wording for general setbacks for residential buildings section of the scheme.

Side and rear setback (from 1.5m to 1m) - The impact of blanket reduction of side boundaries to 1m could result in even further reductions in private amenity for dwellings on small lots adjacent to other dwellings with reduced side boundaries. Issues relating to privacy and stormwater drainage are already becoming apparent in new areas with small lots and reduced boundary setbacks. While an attempt to control design has occurred (by way of no major opening and height/length restrictions) the impact on amenity of reduced setbacks and what will be blank walls cannot be underestimated and maintaining an assessment approach is a more appropriate method to consider such proposals.

Item 13 - Proposed Clause 7.3.4 (Reduced setbacks for single dwelling on lots greater than 600m²).

- Application of 3. (b) (i)(ii) and (iii)

The application of clause 3 (b) and figures provided is unclear. A diagram of the proposed intent to outline the overall intent of Clause 3 (b) would assist interpretation of the clause. If not clarified in this amendment, this should be presenting in a guideline fact sheet for the industry (Similar to previous amendments for small lots).

While a number of changes proposed are appropriate, the above discussion outlines the concerns Officers have to several aspects of the proposed changes outlined in the attached document.

It is therefore recommended that Council does not support the proposed amendment in its current form for the above outlined reasons.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

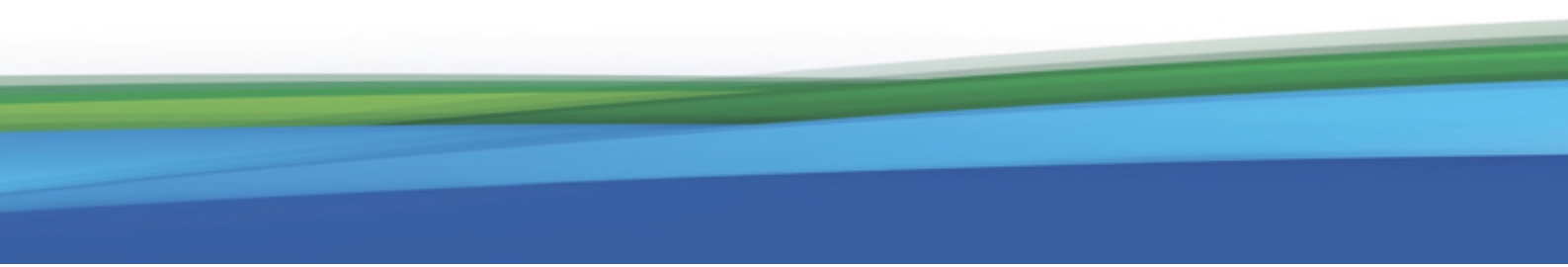
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

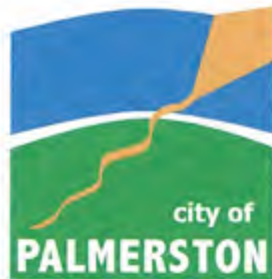
Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Council's letter of comment for the proposal to Amend NT Planning Scheme (PA2016/0169) - Low Risk, Low Impact Development Amendment

Attachment B - Amendment Exhibition Package





Please include the following reference in all correspondence

File: PSA – Low risk, Low Impact.

ID: MS:gr

8 June 2016

Telephone (08) 8935 9922

Facsimile (08) 8935 9900

Email

palmerston@palmerston.nt.gov.au

Web

www.palmerston.nt.gov.au

Civic Plaza

2 Chung Wah Terrace

Palmerston NT 0830

Please address

all correspondence to:

Chief Executive Officer

PO Box 1

Palmerston NT 0831

ABN 42 050 176 900

Director
Lands Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Sir/ Madam

**PA2016/0169
Proposal to Amend NT Planning Scheme
Low Risk, Low Impact Development Amendment**

I refer to the above proposal to amend NT Planning Scheme for Low Risk, Low Impact Development (PA2016/0169). The following issues are raised for consideration by the Department:

Council does not support the proposed amendment in its current form for the following reasons:

a. Item 2 - Clause 1.3 (Exceptions)

- Sub clauses 2 (u) (v) and (x):

While it is acknowledged the provision of a shade sail and/or an increase of 200m² or 15% of a site results in minimal change to the overall function of site, consideration should be given the potential stormwater drainage implications of a "shade sail" being an impenetrable material and the extension of built form not considering stormwater drainage. It is note the previous discussion document released by the NT Planning Commission did contain an appropriate clause that ensured an addition would not interfere with the functioning of existing drainage fixtures or flow paths. This clause or an appropriate similar statement should be included to ensure the matter of stormwater drainage is satisfactorily addressed.

b. Item 11 - Clause 7.3 (Building setbacks of residential buildings)

- Table A to Clause 7.3.

Significant concern is raised with the proposed secondary street setback to 1.5m and a blanket reduction of side boundaries to 1m.

Secondary Street setback (from 2.5m to 1.5m) - With regards to the secondary street setback concern is raised with the reduced amenity along the secondary street frontage, the impact on the streetscape and the building massing along the street frontage for the locality. It is

recommended the Department revisit this aspect and practically measure the potential impact on the streetscape with examples of such development elsewhere.

Secondary Street Access - An emerging issue in Palmerston is the provision of the existing secondary street frontage setback of 2.5m (now proposed to 1.5m) for new residential buildings with two street frontages (corner lots) where vehicle access (driveway) occurs in conjunction with a garage, shed or carport. While the location of the access crossover is assessable by Council, the setback of the building or structure is regulated by the requirements of the Scheme, which in this case are inadequate. The 2.5m setback and even more so the proposed 1.5m setback for a garage is inadequate for the parking of a vehicle within the setback and results in parking spill over onto the verge and in some cases across the pedestrian footpath which is a significant safety issue. Furthermore it is noted that Q100 stormwater flows in newer suburbs are generally contained within the road reserve, from boundary to boundary of properties. The current requirements of the *NT Building Regulations* (Sec 39 (a)) requires the height of the lowest floor level, or lowest part of the floor level, of a habitable room to be at least 300 mm above the flood level for the flood prone area. While a garage would not ordinarily require this elevation of 300mm, contemporary building practices for single slab building methods (rather than a split level slab) are resulting in excessive driveway gradients over a short setback distance. Reducing the secondary street frontage to 1.5m combined with a single slab construction will only exacerbate an existing issue that needs to be addressed.

While no objection is raised to the setback of the habitable area of a building on a secondary street frontage to 2.5m (as it stands), in the case where a garage, shed or carport (non habitable portions) are located on a secondary street frontage in conjunction with a driveway access the setback should be that of the primary street frontage for the portion of the non-habitable area (to account for garages, sheds or carports). This should also be applied to the wording for general setbacks for residential buildings section of the scheme.

Side and rear setback (from 1.5m to 1m) - The impact of blanket reduction of side boundaries to 1m could result in even further reductions in private amenity for dwellings on small lots adjacent to other dwellings with reduced side boundaries. Issues relating to privacy and stormwater drainage are already becoming apparent in new areas with small lots and reduced boundary setbacks. While an attempt to control design has occurred (by way of no major opening and height/length restrictions) the impact on amenity of reduced setbacks and what will be blank walls cannot be underestimated and maintaining an assessment approach is a more appropriate method to consider such proposals.

- c. Clause 7.3.4 (Reduced setbacks for single dwelling on lots greater than 600m²).

- Application of 3. (b) (i)(ii) and (iii)

The application of clause 3 (b) and figures provided is unclear. A diagram of the proposed intent to outline the overall intent of Clause 3 (b) would assist interpretation of the clause. If not clarified in this amendment, this should be presenting in a guideline fact sheet for the industry (Similar to previous amendments for small lots).

Should you require any further discussion in relation to this application please feel free to contact Mr Gerard Rosse, Manager Planning and Environment Services on 8935 9923.

Yours sincerely

Mark Spangler
Director Technical Services

NORTHERN TERRITORY OF AUSTRALIA
PROPOSAL TO AMEND NT PLANNING SCHEME
PA2016/0169

The Minister for Lands and Planning is seeking comments on a proposal to amend the Northern Territory Planning Scheme to address low risk, low impact development.

The proposed amendment is intended to streamline the planning consent process by:

- reducing the number of minor or ancillary developments that require consent; and
- increasing flexibility in some development provisions to reduce the number of minor variations requiring consent.

The amendments primarily affect high volume / small scale / low risk development types, many of which relate to extensions for low density residential developments.

The proposed NT Planning Scheme Amendment will:

- i. introduce the following clause:
 - clause 7.3.4 (Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater);
- ii. alter the following existing clauses:
 - clause 1.3 (Exceptions);
 - clause 3.0 (Definitions);
 - clause 5.13 (Zone DV - Development);
 - clause 5.21 (Zone CP – Community Purposes);
 - clause 6.1 (General Height Control);
 - clause 6.2 (Height Control in Alice Springs);
 - clause 7.1.2 (Residential Height Limitations);
 - clause 7.3 (Building Setbacks of Residential Buildings);
 - clause 7.3.2 (Distance between Residential Buildings on One Site);
 - clause 8.1.2 (Offices, Restaurants and Shops in Zones CB and C);
 - clause 8.1.5 (Child Care Centres);
 - clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR);
- iii. remove the following existing clauses:
 - clause 2.10 (Carports, Pergolas and shade sails over existing car parking in multiple dwelling developments); and
 - clause 6.11 (Garages and Sheds).

An explanation of the proposed changes can be found in this document on page 2 onwards.

Period of Exhibition and Lodging a Submission

The exhibition period is from Friday 13 May 2016 to Friday 10 June 2016.

Written submissions about the proposed planning scheme amendment are to be received by 11:59pm on Friday 10 June 2016 and made to:

Director
Lands Planning
Department of Lands, Planning and the Environment
GPO Box 1680
DARWIN NT 0801; or

Email: planning@nt.gov.au; or

Fax: (08) 8999 7189; or

Hand delivered to First Floor, Arnhemica House, 16 Parap Road, Parap.

For more information please telephone (08) 8999 8963.

Low risk / low impact development amendment

Review of development classifications and requirements for planning consent:

Explanatory document

Background/ Introduction

This explanatory document provides an overview of a number of amendments proposed to the NT Planning Scheme (NTPS) in response to a review of the effectiveness of the NTPS in delivering good planning outcomes, as influenced by the consent requirements and associated matters. The objective was to identify areas for reform that would achieve immediate efficiencies in the planning consent process without impacting on the quality of planning outcomes or community involvement in the process. Recommendations achieve this through a reduction in the scope of minor or ancillary development that requires planning consent, and where consent is required, in providing increased flexibility in the standards that apply. A number of other scheme standards have also been looked at to improve interpretation, clarity of intent and elimination of identified anomalies.

The primary focus is on improving the timeliness of determination of applications where consent is required. Such applications are inherently high volume / low risk, and generally relate to low density residential additions and extensions. A number of changes are also proposed to commercial clauses to clarify permit requirements, allow for flexibility and minor additions that take place over time. The proposed changes for high volume processes have the potential to result in industry and government reductions in administration, statutory planning and general resources required in the planning process.

Development approval statistics across the whole of the NT for the three most recent financial years have shown that the largest number of development permits issued on an annual basis as relating to developments in Zone SD, despite the generally exempt nature of such development in this zone. A reasonably high number of applications were also received for minor and low value additions to residential and commercial uses that had no bearing on the intent or purpose of the original development or the potential amenity impact on the local area. Consequently, the majority of the proposed changes are designed to address the triggers that require such proposals to be subject to an approval in the first place. This includes a review of a limited number of the standards and exemption provisions in the NTPS.

Consultation with a range of industry groups, consultants, builders and local government bodies has been undertaken. The groups targeted for consultation prior to public exhibition were identified as having the most involvement and understanding of the types of applications to be most affected by this amendment.

Following this initial round of consultation, the proposed changes were then drafted and are subsequently set out and explained through this document.

Summary of proposal

The proposed amendment seeks to review a total of 13 clauses and introduce two new clauses in the NT Planning Scheme. The primary focus of the amendment is on small scale/ high volume additions in residential, commercial and industrial areas, with further amendments proposed for the purpose of avoiding duplication, simplifying application against particular land uses, and a number of other minor changes centring on clarity of language. All changes have undergone a level of consultation and are deemed to be positive introductions due to their encouragement of a more flexible approach to planning controls and be of little consequence in relation to amenity.

The amended provisions are discussed below:

AMENDED SUBDIVISION PROVISIONS OF THE NT PLANNING SCHEME

Current Planning Scheme text is shown in **black**.
Proposed changes are shown in **red**.

1. Clause 1.3 (Exceptions) subclause 2(k)

Discussion

This subclause currently allows for residential sheds to be exempt for any requirement for a development permit when they meet certain specific standards. Notwithstanding this, there are regular applications for sheds on residential properties that are minor in scale and are assessed as not having an amenity impact. While there will always be a need for an approval process for sheds that are relatively large or outside standard setback requirements, the number of these applications could be reduced with a marginal increase in the maximum roofed area for exempt sheds.

Explanation of amendment

The proposed increase has been based on an assessment of readily available 'modular' sheds and provides for the maximum roofed area of an exempt shed to be increased from 11m² to 15m². The secondary street setback control has been updated to reflect the proposed change to Table to Clause 7.3. No change is proposed in respect of the maximum height of an exempt shed.

1.3 Exceptions

1. Unless specified, other than for a subdivision or consolidation or by virtue of an Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning Scheme does not prevent any of the following:
 - (k) the erection of **a one or more** sheds in Zones other than H, A, RR, RL and R that:
 - i. is 6m or more from the **primary street and 1.5m or more from a secondary street when measured to the wall of the shed or where there is no wall, the outer face of any column;**
 - ii. has a **cumulative roofed floor** area of **15m²** or less;
 - iii. is 2.5m or less in height;
 - iv. has no openings in walls that are less than 1.5m from a lot or unit title boundary; and
 - v. does not discharge rainwater on an adjacent lot or unit title.

2. Clause 1.3 (Exceptions) new subclauses 2(u), 2(v) and 2(w)

Discussion

Where a class of development requires an approval under the NTPS in one of the industrial or commercial zones, a minor addition, extension or modification to that use or development then also requires a development consent irrespective of the minor nature of that proposal. This results in a number of applications for very minor developments that clearly have no planning implications or outcomes. To overcome this issue without changing the status of the development under the zoning table, which could give rise to an adverse outcome in respect to a new development or more substantial extension, requires the introduction of an exemption for minor such additions and extensions.

Explanation of amendment

Exemptions are proposed for additions and expansions of a limited scale to existing discretionary uses in respect to industrial uses in Zones LI and GI, and in respect to commercial uses in Zones CB, C, SC and TC. The exemptions are subject to a strict series of requirements that ensure that the scale of the development is limited and clearly ancillary to the existing use, that it does not contravene a standard of the Scheme and that it meets other standard development requirements. Where a development proposal does not meet these requirements, it will still be subject to an application through the development permit process.

The exemption may only have limited application but is aimed at that those very minor classes of application, such as internal reconfigurations and additions, which likely raise no issues of concern. The performance requirements of the subclauses are self explanatory and are set out below. The application of these clauses is also to be limited to sites that do not abut residential zones, avoiding interface issues.

An exemption is also proposed for shade sails of 30m² or less in all non-residential zones to match that given in the Building Code of Australia (BCA).

1.3 Exceptions

1. Unless specified, other than for a subdivision or consolidation or by virtue of an Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning Scheme does not prevent any of the following:
 - (u) a shade sail of 30m² or less for all non-residential zones.
 - (v) the use or development of land in the LI and GI zones for the purpose of expansion of an existing use that is not a prohibited use and where the proposed use or development:
 - i. complies with the standards of Part 4 and 5 of this Planning Scheme;
 - ii. is a maximum of 200m² or 15% of the area of the site;
 - iii. is not located over a registered easement;
 - iv. is not located over a lot boundary, including over a road reserve;
 - v. will not inhibit vehicular access to the lot, parking on the lot, or loading and unloading on or from the lot;
 - vi. will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;
 - vii. is not a demountable structure or a residential building; and
 - viii. is not located on a lot that abuts land that is in Zone SD, MD, MR or HR.

1.3 Exceptions

1. Unless specified, other than for a subdivision or consolidation or by virtue of an Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning Scheme does not prevent any of the following:
 - (w) the use or development of land in the CB, C, SC and TC zones for the purpose of expansion of an existing use that is not a prohibited use and where that use or development:
 - i. complies with the standards of Part 4 and 5 of this Planning Scheme;
 - ii. is a maximum of 100m² or 15% of the area of the site;
 - iii. is not located over a registered easement;
 - iv. is not located over a lot boundary, including over a road reserve;
 - v. will not inhibit vehicular access to the lot, parking on the lot, or loading and unloading on or from the lot;
 - vi. will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;
 - vii. is not a **demountable structure** or a **residential building**;
 - viii. will not reduce the area of clear glass or level of transparency of the façade of the existing premises as viewed from the **primary street**;
 - ix. will not reduce the level of accessibility for people with disabilities; and
 - x. will not increase the height of the existing premises.

3. Clause 1.3 (Exceptions) new subclause 2(x)

Discussion

Multiple dwellings are classified as a discretionary use in Zones MD, MR and HR, the result being that any addition, extension or proposal to construct an ancillary residential building to a multiple dwelling development requires a development permit. This results in a significant number of applications for development that is compliant with the standards in the NTPS and yet still subject to a full consent process. There is a concern that such minor developments are paying little attention to the controls in the NTPS due to the application of the planning process regardless of compliance.

Explanation of amendment

The exemptions that currently exist under this clause for carports, pergolas and shade sails will still exist. The scope of the clause has been expanded to cater for ancillary structures, which are often at the rear of a multiple dwelling development and have no impact on the streetscape. Subclause (x)(iv) ensures that there will be no change to the view from the street.

1.3 Exceptions

1. Unless specified, other than for a subdivision or consolidation or by virtue of an Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning Scheme does not prevent any of the following:
 - (x) Where it is proposed to construct an extension, ancillary outbuilding, carport, pergola or a shade sail in association with one or more dwellings in a multiple dwelling development, consent is not required if it:
 - i. is constructed in accordance with the requirements of this Planning Scheme and will not result in the contravention of any standard set out in Parts 4 or 5 of the Planning Scheme;
 - ii. is contained wholly within the respective unit title and is not on or over a registered easement; and
 - iii. will not result in an additional storey or an increase in the maximum height of the development.

4. Clause 2.10 (Carports, Pergolas and Shade Sails over Existing Car Parking in Multiple Dwelling Developments)

Discussion

The transfer of this clause to Clause 1.3(2)(x), with all other development exceptions, is more logical for those using the NTPS.

Explanation of amendment

Inclusion of Clause 1.3(2)(x) makes the existing clause, at 2.10 of the Planning Scheme, redundant, and it is therefore, to be removed.

See discussion above, against Clause 1.3(2)(x) for greater detail with regard to the expansion of exempted ancillary developments in association with a multiple dwelling development.

~~2.10 — Carports, Pergolas and Shade Sails over Existing Car Parking in Multiple Dwelling Developments~~

- ~~1. Where it is proposed to construct a carport, pergola or a shade sail over existing car parking in a multiple dwelling development, consent is not required if it:

 - (a) is constructed in accordance with the building setback requirements of clause 7.3;
 - (b) is erected over an existing car parking space;
 - (c) does not discharge rainwater on an adjacent lot or unit title; and
 - (d) does not result in non-compliance with the requirements of clause 6.5.3.~~

5. Clause 3.0 (Definitions)

Discussion

The interpretation of the Scheme is assisted by a list of specific definitions for land uses, classes and development related terms. This list of definitions requires review over time to reflect updates in other legislation, amendments to the Scheme and general issues and changes in development trends. A number of new, modified and additional definitions are proposed to assist in the interpretation and implementation of the Scheme, through greater consistency and surety.

Explanation of amendment

The definition of the term '**building setback**' is currently included within several different clauses through the Scheme. Similarly, the definition of '**fully screened**' was previously included within Table B to Clause 7.3, and has now been consolidated without change to the definitions section of the Scheme. A definition of '**major opening**' has been included as this term is proposed to be included to Clause 7.3 as a performance criterion in the determination of a setback for a wall.

The definition of '**secondary street**' has been amended to avoid overlap with '**primary street**', and for the potential under the existing definitions for a street to be neither a primary nor secondary street under some circumstances.

A definition of '**serviced apartments**' has been added to assist in the distinction between this use class and other similar uses that have greater standards applying to them (e.g. multiple dwellings).

The definition of '**supporting accommodation**' has been modified to include greater reference to such a use being provided with day-to-day operation and management by the managing organisation. This should reduce confusion on this use and those of 'group home' and 'supporting accommodation'.

3.0 Definitions

In this document, unless inconsistent with the context or subject matter:

"Building setback" means the distance from any lot boundary to a building **and shall be measured from all boundaries to:**

- the wall of a 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 for structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.
- In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street** setback and the **secondary street** setback.
- In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street** setback and the **secondary street** setback.

[Table continued on the following page].

In this document, unless inconsistent with the context or subject matter:

“Fully screened”, in relation to a verandah or balcony, means a permanently fixed durable external screen, designed and coloured to blend in with the development to at least 1.7m above floor level, which is no more than 25% transparent and consists of perforated panels or trellis with a maximum of 25% openings or solid translucent panels or louvered slats, which are only able to be opened to a 45° angle and do not allow direct overlooking into an adjacent residential building.

“Major opening” means a window, door or other opening in the exterior wall of a habitable room that provides an external means of light or view for that room or space, but does not include an opening that:

- in total, does not exceed 1m² in any such wall (providing that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90° or less shall be aggregated); or
- is glazed in an opaque material and not able to be opened;
- has a sill height of 1.6m or greater above floor level.

“Secondary street” means – in the case of a site that has access to more than one public street – the street or streets that are not the primary street;

“Serviced apartment” means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned by an owner or manager of the building or by an agent of an owner or manager of the building.

“Supporting accommodation” means:

- (a) a convalescent or nursing home, an orphanage, a children’s home, an institution for poor or disadvantaged persons, or a home for the care of aged persons; or
- (b) premises used by people moving from their homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation where day-to-day management and operation of the premises is provided by a community organisation or recognised religious or charitable organisation or a department or institutional establishment of the Crown.

6. Clause 5.13 (Zone DV – Development)

Discussion

The primary purpose of Zone DV is to provide for the development of major strategic activities and to protect the value of infrastructure developed at sites designed to service major development. Notwithstanding this intent, the zone currently lists both **caretaker's residence** and **home occupation** (which can include home based child care) as permitted development. This has the potential to compromise the value of infrastructure developed in this zone and potential land use conflict.

Explanation of amendment

The zoning table for Zone DV is amended by way of making a **caretaker's residence** and **home occupation** into discretionary uses, thereby necessitating a development permit before they may proceed. This will provide the opportunity for issues of appropriate location, with respect to existing and potentially significant industrial uses, to be taken into account in the assessment process.

5.13 Zone DV – Development

abattoir	D	6.5.1, 9.1.1, 10.1
agriculture	x	
animal boarding	D	6.5.1, 9.1.1, 10.1
business sign	P	6.7
caravan park	x	
caretaker's residence	D	6.5.1, 7.3, 7.10.3
car park	D	6.5.3, 9.1.1
child care centre	x	
community centre	x	
domestic livestock	x	
education establishment	D	6.5.1, 9.1.1
fuel depot	D	6.5.1, 9.1.1
general industry	D	6.5.1, 6.6, 9.1.1
group home	x	
home based child care centre	x	
home based contracting	x	
home based visitor accommodation	x	
home occupation	D	7.10.7
horticulture	x	
hospital	x	
hostel	D	6.5.1, 7.3, 7.6, 7.7, 7.8, 9.1.1
hotel	D	6.5.1, 6.6, 9.1.1
independent unit	x	
intensive animal husbandry	D	6.5.1, 9.1.1, 10.1
leisure and recreation	D	6.5.1, 9.1.1
licensed club	D	6.5.1, 6.6, 9.1.1
light industry	D	6.5.1, 6.6, 9.1.1
medical clinic	D	6.5.1, 9.1.1
medical consulting rooms	x	
motel	D	6.5.1, 6.6, 7.3, 9.1.1
motor body works	D	6.5.1, 9.1.1
motor repair station	D	6.5.1, 9.1.1
multiple dwellings	x	
office	D	6.5.1, 6.6, 9.1.1
passenger terminal	D	6.5.1, 9.1.1
place of worship	x	
plant nursery	x	
promotion sign	D	6.7
recycling depot	D	6.5.1, 9.1.1
restaurant	D	6.5.1, 6.6, 9.1.1
retail agricultural stall	x	
rural industry	x	
service station	D	6.5.1, 8.1.4, 9.1.1
shop	D	6.5.1, 6.6, 8.1.1, 9.1.1
showroom sales	D	6.5.1, 6.6, 9.1.1
single dwelling	x	
stables	x	
supporting accommodation	x	
transport terminal	D	6.5.1, 6.6, 9.1.1
vehicle sales and hire	D	6.5.1, 9.1.1
veterinary clinic	x	
warehouse	D	6.5.1, 6.6, 9.1.1

P = Permitted S = Self Assessable D = Discretionary x = Prohibited

7. Clause 5.21 (Zone CP – Community Purposes)

Discussion

The primary purpose of the CP zone is to provide for community services and facilities, and this zone is routinely applied to government and community land set aside for such purposes. The current zoning table however provides that the use class of **supporting accommodation** is a discretionary use. This is considered appropriate as it is a use type that is entirely consistent with the purpose of the zone and is generally subject to its own detailed planning process.

Explanation of amendment

The zoning table for Zone CP is amended to provide for the use class of **supporting accommodation** as a permitted use, thereby allowing for such a development to proceed without the requirement for development consent, subject to full compliance against the standards and provisions of the Scheme.

5.21 Zone CP – Community Purposes

abattoir	x	
agriculture	x	
animal boarding	D	6.1, 6.5.1, 10.1, 10.2
business sign	P	6.7
caravan park	x	
caretaker's residence	P	6.1, 6.5.1, 7.3, 7.10.3
car park	x	
child care centre	P	6.1, 6.5.1, 8.1.5, 8.2, 10.2
community centre	P	6.1, 6.5.1, 8.2, 10.2
domestic livestock	x	
education establishment	P	6.5.1, 8.2, 10.2
fuel depot	x	
general industry	x	
group home	x	
home based child care centre	x	
home based contracting	x	
home based visitor accommodation	x	
home occupation	P	7.10.7
horticulture	x	
hospital	D	6.1, 6.5.1, 6.6, 8.2, 10.2
hostel	x	
hotel	x	
independent unit	x	
intensive animal husbandry	x	
leisure and recreation	D	6.1, 6.5.1, 10.2
licensed club	x	
light industry	x	
medical clinic	D	6.1, 6.5.1, 8.2, 10.2
medical consulting rooms	x	
motel	x	
motor body works	x	
motor repair station	x	
multiple dwellings	x	
office	x	
passenger terminal	D	6.1, 6.5.1, 8.2, 10.2
place of worship	P	6.1, 6.5.1, 8.2, 10.2
plant nursery	D	6.1, 6.5.1, 10.2
promotion sign	D	6.7
recycling depot	D	6.1, 6.5.1, 8.2, 10.2
restaurant	x	
retail agricultural stall	x	
rural industry	x	
service station	x	
shop	x	
showroom sales	x	
single dwelling	x	
stables	x	
supporting accommodation	P	6.1, 6.5.1, 7.3, 7.5, 7.6, 7.7, 7.8, 10.2
transport terminal	x	
vehicle sales and hire	x	
veterinary clinic	D	6.1, 6.5.1, 8.2, 10.2
warehouse	x	

P = Permitted

S = Self Assessable

D = Discretionary

x = Prohibited

8. Clauses 6.1 (General Height Control) and 6.2 (Building Heights in Alice Springs)

Discussion

These clauses provide that the height of buildings developed in a particular zone is consistent with the development provided for within that zone. These clauses currently exempt 'education establishments' from compliance with the performance criteria. It is considered appropriate to also apply this exemption to the use of hospitals, given that these are often significant civic buildings where the efficiency gained from a multiple storey development is consistent with community expectations. Subclause 3 within Clause 6.1, which acts to outline how height is to be measured, is to be reiterated within Clause 6.2 to ensure that cross referencing is not required when assessing against each clause.

Explanation of amendment

Clauses 6.1 and 6.2 are amended to include the use class of hospital within the exemption to compliance with specified height limits.

6.1 General Height Control

1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.
2. This clause does not apply within Zones CB or DV or TC or to **education establishments or hospitals** within Zones CL or CP or, subject to clause 7.1, Zone C.
3. The height of any point of a building is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
4. Unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5n above the **ground level**, unless it is:
 - (a) a flag pole, aerial or antenna; or
 - (b) for the housing or equipment relating to the operation of a lift.

6.2 Building Heights in Alice Springs

1. The purpose of this clause is to maintain the low-rise character of development in Alice Springs.
2. Despite anything to the contrary in this Planning Scheme, the height of a building within the Municipality of Alice Springs is not to exceed the height specified in the table to this clause except for **education establishments or hospitals** in Zone CP.
3. The height of any building or structure forming part of an **education establishment** is not to exceed three storeys or 14m above **ground level**.
4. **The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.**
5. The consent authority must not **consent** to development that is not in accordance with this clause.

9. Clauses 6.11 (Garages and Sheds)

Discussion

Clarification on ancillary structures to residential buildings, including garages and sheds, has meant that this clause is no longer necessary. When not associated with a residential building, or in a non-residential zone, a garage or shed is still an ancillary structure, and should be assessed using setback controls for the related main structure.

Explanation of amendment

The controls listed here are identical to those in Tables A and C to Clause 7.3, the wording of which has been broadened to cover ancillary structures such as garages and sheds.

~~6.11 — Garages and Sheds~~

- ~~1. The purpose of this clause is to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land.~~
- ~~2. This clause does not apply in Zones LI, GI and DV.~~
- ~~3. Garages and sheds that are not in association with any other use on land in Zone CB or C are prohibited.~~
- ~~4. In this clause a shed except in Zones SD, MD, MR and HR includes a roofed area, whether or not it is enclosed by walls.~~
- ~~5. Garages and sheds are to be set back from lot boundaries in accordance with the table to this clause.~~

10. Clause 7.1.2 (Residential Height Limitations)

Discussion

The purpose of this clause is for residential development to be of a height that is consistent with the character of the locality and to not have an undue effect on the privacy or amenity of adjoining properties. Clause 7.1.2 requires that the height of a building in Zone MR be limited to 3 storeys (as opposed to the standard 4 storeys) when it abuts land in Zone SD or is separated from Zone SD by a road reserve of 18m in width or less. It is considered that the existence of a road reserve already provides adequate separation for the purposes of privacy and character, making additional limitations on height unwarranted. Subclause 5 also imposes additional restrictions, applicable to single dwellings only, which place limits on habitable rooms above 7m. With an existing limitation on single dwellings to a maximum of two storeys and 8.5m above ground level, this subclause has limited application, and has also been found to have raised issues with interpretation and proper implementation.

Explanation of amendment

This amendment will result in the limitation on building height in Zone MR to 3 storeys applying when a site abuts land in Zone SD. Whenever a site in Zone MR does not directly abut land in Zone SD, the standard height limitation of 4 storeys will apply. Other superfluous aspects of the clause that duplicate or complicate existing requirements given in the Table to Clause 7.1.2 are also removed. Subclause 5 is to be deleted in full, with limitations on the height of habitable rooms to rest with the overall limitation on single dwellings of two storeys and 8.5m above ground level. This is not considered to result in any amenity outcomes.

7.1.2 Residential Height Limitations

1. The purpose of this clause is to ensure that residential development is of a height that:
 - (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
 - (b) does not unduly overlook adjoining properties.
2. The height of any point of a **residential building** is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
3. Subject to clause 6.2, the height of **residential buildings** that may be constructed on a site **is** to be determined in accordance with the table to this clause.
4. A **residential building** 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;~~
 - (c) is not to exceed a height of 3 **storeys** above **ground level**; or
 - (d) subject to clause 6.2, in any other circumstance 4 **storeys** above **ground level**.

The consent authority must not **consent** to a development that is not in accordance with this sub-clause.
- ~~5. Single dwellings in Zones SD, MD, CL, CV, RP, RL, FD and T are not to contain any part of a room (habitable or otherwise), verandah or balcony 7m above **ground level** without **consent**. Where a room does not have a horizontal ceiling, a normal ceiling envelop of 2.7m shall be applied to the subject **storey**. Anything above the 2.7m envelop will be considered air space and should not be inhabited, unless **consent** is otherwise granted.~~

11. Clause 7.3 (Building Setbacks of Residential Buildings)

Discussion

There is a clear overlap in the explanation of a number of terms relevant to Clause 7.3 across its three tables (A, B and C). Terms and explanatory statements are now to be consolidated either in the text to Clause 7.3 or in the list of definitions in Clause 3.0, as appropriate. Side and secondary street setbacks for one and two storey residential buildings (i.e. subject to Table A) are also modified to introduce a level of flexibility when amenity impacts are considered minimal.

Explanation of amendment

The bulk of the changes to Clause 7.3 relate purely to a rearrangement of a number of terms to reduce duplication. Set interpretations on how to measure '**building setbacks**' and what is classed as '**fully screened**' are consolidated in Clause 3.0. While the ability for a roof structure to encroach into building setbacks, and clarity around setbacks to inaccessible streets, are now given in subclause 3.

Flexibility is to be provided in respect to side and rear setbacks to reflect the low potential for any amenity impact when a wall is less than 3.5m in height and less than 9m in length (as per the proposed changes to Clause 7.3). All other walls are still required to be set back a minimum of 1.5m from the side and rear boundary in residential zones. Front setbacks to a primary street are not altered. Some explanation has been included to clarify when a setback applies to a structure with an external wall or one without an external wall.

The non-applicability of this clause for industrial zones has been clarified to cover the removal of Clause 6.11.

7.3 Building Setbacks of Residential Buildings and Ancillary Structures

1. The purpose of this clause is to ensure **residential buildings** and **ancillary structures without external walls** are located so:
 - they are compatible with the streetscape and surrounding development including residential buildings on the same site;
 - as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
 - as to avoid undue overlooking of adjoining properties; and
 - as to encourage breeze penetration through and between buildings.
2. In this clause, an **ancillary structure without external walls** includes a carport, **garage, pergola, portico, shed** and shade sail, and may or may not include external walls.
3. **Buildings in Zones LI, GI and DV are to be sited in accordance with the table to Clause 9.1.1 (Industrial Setbacks).**
4. Subject to clauses 7.4 **and 11.1.2**, **residential buildings** and **ancillary structures without external walls** are to be set back from lot boundaries in accordance with table A or B or C (as the case requires) to this clause **and**:
 - (a) no part of the roof structure including gutters and eaves is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries; and
 - (b) where a lot has a boundary with a public street from which vehicular access to the lot is prohibited, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.

TABLE A TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED **Open STRUCTURES IN ZONES OTHER THAN CB, C, H, A, RR, RL AND R**

Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	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 sails, to a maximum height of 2.5m at the minimum setback
Secondary street frontage for 1 and 2 storey buildings	1.5m for residential buildings and 1.5m for verandahs, balconies and ancillary structures without external walls or 0.9m for shade sails, to a maximum height of 2.5m at the setback line
Side and rear lot boundaries for 1 and 2 storey buildings	1.5m, including ancillary structures without external walls or 1m, provided that the area of reduction: <ul style="list-style-type: none"> • does not include any major openings; • does not extend beyond a maximum height of 3.5m; and • does not extend beyond a maximum length of 9m. and 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback
<p>Building setback is measured from all boundaries to:</p> <ul style="list-style-type: none"> • 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. <p>No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries described in Table A to Clause 7.3.</p>	

TABLE B TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS OVER TWO STOREYS IN HEIGHT AND ASSOCIATED OPEN STRUCTURES IN ZONES OTHER THAN CB, C, H, A, RR, RL AND R

Lot Boundary	Minimum Setback
Primary street frontage for buildings over two storeys in height	7.5m for residential buildings including verandahs, balconies and ancillary structures with external walls and 4.5m for ancillary structures without external walls or
Secondary street frontage for buildings over two storeys in height	2.5m for residential buildings including verandahs, balconies and ancillary structures with external walls and 1.5m for ancillary structures without external walls
Side and rear lot boundaries for buildings over two storeys in height	1.5m for: <ul style="list-style-type: none"> non-habitable rooms; habitable rooms without windows and/ or doors facing the subject boundary; and verandahs and/ or balconies where the side of the verandah or balcony is fully screened to the subject boundary; and ancillary structures, whether with or without external walls, excluding shade sails. 3m for: <ul style="list-style-type: none"> habitable rooms with windows and/ or doors facing the subject boundary; and verandahs and/ or balconies facing the subject boundary; and shade sails.

The side of the verandah or balcony is considered to be fully screened if there is a permanently fixed external screen to at least 1.7m above floor level that is no more than 25% transparent.

Screens used to obscure a view should be:

- perforated panels or trellis with a maximum of 25% openings or solid translucent panels or louvered slats that are only able to be opened to a 45° angle and do not allow direct overlooking into an adjacent residential building;
- permanent, fixed and durable; and
- designed and coloured to blend in with the development.

Building setback is measured from all boundaries 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.

No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries described in Table B to Clause 7.3.

TABLE C TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED OPEN STRUCTURES IN ZONES H, A, R, RL AND RR

Lot Boundary	Minimum Setback
Primary street frontage	10m or 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	10m or 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	10m or 5m in Zones RR and RL for lots with areas less than 1ha

TABLE C TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED **Open** STRUCTURES IN ZONES H, A, R, RL AND RR

Lot Boundary	Minimum Setback
<p>Building setback is measured from all boundaries to:</p> <ul style="list-style-type: none"> 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. <p>No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries described in Table C to Clause 7.3.</p>	

12. Clause 7.3.2 (Distance between Residential Buildings on One Site)

Discussion

Clause 7.3.2 specifies setback/ separation requirements for when there is more than one residential building on a single lot. With respect to one and two storey residential buildings, as currently worded, the clause can require separation between buildings that is in excess of the separation of buildings on separate lots, and currently also requires that an independent unit be separated from the primary dwelling by 3m or more. Given that independent units are commonly closely associated with the primary dwelling and that the additional accommodation may be required for care, security and safety, this separation is inappropriate and has resulted in a number of applications seeking a waiver to this control.

Explanation of amendment

This clause is to be amended to provide for consistency in controls with those listed in Clause 7.3. The requirement for independent units to be separated by a minimum of 3m has been deleted as independent units are able to be built without separation from the main dwelling, leaving assessment on this matter to the Building Code of Australia (BCA), noting that setbacks from lot boundaries will continue to be determined by Clause 7.3.

7.3.2 Distance between Residential Buildings on One Site

- Where more than one building comprising one or two storey **residential buildings**, **other than an independent unit**, is located on a site, the distance between the buildings is to be a **minimum of 3m calculated in accordance with Table A to Clause 7.3 as if there was a boundary between the buildings**.
- Where more than one building comprising **residential buildings** that exceeds two **storeys** in height is located on a site, the distance between buildings is to be a minimum of:
 - 3m for walls to non-habitable rooms and **habitable rooms** without windows or doors; and
 - 4.5m for walls with windows or doors to **habitable rooms** or to a verandah or balcony.
- For each **storey** over four **storeys**, the distance between buildings referred to in sub-clause 2 is measured from a straight line that is half the average distance between the walls of the buildings.

13. Clause 7.3.4 (Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater)

Discussion

Clause 7.3 and its associated tables (A, B and C) set out the minimum setbacks for various classes of residential buildings in the residential and rural zones. **Table A** relates to one and two storey residential buildings, **Table B** to residential buildings over two storeys in height, and **Table C** to residential buildings in rural zones.

The proposed new clause is in response to the review of development statistics gathered over the three most recent financial years (from 01.07.2012 to 30.06.2015), which showed that in excess of 30% of development permits issued were for single dwellings and associated ancillary structures in the SD zone, despite such developments being permitted without planning consent (provided full compliance against the controls in the Scheme is achieved). A significant proportion of those permits were for developments proposing a variation to the setbacks for primary dwellings (i.e. Table A to Clause 7.3). This is considered in part to be a reflection of the inflexibility of the standards listed in this table in responding to existing site characteristics, such as when an existing building is at a setback less than that listed in this clause and an extension is proposed on the same alignment.

Changes over time in the average and minimum lot sizes also dictate the need for greater opportunities to maximise the efficiency of development on such lots. This requires an increase in the design options available under the performance criteria listed in the Scheme. Since the Scheme has already introduced the potential for nil setbacks on side boundaries for single dwellings under certain conditions, it is necessary for further flexibility for other single dwelling lots to be introduced as standard.

The lack of flexibility in current setback requirements also limits the appropriate design response to on-site vegetation, lot shape and topography, and fails to consider the position of buildings on adjoining lots (i.e. existing streetscape). The legitimacy of such setback variations as appropriate design responses is further demonstrated by the extremely high level of approval of such applications (see **Figure 1**).

These changes have been proposed as a new clause to avoid unnecessary complication to the existing Clause 7.3 and to follow the logic of Clause 7.3.3, which was introduced on 18.09.2015 and applies to single dwellings on lots of between 300m² and 600m².

Explanation of amendment

The bulk of the controls presented here centre on increased flexibility for setbacks to one and two storey residential buildings on standard residential allotments, with the allowances to encourage articulation and variety to the street. A point is made to exclude garages and other non-habitable structures from this clause to ensure that garages do not dominate the street.

Primary street setbacks have been expanded as follows:

- to allow a dwelling to reflect existing streetscape as established by existing dwellings on neighbouring sites;
- reduction in the setback down to a minimum of 4.5m subject to an equivalent area of open space being provided behind the setback line; and
- retention of the existing setback for structures without external walls and shade sails (to be assessed against clause 7.3).

7.3.4 Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater

1. The purpose of this clause is to allow **residential buildings** on lots of 600m² or greater to provide design responses to site constraints and allow for an articulated built form when viewed from the street.
2. Despite Table A to clause 7.3, a **residential building** on a lot subject to this clause may, in accordance with sub-clause 3 to this clause, have a reduced front setback to **habitable rooms** within a **residential building**. For clarification, the following are subject to assessment against Table A to clause 7.3:
 - (a) garages and other non-habitable structures or elements within a **residential building**; and
 - (b) ancillary structures, whether with or without external walls (e.g. verandahs, balconies, carports and shade sails).
3. An applicable front setback may be reduced to:
 - (a) the average of the setback of the existing dwellings on each adjacent lot fronting the same street, or no closer than 3m under any circumstances; or
 - (b) 4.5m, provided that the area of reduction (i.e. the area of the developed space that is set at a minimum of 4.5m and a maximum of 6m from the front boundary) is compensated by an undeveloped space that is equal in area and which is:
 - i. a minimum of 6m from the front boundary;
 - ii. a minimum of 3m from the nearest side boundary; and
 - iii. a maximum of 12m from the front boundary.

14. Clause 8.1.2 (Interchangeable Use Rights in Zones CB and C)

Discussion

Clause 8.1.2 (Offices, Restaurants and Shops in Zones CB and C) provides for the change between the uses mentioned when compliance with the standards of the Scheme are not affected and when a developer contributions plan for car parking is in place. The reference to a developer contributions plan has limited the application of this clause, and is unnecessary in light of the new use needing to still comply with the car parking standards in the Scheme.

Explanation of amendment

The interchangeable uses permitted through this clause in Zone CB have widened to allow for 'leisure and recreation' and 'licensed club', both of which have identical car parking requirements to those already listed in subclause 2 and which are not considered to result in adverse amenity outcomes, especially considering the context of the CB zone. The wording in both subclauses has changed slightly to clarify direction, providing a clear link to the parking requirements of Clause 6.5.1 of the Scheme. As this clause will now apply to uses beyond offices, restaurants and shops, the title of the clause is recommended to be changed to one that is more generic in nature. The potential for additional on-site car parking to be provided to meet any new requirement has also been included.

8.1.2 ~~Offices, Restaurants and Shops in Zones CB and C~~ Interchangeable Use Rights in Zones CB and C

1. The purpose of this clause is to permit the change between the nominated uses of premises within Zone CB or Zone C without **consent**.
2. Where land is Zoned CB ~~and there is in place a developer contributions plan for car parking under the Planning Act~~, premises that are lawfully used **for the purposes of leisure and recreation, licensed club, office, restaurant or shop** may shift between any of the aforementioned uses without further consent provided that the parking requirement under Clause 6.5 does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 6.5.1 and Clause 6.5.3 to meet any increased requirement.
3. Where land is Zoned C ~~and there is in place a developer contributions plan for car parking under the Planning Act~~, premises that are lawfully used **for the purposes of restaurant, or shop or showroom sales** may shift between any of the aforementioned uses without further consent provided that the parking requirement under Clause 6.5 does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 6.5.1 and Clause 6.5.3 to meet any increased requirement.

15. Clause 8.1.5 (Child Care Centres)

Discussion

Clause 8.1.5 sets out a number of requirements for the development and assessment of child care centres. Clause 8.3 of the Scheme also sets out matters to be addressed for commercial facilities adjacent to land in residential zones. As a child care centre is a commercial facility, the relationship between these clauses is currently unclear. Clarification has been provided on what fits under the term 'residential land'.

Explanation of amendment

This clause is to be amended to give direct reference to the requirements of Clause 8.3 and to ensure consistency and clarity in interpretation of the Scheme. Other requirements given in this clause are not affected. Subclause 3 currently gives requirements for a child care centre that is adjacent to residential land but gives no further explanation as to what 'residential land' may be; this has now been resolved through specific reference to the standard residential zones.

8.1.5 Child Care Centres

1. The purpose of this clause is to ensure that **child care centres** are appropriately and conveniently located, appropriately designed and do not detract from the **amenity** of the area.
2. A child care centre should:
 - (a) be capable of accommodating:
 - i. 7m² of outdoor play space for each child and 3.25m² of indoor play space for each child;
 - ii. associated vehicle access, parking and manoeuvring; and
 - iii. landscaping and any necessary screening;
 - (b) be located:
 - i. adjacent to or within other community facilities such as shopping centres, schools and health services;
 - ii. at or near the entrance to a residential suburb; or
 - iii. in or near employment areas; and
 - (c) have vehicular access from a road other than from an arterial road.
3. If a **child care centre** is located adjacent to **land in Zones SD, MD, MR or HR**:
 - (a) **the development is to be set back and screened in accordance with the requirements of Clause 8.3 the abutting boundary is to be screened to protect privacy;** and
 - (b) the design of the centre is to take account of the noise impact on an adjacent **dwelling** by either locating outdoor play space away from the common boundary or by including appropriate screening.

16. Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR)

Discussion

This clause sets out minimum requirements for the separation of non-residential development from residential zones. This clause has been effective in ensuring adequate separation of commercial uses in the limited circumstances where those uses directly abut lower density residential development, but when those uses are separated by a road reserve, the clause has marginal benefit. There is also the potential for negative streetscape outcomes in conflict with the accepted thinking behind Crime Prevention Through Environmental Design (CPTED) caused by the requirement to include a screen fence. The imposition of a landscaped setback, which may be more than the currently specified 3m, can be imposed through the planning permit process.

Developments in remote towns sometimes face difficulties with regard to access to services. The currently mandatory nature of subclause 5 means that comments from service authorities, which may point to planting being actively discouraged or prohibited, are difficult to implement and unnecessarily burdened by the process.

Explanation of amendment

This clause is amended to remove the requirement for non-residential development to be set back 5m from the road reserve boundary when the residential development in question is already separated from the commercial development by a road reserve in addition to existing setbacks. The requirements of this clause for the separation of commercial developments directly abutting land in a residential zone are unchanged.

Subclause 5 has been expanded to allow the consent authority to exempt a development from its requirements only in very particular circumstances. The controls will remain mandatory within urban settings.

8.3 Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR

1. The purpose of this clause is to protect the visual and acoustic **amenity** of **residential buildings** where they are adjacent to non-residential buildings.
2. A use or development or proposed use or development that is not a **residential building** and that is on land that is in a zone other than Zones SD, MD, MR or HR and that land ~~either: (a)~~ abuts land in any of those zones; ~~or~~ must provide a setback to the boundary that abuts any of those zones of not less than 5m.
~~(b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in any of those zones;~~
3. The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned SD, MD, MR or HR for a minimum depth of 3m.
4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones SD, MD, MR or HR.
5. The consent authority must not **consent** to a development that is not in accordance with sub-clause 3, **except where:**
 - (a) the development is covered by an area plan listed in Clause 14.6 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or
 - (b) the development is for the purpose of a child care centre.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF EXHIBITION OF PROPOSAL
TO AMEND NT PLANNING SCHEME
PA2016/0169**

I, DAVID TOLLNER, 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

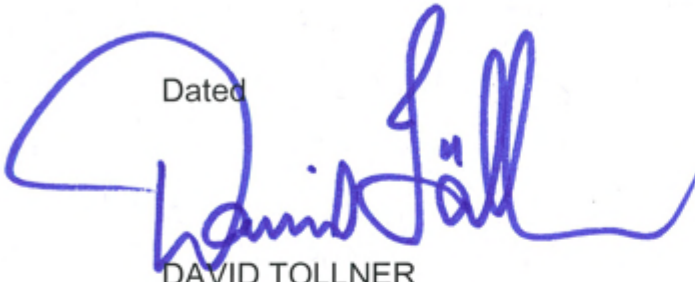
Fax: (08) 8999 7189 or

Email: planning.dlpe@nt.gov.au

- (e) the proposed amendment is to the NT Planning Scheme to:
 - i. introduce the following clause:
 - o Clause 7.3.4 (Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater);
 - ii. alter the following existing clauses:
 - o Clause 1.3 (Exceptions);
 - o Clause 3.0 (Definitions);
 - o Clause 5.13 (Zone DV - Development);
 - o Clause 5.21 (Zone CP – Community Purposes);
 - o Clause 6.1 (General Height Control);
 - o Clause 6.2 (Height Control in Alice Springs);
 - o Clause 7.1.2 (Residential Height Limitations);
 - o Clause 7.3 (Building Setbacks of Residential Buildings);
 - o Clause 7.3.2 (Distance between Residential Buildings on One Site);
 - o Clause 8.1.2 (Offices, Restaurants and Shops in Zones CB and C);

- Clause 8.1.5 (Child Care Centres);
- Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR);
- iii. remove the following existing clauses:
 - Clause 2.10 (Carports, Pergolas and shade sails over existing car parking in multiple dwelling developments); and
 - Clause 6.11 (Garages and Sheds).

Dated



DAVID TOLLNER
Minister for Lands and Planning

29/4/ 2016.

ITEM NUMBER: 13.1.6 Proposal to Amend NT Planning Scheme (PA2016/0290)
 - Dual Occupancy in Zone SD (Single Dwelling Residential)

FROM: Director Technical Services

REPORT NUMBER: 8/0901

MEETING DATE: 7 June 2016

Municipal Plan:

3. Environment & Infrastructure

3.2 Assets and Infrastructure

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community

SUMMARY:

This report outlines issues to be considered by Council in regard to a proposal to amend NT Planning Scheme (PA2016/0290) for the proposal of Dual Occupancy in Zone SD (Single Dwelling Residential).

RECOMMENDATION


1. THAT the Council receives Report Number 8/0901.
2. THAT the attachment to Report Number 8/0901 be endorsed.

BACKGROUND:

In March 2016 the Manager of Planning and Environment Services provided Technical comments on a discussion paper released by the NT Planning Commission relating to a proposal to amend the NT Planning Scheme to consider Dual Occupancy in Zone SD (Single Dwelling Residential).

It was recognised the proposal was in its infancy and comments outlining the primary matters of concern to Council were put forward. It is recognised that a number of changes to the proposal have now occurred and this report and attached comments relate to the now notified proposed amendment.

Dual-occupancy is a term generally used to refer to the development of two houses over the one lot, which may or may not then later be subdivided. Currently in the NT, Dual Occupancy development is referred to "Multiple Dwellings", however the term Dual Occupancy only allows for a maximum of two dwellings, unlike "Multiple Dwellings" which can go beyond two dwellings.



It is acknowledged that across Australia Dual Occupancy development in Zone SD (or its equivalent) is accepted as a suitable housing choice, provided design controls are met and suitable outcomes can be achieved. The development of dual-occupancy under the proposal put forward could occur as semi-detached or detached fashion and development would be “Discretionary” (require a formal application).

The introduction of this policy into the NT Planning Scheme results in a number of changes to the Scheme both with the inclusion of new clauses and amendments to existing clauses.

Key aspects of the proposal are summarised below:

- A minimum lot size of 1,000m² overall, with each resultant lot to be no less than 500m².
- Inability to develop dual-occupancies on land that is affected by aircraft noise (defined as an ANEF contour of 20 or greater).
- Prohibition on land that is affected by either the primary or secondary storm surge.
- The application of setbacks, private open space, landscaping and architectural merit controls as per clauses 7.3, 7.5, 7.7 and 7.8 of the Planning Scheme.
- The introduction of a ‘site coverage’ control to ensure the continuation of a balance between the built form and open spaces.

It is also noted that an approved Dual Occupancy development would be able to be subdivided to effectively become two separate single dwellings, however, it is recognised that subdivision consent can only be given after development consent to build a dual-occupancy has been granted by the consent authority.

GENERAL:

It is noted the Commission has considered a large number of the preliminary comments and suggested changes provided by Council in March 2016 which are reflected in the advertised amendment.

Overall the amendment as it stands is largely appropriate to address issues that may result from such development. From Councils perspective, the largest impact the proposal could have is on Council’s road infrastructure, from driveway accesses (increases in cross overs), Road Side Waste Collection and on street parking issues.

As a result of comments put forward in March 2016, the commission has considered and amended the proposal with a greater consideration on the possible impact of Council Roads (by including the requirement of a 15m road frontage and no development on cul-de-sacs) along with comments on waste collection services. While support is given for the minimum requirement of a 15m frontage for proposed Dual Occupancy sites, concern is raised with the possible negative impact on available on street parking whereby separate access driveways could fragment the available road frontage and prevent safe on street parking to the site(s). Suggested wording to address this issue is outlined below along with refinement to provide certainty for the requirements of a 15m frontage and the provision of waste collection services. It is envisaged that an applicant would be required to receive comments from both emergency services and the waste collection provider (Council) to address this clause.

4. The consent authority must not consent to a multiple dwelling development in Zone SD that:

- (a) *has frontage to a street with a reservation width of less than 15m, for the length of the site's frontage with that road reservation;*
- (b) *cannot provide a minimum continuous length of 6.5 metres without on-site parking or vehicle access within that length;*
- (c) *Is within a cul-de-sac; or*
- (d) *disrupts the ability for emergency and waste removal vehicles to access the site or its frontage.*

~~*unless it can be shown that the development will not disrupt the ability for emergency and waste removal vehicles.*~~

It is noted that a subdivision of a Dual Occupancy site will provide Council with the relevant title details of the new lots for ratings purposes. However, for those dual occupancy developments that are not subdivided, Council will require notification of the development at the time that the Certificate of Occupancy is issued to ensure appropriate rates can be applied. It has been suggested to the department that this can be implemented as part of appropriate condition wording issued at the time of the DP.

Overall the amendment as it stands is largely appropriate to address issues that may result from such development and Officers support the proposal subject to the above wording amendments occurring.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council as a result of this proposal.

LEGISLATION/POLICY:

There are no legislation or policy implications for Council as a result of this proposal.

RECOMMENDING OFFICER: Mark Spangler, Director of Technical Services

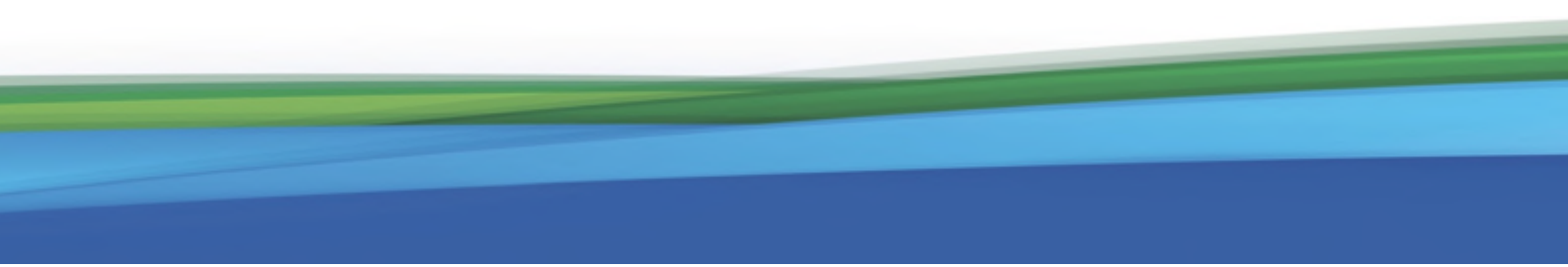
Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au

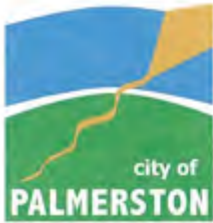
Author: Gerard Rosse, Manager Planning and Environment Services.

SCHEDULE OF ATTACHMENTS:

Attachment A - Council's letter of comment for Proposal to Amend NT Planning Scheme (PA2016/0290) - Dual Occupancy in Zone SD (Single Dwelling Residential).

Attachment B - Amendment Exhibition package.





Please include the following reference in all correspondence

File: PPSA Dual Occ in SD

ID: MS:gr

8 June 2016

Telephone
(08) 8935 9922

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palmerston@palmerston.nt.gov.au

Civic Plaza
1 Chung Wah Terrace

www.palmerston.nt.gov.au

Director
Lands Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Sir/ Madam

**PA2016/0290
Proposal to Amend NT Planning Scheme
Dual Occupancy in Zone SD**

I refer to the above proposal to amend NT Planning Scheme to introduce a dual occupancy policy into Zone SD (Single Dwelling Residential) (PA2016/0290). The following issues are raised for consideration by the Department:

Council does not object to the proposed amendment subject to the following changes occurring:

NOTE: Should the below changes not occur in the below form or as amended to the satisfaction of Council, then Council objects to proposed amendment.

a) Part 4, Clause 7.1.1 – Residential Density Limitations.

While Council supports the minimum requirement of a 15m frontage for proposed Dual Occupancy sites, concern is raised with the possible negative impact on available on street parking whereby separate access driveways could fragment the available road frontage and prevent safe on street parking to the site(s). Amended wording to address this issue is provided below along with refinement to provide certainty for the requirements of a 15m frontage and the provision of waste collection services. It is envisaged that an applicant would be required to receive comments from both emergency services and the waste collection provider (Council) to address this clause.

4. *The consent authority must not consent to a multiple dwelling development in Zone SD that:*

- (a) *has frontage to a street with a reservation width of less than 15m, for the length of the site's frontage with that road reservation;*
- (b) cannot provide a minimum continuous length of 6.5 metres without on-site parking or vehicle access within that length;**
- (c) *Is within a cul-de-sac; or*
- (d) disrupts the ability for emergency and waste removal vehicles to access the site or its frontage.**

Please address all correspondence to
Chief Executive Officer
PO Box 1
Palmerston NT 0831
ABN 42 050 176 900

~~unless it can be shown that the development will not disrupt the ability for emergency and waste removal vehicles.~~

b. Notification for Rates Purposes -

It is noted that a subdivision of a Dual Occupancy site will provide Council with the relevant title details of the new lots for ratings purposes. However, for those dual occupancy developments that are not subdivided, Council will require notification of the development at the time that the Certificate of Occupancy is issued to ensure appropriate council rates can be applied. This can be implemented as part of appropriate condition wording issued at the time of the DP.

Should you require any further discussion in relation to this application please feel free to contact Mr Gerard Rosse, Manager Planning and Environment Services on 8935 9923.

Yours sincerely

Mark Spangler
Director Technical Services

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF EXHIBITION OF PROPOSAL
TO AMEND NT PLANNING SCHEME
PA2016/0290**

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

- (e) the proposed amendment is to the NT Planning Scheme to:
 - i. introduce the following clauses:
 - o Clause 6.4.2 (Site Coverage); and
 - o Clause 11.1.4 (Subdivision of Multiple Dwellings in Zone SD); and
 - ii. alter the following existing clauses:
 - o Clause 3.0 (Definitions);
 - o Clause 5.1 (Zone SD – Single Dwelling Residential);
 - o Clause 6.9 (Land in Proximity to Airports);
 - o Clause 7.1.1 (Residential Density Limitations);
 - o Clause 7.3.2 (Distance between Residential Buildings on One Site);
 - o Clause 7.5 (Private Open Space);
 - o Clause 7.6 (Communal Open Space); and
 - o Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions).

Dated

11.5.2016.


Minister for Lands and Planning



DRAFT

Proposal for Dual Occupancy in Zone SD (Single Dwelling Residential)

May 2016

Contents

1.	Introduction.....	3
2.	Draft Changes to the NT Planning Scheme	4
2.1	Clause 3.0, Definitions – Site Coverage	4
2.2	Clause 5.1, Zone SD – Single Dwelling Residential	5
2.3	Clause 6.4.2 – Site Coverage	7
2.4	Clause 6.9 – Land in Proximity to Airports and Clause 6.14 – Land Subject to Flooding and Storm Surge	8
2.5	Clause 7.1.1 – Residential Density Limitations	9
2.6	Clause 7.3.2 – Distance between Residential Buildings on One Site	10
2.7	Clause 7.5 – Private Open Space	11
2.8	Clause 7.6 – Communal Open Space	13
2.9	Clause 11.1.4 – Subdivision of Multiple Dwellings in Zone SD	14
2.10	Clause 11.2.3 – Lot Size and Configuration in Residential Subdivisions.....	15

1. Introduction

This report outlines potential changes to the NT Planning Scheme to allow for the development of dual-occupancies on lots in Zone SD. Dual-occupancy is a term generally used to refer to the development of two houses over the one lot, which may or may not then later be subdivided.

The introduction of this policy would require a number of changes to the Planning Scheme, drafts of which are set out and explained through this report, with key aspects summarised below for reference:

- A minimum lot size of 1,000m² overall, with each resultant lot to be no less than 500m².
- Inability to develop dual-occupancies on land that is affected by aircraft noise (defined as an ANEF contour of 20 or greater).
- Prohibition on land that is affected by either the primary or secondary storm surge.
- The application of setbacks, private open space, landscaping and architectural merit controls as per clauses 7.3, 7.5, 7.7 and 7.8 of the Planning Scheme.
- The introduction of a 'site coverage' control to ensure the continuation of a balance between the built form and open spaces.

The controls within this report provide the ability to develop a dual-occupancy as part of an attached, semi-detached or detached fashion.

This report presents an option for use in the Planning Scheme. If adopted, an application for a dual-occupancy would follow the steps listed for a 'multiple dwelling' in Zone SD, as outlined by the zoning table on page 6 of this report. As a result, it is the term 'multiple dwellings' which is used through most of this report. In the event that subdivision approval is granted, the related development will effectively become two separate single dwellings. Note that subdivision consent can only be given after development consent to build a dual-occupancy has been granted by the consent authority.

2. Draft Changes to the NT Planning Scheme

The current text of relevant clauses in the NT Planning Scheme is shown within the text boxes in **black font**, while the proposed changes are in **red font**.

2.1 Part 1, Clause 3.0, Definitions – Site Coverage

Explanation of Amendment

A new defined term has been introduced to assist people with their understanding of the related new clause on site coverage. This new clause has been introduced to the NT Planning Scheme, largely in response to a concern that was regularly raised by members of the public during the consultation phase, to ensure that the proportion of land covered by a new development is not excessive. This has crossover with a number of controls already in the Planning Scheme that address matters such as massing, permeability of soils and landscaped area. The definition applies to the footprint of all structures on a site and is similar to definitions used in other jurisdictions.

3.0 Definitions

.....

.....

“site” means an area of land, whether consisting of one lot or more, which is the subject of an application to the consent authority;

“site coverage” means the proportion of a **site** that is covered by buildings and structures, expressed as a percentage. It does not include:

- access ramps, driveways, pathways or paving;
- awnings or eaves that are outside the outer wall of a building, to a maximum depth of 0.9m;
- basements;
- swimming pools, spas or ponds;

“sport and recreation” means the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will adversely affect the **amenity** of adjoining land nor does it include **leisure and recreation**;

.....

.....

2.2 Part 3, Clause 5.1, Zone SD – Single Dwelling Residential

Explanation of Amendment

The primary purpose for Zone SD has been broadened to cater for single dwellings and dual-occupancies, both of which are considered to be low density urban residential developments.

Subclause 2 has been introduced to prompt consideration of the existing streetscape that an area has, with this increasingly important with the ability to subdivide to smaller lot sizes. This subclause is taken directly from the zone purpose criteria for Zone MD and Zone MR.

The zoning table shall now show ‘multiple dwellings’ as a discretionary land use in Zone SD, will see all developments for this purpose being publicly exhibited and submitted to the development assessment process.

5.1 Zone SD – Single Dwelling Residential

1. The primary purpose of Zone SD is to provide for low density urban residential development ~~single dwellings on individual lots.~~
2. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.
3. Non-residential uses or development should be limited to those which predominantly service the local neighbourhood and do not have any detrimental effect on residential amenity.

Clause 6.4.2 applies to **single dwellings** developed on lots created using clause 11.1.4 (Subdivision of Multiple Dwellings in Zone SD).

ZONING TABLE – ZONE SD			
abattoir	x		
agriculture	x		
animal boarding	x		
business sign	P	6.7	
caravan park	x		
caretaker's residence	x		
car park	x		
child care centre	x		
community centre	D	6.1, 6.5.1	
domestic livestock	x		
education establishment	x		
fuel depot	x		
general industry	x		
group home	P	7.1, 7.10.5	
home based child care centre	D	6.5.1, 7.10.6	
home based contracting	P	7.10.8	
home based visitor accommodation	S	7.10.1	
home occupation	P	7.10.7	
horticulture	x		
hospital	x		
hostel	x		
hotel	x		
independent unit	P	6.5.1, 7.1, 7.3, 7.5, 7.10.4	
intensive animal husbandry	x		
leisure and recreation	x		
licensed club	x		
light industry	x		
medical clinic	x		
medical consulting rooms	D	6.5.1, 7.10.9	
motel	x		
motor body works	x		
motor repair station	x		
multiple dwellings	D	6.4.2, 6.5, 7.1, 7.3, 7.5, 7.7, 7.8	
office	x		
passenger terminal	x		
place of worship	x		
plant nursery	x		
promotion sign	x		
recycling depot	x		
restaurant	x		
retail agricultural stall	x		
rural industry	x		
service station	x		
shop	x		
showroom sales	x		
single dwelling	P	6.5.1, 7.1, 7.3, 7.5	
stables	x		
supporting accommodation	D	6.5.1, 7.1, 7.5, 7.6, 7.7, 7.8	
transport terminal	x		
vehicle sales and hire	x		
veterinary clinic	x		
warehouse	x		
P = Permitted S = Self Assessable D = Discretionary x = Prohibited			

2.3 Part 4, Clause 6.4.2 – Site Coverage

Explanation of Amendment

The issue of ensuring that dual-occupancies retain a balance between the extent of buildings on a site and the area of open and undeveloped space was a common theme that arose from the consultation. Although the Planning Scheme already includes provisions on setbacks, open space and landscaping, it was felt that a control that directly addressed this issue was needed. A control that limits the area of a site that can be occupied is, therefore, proposed for inclusion.

The figure of 50% maximum site coverage is reflected in many other planning policies on this matter, while an additional 10% was seen as a reasonable allowance for related stand-alone structures to give some flexibility to land owners over time. On a 1,000m² site, for example, this clause will see that a maximum of 600m² could be developed or covered by built structures.

6.4 Plot Ratios and Site Coverage

6.4.1 Plot Ratios

- Renumber existing clause 6.4 as 6.4.1 (no change to content).

6.4.2 Site Coverage

1. The purpose of this clause is to ensure that a proper balance is retained between built form and open space on land in Zone SD where densities are greater than one **single dwelling** per site.
2. Development of **sites** within Zone SD for **multiple dwellings**, or for a **single dwelling** on a lot that was created using clause 11.1.4, is not to result in a **site coverage** in excess of:
 - (a) 50% for **residential buildings**; and
 - (b) 10% for stand-alone ancillary structures.

2.4 Part 4, Clause 6.9 – Land in Proximity to Airports and Part 4, Clause 6.14 – Land Subject to Flooding and Storm Surge

Explanation of Amendment

Dual-occupancies will be explicitly prohibited when any part of the site is affected by the air noise exposure forecast (ANEF) contour of 20 or greater. This is more stringent than the 'building site acceptability table' referenced in subclauses 2 and 3, which lists residential houses and flats as being 'conditionally acceptable' when affected by an ANEF of between 20 – 25.

No amendment to clause 6.14 (Land Subject to Flooding and Storm Surge) was necessary as this clause already prohibits residential uses on land that is affected by either the secondary or primary storm surge. The ability to develop in an area that is affected by flooding that is not caused by storm surge is not altered; subclause 5 of clause 6.14 gives specific criteria for when this is permissible.

6.9 Land in Proximity to Airports

1. The purpose of this clause is to:
 - (a) minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;
 - (b) prevent any new use or intensification of development on land that would prejudice the safety or efficiency of an airport; and
 - (c) retain the non-urban character of the land.
2. Despite anything to the contrary in this Planning Scheme, in Zones A, RL, R, CP, CN, RD, WM and FD, the use or development of land near an airport that is subject to the Australian Noise Exposure Forecast (ANEF) 20 unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence (as in force from time to time), requires **consent**.
3. In determining an application for the use or development of land subject to the ANEF 20 unit value contour line or greater, the consent authority is to have regard to the Building Site Acceptability Table (Table 2.1) based on ANEF Zones taken from AS 2021 – 2000 as a guide to the type of use or development it may **consent** to.
4. **Multiple dwellings in Zone SD are prohibited when any part of the site is subject to the ANEF 20 unit value or greater.**
5. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
6. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

2.5 Part 4, Clause 7.1.1 – Residential Density Limitations

Explanation of Amendment

The table to this clause has been amended to reflect the primary purpose of this proposal, which is to enable a dual-occupancy development to proceed on a site in Zone SD, subject to a number of other controls as outlined through this report.

This clause has been amended to state that dual-occupancies are not to proceed when it is shown that they will disrupt the ability for a waste removal or emergency vehicle to properly access the road to which access is gained.

The reference to ‘independent units’ has been taken out of this clause to clarify the situation surrounding their application and assessment. Independent units are permitted in all of the residential zones and a number of the rural zones, but only referenced in the row to Table A of clause 7.1.1. The incomplete connection between the range of zones in which this is a permissible use and the zones referenced in the table creates anomalies. Clause 7.1.1 is intended to relate to dwellings of primary residence, while clause 7.10.4 is specifically in place to outline the detailed, and additional, criteria that apply to the development of independent units on a particular lot. A note is to be placed within clause 7.1.1 to direct potential applicants to clause 7.10.4 when considering the development of an independent unit, which already places a density limitation on sites looking to develop for this purpose of “no more than two dwellings on the site”. In short, the change to Table A does not alter the controls surrounding independent units in any way, merely provides for a consistent approach on this matter.

7.1.1 Residential Density Limitations

1. The purpose of this clause is to ensure that residential development is:
 - (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
 - (b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.
2. The maximum number of **dwellings** that may be constructed on a **site** is to be determined in accordance with tables A, B, C, D and E (as the case requires) to this clause.
3. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.
4. The consent authority must not consent to a **multiple dwelling development in Zone SD** that:
 - (a) has frontage to a street with a reservation width of less than 15m, for the length of the **site’s** frontage with that road reservation; or
 - (b) is within a cul-de-sac.

unless it can be shown that the development will not disrupt the ability for emergency and waste removal vehicles.

Independent units are not to form part of the density calculation for the purposes of the tables to clause 7.1.1. For clarification on **independent units**, refer to clause 7.10.4 (Independent Units).

TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES

Zone	Dwelling Density
SD , RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit.
SD	1 per 500m ²
MD and for multiple dwellings in CL and T	1 per 300m ²

2.6 Part 4, Clause 7.3.2 – Distance between Residential Buildings on One Site

Explanation of Amendment

A purpose statement, which is largely taken from the overriding clause 7.3, has been added to this clause to give context to the controls. Additionally, the capacity for residences to be built with a common wall, as is commonplace for dual-occupancies, has been built into the applicable control. The 'zero setback' mentioned here can only be constructed to the two dwellings forming the dual-occupancy and must be fire rated accordingly. If dual-occupancies are detached from one another, a 3m setback, reflecting the existing 1.5m side setback provision, is to be provided between the two dwellings on the one site.

7.3.2 Distance between Residential Buildings on One Site

1. The purpose of this clause is to ensure **residential buildings** are located so:
 - (a) they are compatible with the streetscape and surrounding development;
 - (b) as to minimise any adverse effects of building massing when viewed from adjoining **residential buildings**, associated private open space and the street; and
 - (c) as to avoid undue overlooking of adjoining **residential buildings** and associated private open space.
2. Where more than one building comprising one or two storey **residential buildings** is located on a **site** the distance between the buildings is to be:
 - (a) 3m; or
 - (b) zero, provided that the zero building setback is provided between **multiple dwellings** in Zone SD on the same **site**.
3. Where more than one building comprising residential buildings that exceeds two **storeys** in height is located on a site, the distance between buildings is to be a minimum of:
 - (a) 3m for walls to non-habitable rooms and **habitable rooms** without windows or doors; and
 - (b) 4.5m for walls with windows or doors to **habitable rooms** or to a verandah or balcony.
4. For each **storey** over four **storeys**, the distance between buildings referred to in sub-clause ~~2.3~~ is measured from a straight line that is half the average distance between the walls of the buildings.

2.7 Part 4, Clause 7.5 – Private Open Space

Explanation of Amendment

Subclause 3 has been amended to ensure that the controls relating to the permeability of private open space areas, which already apply to SD lots of less than 600m², will also apply to dual-occupancy developments in Zone SD. As the resultant lots will likely be less than 600m² in area, this provides for a consistent approach through the process with small lots in Zone SD. This will mean that dual-occupancies will have to incorporate open space areas that allow for the infiltration of stormwater, include an area of deep soil for the planting of shade trees and allow for landscaping at the front of the property to complement the streetscape.

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, permeable and open to the sky; and
 - (c) inclusive of areas of deep soil for shade tree planting.
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause;
 - (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling; and
 - (c) be permeable and open to the sky.
3. Private open space on lots **that are either less than 600m² or for the purposes of a multiple dwelling development on a lot in excess of 600m²** should:
 - (a) be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
 - (b) include at least one area of approximately 5m² for the deep soil planting of shade trees; 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.

[table continued overleaf].

7.5 Private Open Space

[table continued from previous page].

6. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, compliance with subclauses 2(c) and 3 is not required providing the **multiple dwelling** development incorporates communal open space.
7. 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 the residents.

TABLE TO CLAUSE 7.5 – MINIMUM AREAS OF PRIVATE OPEN SPACE

Type of Dwelling	Private Open Space Areas
single dwellings on a lot of less than 600m ²	50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m.
independent unit	for the single dwelling 50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m; and for the independent unit 45m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.
multiple dwellings (for each dwelling with direct ground level access)	45m ² (exclusive of driveways and car parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.
multiple dwellings (for each dwelling without direct ground level access)	12m ² inclusive of an area with minimum dimensions of 2.8m x 4m.

2.8 Part 4, Clause 7.6 – Communal Open Space

Explanation of Amendment

This amendment reflects the interpretation that has been in place for some time, that residential developments that are provided with independently accessible private open space at ground level, need not also provide communal open space. This provision is more applicable to developments at a greater density and not relevant, or of any benefit, to the dual-occupancy product whereby each dwelling is provided with private open space, in a front or back yard, in line with the table on the previous page and of very similar dimensions and area to that of a standard single dwelling.

7.6 Communal Open Space

1. The purpose of this clause is to ensure that suitable areas for communal open space are provided for **hostels, multiple dwellings** and **supporting accommodation**.
2. This clause does not apply to **multiple dwelling** developments in which each dwelling has direct and independent access to private open space at ground level.
3. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
4. The design of the communal open space should consider:
 - (a) the overall **dwelling** density proposed for the **site**;
 - (b) the proximity and quality of alternative private or public open space;
 - (c) the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby **dwellings**;
 - (d) the type of activities provided for ;
 - (e) the projected needs of children for outdoor play;
 - (f) the provision of landscaping and shade;
 - (g) safety issues including lighting and informal surveillance;
 - (h) on-site traffic circulation; and
 - (i) future maintenance and management requirements.
5. 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-clause ~~2~~ 3 only if it is satisfied that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.

2.9 Part 5, Clause 11.1.4 – Subdivision of Multiple Dwellings in Zone SD

Explanation of Amendment

This is a new clause to the Planning Scheme that would allow for subdivision of a dual-occupancy development once it has gained development approval. Lots subdivided through this clause will be separate entities with their own titles, associated yard space and access.

11.1.4 Subdivision of Multiple Dwellings in Zone SD

1. The purpose of this clause is to provide for the subdivision of approved **multiple dwelling** developments in Zone SD.
2. Notwithstanding the lot size requirements of the Table to Clause 11.1.1, a lot in Zone SD of not less than 1,000m² and for which a development permit for **multiple dwellings** has been issued, may be subdivided in accordance with that permit.
3. Lots created pursuant to this clause shall have an area of not less than 500m².

11.1.4-5 Subdivision for the Purposes of a Unit Title Scheme

- Renumber existing sub-clause 11.1.4 as 11.1.5 (no change to content).

2.10 Part 5, Clause 11.2.3 – Lot Size and Configuration in Residential Subdivisions

Explanation of Amendment

A battle-axe arrangement is a common solution in areas that permit dual-occupancy developments. It enables the streetscape to be preserved and can provide for a more economically viable way of developing a site. The Planning Scheme retains a discouragement of battle-axes in greenfield subdivisions that may occur in new areas.

11.2.3 Lot Size and Configuration in Residential Subdivisions

1. The purpose of this clause is to provide for the subdivision of approved **multiple dwelling** developments in Zone SD.
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 battle-axe lots;~~ are only provided as part of a subdivision that has taken place through clause 11.1.4 (Subdivision of Multiple Dwellings in Zone SD);
 - (d) lots are orientated to allow dwellings 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.

TABLE TO CLAUSE 11.2.3

Lot Size	Minimum Building Envelope Requirement
300m ² to less than 450m ²	7m x 15m (exclusive of any boundary setbacks or service authority requirements)
450m ² to less than 600m ²	8m x 15m (exclusive of any boundary setbacks or service authority requirements)
600m ² and greater	17m x 17m (exclusive of any boundary setbacks or service authority requirements)

ITEM NUMBER: 13.1.7 Local Government Act Legislative Changes

FROM: Acting Chief Executive Officer

REPORT NUMBER: 8/0902

MEETING DATE: 7 June 2016

Municipal Plan:**4. Governance & Organisation****4.1 Responsibility**

4.1 We are committed to corporate and social responsibility, the sustainability of Council assets and services, and the effective planning and reporting of Council performance to the community

SUMMARY:


The Department of Local Government and Community Services released its Consultation Paper *Proposed content of New Local Government Legislation* and has invited comment from councils.

RECOMMENDATION

1. THAT Council receives Report Number 8/0902.
2. THAT Council does not support the responsibility of conducting representation reviews being given to the NT Electoral Commission or any other body, and maintains the position that councils are best placed to determine their own constitutional arrangements as currently specified in the Local Government Act.
3. THAT Council supports the removal of conditional rating from the Local Government Act.
4. THAT Council endorses Attachment B as Council's response to the Department of Local Government and Community Services.

BACKGROUND:

Beginning in late 2014, the Department of Local Government and Community Services began a process for the review of the Local Government Act. Following a period of submissions during 2015, a comprehensive Consultation Paper has been completed, *Proposed content of New Local Government Legislation (Attachment A)*. Council now has an opportunity to provide a comment.



GENERAL:

Broadly speaking, the Consultation Paper provides a comprehensive review of areas for possible improvement of the Local Government Act. The current Act was enacted in 2008 and together with the accompanying Regulations tends to be significantly less prescriptive than Local Government Acts in other Australian jurisdictions. This can be both an advantage and disadvantage, and the intent of the proposed changes appears to be the resolution of several disadvantages.

In general, Officers suggest that the proposed changes are of benefit to local government. While this report does not intend to provide commentary on all proposed changes, two areas are viewed not being of benefit to local government:

1. Representation Reviews (Chapter 3: Planning at the Local Level)

The Department recommends that representation reviews required in Section 23(2) of the Act would be more appropriately conducted by the NT Electoral Commission, with final determinations being made by a panel consisting of a representative of LGANT, the Electoral Commissioner (as chair, with a casting vote), the Surveyor General, and the Auditor General.

When asked for an explanation as to why this change was proposed, the Department identified that this was the manner in which Territory and Federal jurisdictional changes were determined, and that there was a potential conflict of interest in Elected Members of a council determining ward structures.

Officers recommend that Council oppose these changes in order to ensure that future decisions regarding City of Palmerston having or not having wards, or the constitution of these wards, or its municipal boundaries, remain with those elected to represent the electors – being Council.

2. Conditional Rating (Chapter 11: Rates and Charges)

It has been a long running difficulty for regional councils in the Northern Territory to raise rates on land currently considered rateable. The continuing position of the Local Government Association Northern Territory (LGANT) has been that conditional rating in the Local Government Act is a detriment to councils and has a significant impact on their financial sustainability. Officers suggest that continuing to support LGANT's position on this is of benefit, although conditional rating does not affect City of Palmerston.

Both points are set out in the suggested letter of response to the Department of Local Government and Community Services (**Attachment B**).

FINANCIAL IMPLICATIONS:

Nil

LEGISLATION/POLICY:

Local Government Act



RECOMMENDING OFFICER: Ben Dornier, Acting Chief Executive Officer

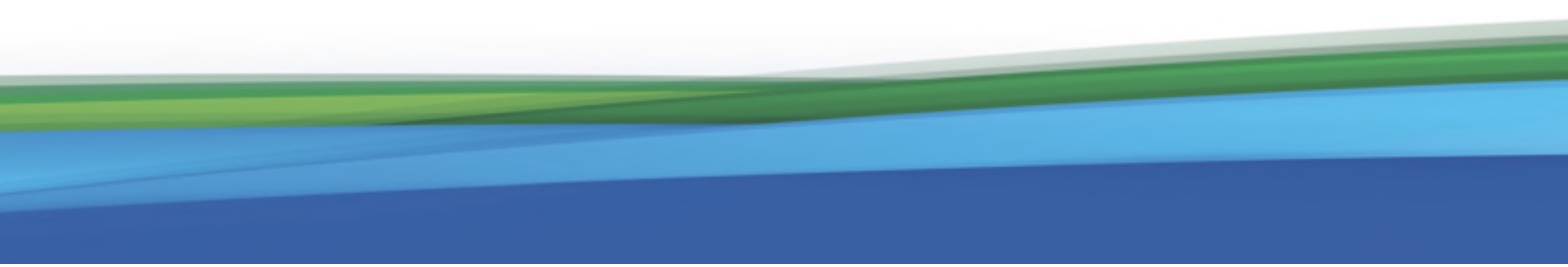
Any queries on this report may be directed to Ben Dornier, Acting Chief Executive Officer on telephone (08) 8935 9976 or email ben.dornier@palmerston.nt.gov.au.

Author: Ben Dornier, Acting Chief Executive Officer

SCHEDULE OF ATTACHMENTS:

Attachment A: Consultation Paper: *Proposed content of New Local Government Legislation*

Attachment B: Draft Letter of Response



CONSULTATION PAPER:

Proposed content of New Local Government Legislation

Contents

Introduction.....	4
Background	4
Local Government Act.....	5
Chapter 1: Preliminary	5
Chapter 2: System of local government.....	5
Chapter 3: Planning at the local level	6
Chapter 4: Council and its members.....	6
Chapter 5: Local authorities, local boards and council committees	8
Chapter 6: Meetings.....	9
Chapter 7: Rights and obligations of members.....	10
Chapter 8: Elections and polls.....	12
Chapter 9: Council staff	12
Chapter 10: Financial management	13
Chapter 11: Rates and charges.....	13
Chapter 12: Council property	14
Chapter 13: Regulatory powers.....	14
Chapter 14: Reporting and public disclosure	14
Chapter 15: Compliance reviews and investigations	14
Chapter 16: Inquiries.....	15
Chapter 17: Defaulting councils	15
Chapter 18: Review and appeal.....	15
Chapter 19: Miscellaneous	15
Local Government (Accounting) Regulations.....	16
Financial administration.....	16
Budget and allocation of money.....	16
Annual financial statement	17
Financial reports to council.....	17
Authorised accounts and expenditure	17
Property.....	18
Quotations and tenders.....	18
Local Government (Administration) Regulations.....	18
Confidential information	18
Local Government (Electoral) Regulations.....	18
Tied candidates	18

Death of a candidate.....	18
Postal voting.....	18
How to have your say	19
Appendix A – Recommendations of the Local Government Working Party	20
Introduction	20
Working Party Members	20
Recommendations	20
Topic 1: Conflict of Interest.....	20
Topic 2: Council as a Body Corporate	21
Topic 3: Council Meetings	22
Topic 4: Code of Conduct.....	22
Topic 5: CEO.....	23
Topic 6: Rates	23
Topic 7: Meetings of Local Authorities, local boards and council committees	24
Topic 8: Terms and Conditions of Membership	25
Topic 9: Elections.....	25
Topic 10: Offences	26
Topic 11: Miscellaneous.....	26
Appendix B – Local Government Accounting Advisory Committee Recommendations	27
Information about LGAAC	27
Recommendations	27
Membership of LGAAC	27
Prescribed reporting formats	28
Accounting policy manual.....	28
Finance committee meetings	28
Allocation of money	28
Stocktake of property.....	29
Tendering and procurement.....	29
Deficit budgeting	29
General instructions	29

Introduction

The current *Local Government Act* (the Act) has been in place for a number of years and the Department of Local Government and Community Services (DLGCS) is conducting a comprehensive review of local government legislation.

The culmination of the review will be new and improved legislation for local government.

The purpose of this consultation paper is to inform stakeholders of the review's progress and to invite comment on the proposed content of the new legislation. This paper is written in the form that the "new legislation will", but the actual final policy will be dependent on submissions received and government's decision. Drafting of the legislation is anticipated to commence in late 2016.

While the effect of many parts of the current legislation will be retained, this paper highlights the intended differences which would be encompassed in the new legislation.

All comments, including further proposals for change, are welcome and encouraged. Please see information on how to have your say at page 19 below.

Background

The Act commenced in 2008, bringing local government reforms across the Territory into effect. As the reformed system of local government has developed over recent years, including the introduction of local authorities, the Act has provided a robust regulatory environment. However, local government councils, DLGCS and others have identified areas where the legislation could be strengthened to work effectively for the benefit of Territorians and the sector.

Consultation for the introduction of local authorities involved Territory-wide community consultation with the results fed through to a working group. The working group had extensive stakeholder representation, including representatives from all of the Land Councils.

In late 2014, DLGCS announced a wholesale review of the Act. Consultation continues to be a major focus for this review. Submissions were sought from all stakeholders, including the general public, by April 2015. All sorts of submission were received – from informal phone conversations to formal written submissions. Apart from submissions from individuals, submissions were received from:

- Central Desert Regional Council
- City of Darwin
- Katherine Town Council
- Local Government Accounting Advisory Committee (LGAAC)
- Local Government (Administration and Legislation) Advisory Committee
- Local Government Association of the Northern Territory (LGANT)
- MacDonnell Regional Council
- Northern Territory Electoral Commission
- Victoria Daly Regional Council
- West Arnhem Regional Council

The Local Government Working Party (LGWP) was formed to consider topics identified through the submissions and to make recommendations to DLGCS and the Minister regarding the contents of a new Act. The LGWP had representation from LGANT, regional and municipal councils and DLGCS staff with responsibilities for local government. The LGWP also consulted with the Northern Territory Electoral Commission regarding the electoral provisions in the Act and the *Local Government (Electoral) Regulations*.

The LGWP met four times from mid-2015 until early 2016. In addition, late submissions were consistently encouraged. Issues raised by late submissions were considered by the LGWP right up until early 2016. Any further submissions are still welcome (refer to 'How to have your say' at page 19 below).

DLGCS is largely in agreement with the LGWP's recommendations (which can be found at Attachment A). The LGWP's recommendations form the bulk of the intended changes set out in this consultation paper (in many cases the wording of the intended change is practically the same as the LGWP's recommendation). Where an intended change is not consistent with a recommendation of the LGWP, this is identified.

DLGCS also consulted with, and received recommendations from, LGAAC regarding the content of new *Local Government (Accounting) Regulations*. LGAAC's recommendations can be found at Appendix B. DLGCS agrees with many of LGAAC's recommendations but where an intended change is not consistent with a recommendation of LGAAC, this is also identified.

It should be noted that where proposed changes would require agreement or negotiation with other Agencies, or other Ministerial portfolios, the positions set forward in this paper are subject to such agreement.

Readers should be aware that this paper is concerned with informing stakeholders of intended policy changes and giving everybody an opportunity to comment on the intended policy. Ultimately, the precise wording in the new Act will be a matter for the legislative drafters.

For ease of reference, the intended policy differences from the current regime are set out in accordance with where the relevant provisions currently appear in the Act or Regulations.

Local Government Act

Chapter 1: Preliminary

Some definitions will change. Intended changes related to definitions are discussed under chapters where the affected provisions sit.

Chapter 2: System of local government

Constitutive powers

While the current Act allows for creation of a new council, there is no provision for a Manager to be appointed prior to elections being held. A Manager is needed to organise elections and open bank accounts to get a new council started. Without a manager to start it off, a new council would be unworkable.

The new legislation will provide that if a new council is created, the Minister must call a general election for the council within 12 months of the gazettal creating a council. The

Minister must also appoint a Manager to manage the affairs of the council until council members are elected. The Manager will have full power to transact any business of the council and do anything the council can do. The Manager will be able to get the council set up with staff, bank accounts, offices and other necessities to enable elected members to take control of a functioning council. This accords with the recommendation of the LGWP (topic 11.5).

Chapter 3: Planning at the local level

Representation reviews

Currently, a council must review its constitutional arrangements and whether they provide the most effective possible representation for the area, including ward boundaries, at least once in its term.

In line with the recommendation of the LGWP (topic 9.1), the new legislation will provide that representation reviews will be conducted by the Northern Territory Electoral Commission. Final determinations will be made by a panel that includes a representative of LGANT, the Electoral Commissioner (as chair and having a casting vote), the Surveyor-General, and the Auditor-General. The issues for the panel to consider (such as population, geographic and social factors) will be set out within the legislation.

Core services

Currently there are no core services gazetted by the Minister that regional or shire councils must consider when adopting or renewing their regional or shire plans. Submissions are sought as to whether it would be beneficial for there to be a prescribed list of core services for all councils.

Chapter 4: Council and its members

Conducting commercial business

Most other Australian jurisdictions either require Ministerial approval before a council can form or participate in a corporation, partnership or other trading body, or require Ministerial approval for expenditure on such activities over a certain amount.

The new legislation will provide that Ministerial approval will be required before a council can form or participate in a corporation, partnership or other trading body. This accords with the recommendation of the LGWP (topic 2.1).

Local government subsidiaries

Currently, it is optional for the constitution of a local government subsidiary to provide that its liabilities are guaranteed by the constituent council or councils. Under the new legislation this will be a mandatory requirement. This accords with the recommendation of the LGWP (topic 2.3). Councils are expected to be in control of, and take responsibility for, their subsidiaries.

Delegation by council

As recommended by the LGWP (topic 2.4), the new legislation will make it clear that the power to adopt or amend a budget cannot be delegated by a council.

The legislation will also provide that the power to enter into a transaction that is not of an arm's length nature cannot be delegated. A transaction that was not on commercial terms would not be of an arm's length nature. For example, if a council sold a good or service at significantly less than market value, or provided payment terms of one year for a good or service where the payment terms would usually be for one month, these transactions would not generally be of an arm's length nature. Entering into such a transaction would require a council resolution and could not be decided by council staff.

Professional development of members

As recommended by the LGWP (topic 8.6), the legislation will provide that councils must have a professional development policy for members.

In line with the recommendation of the LGWP (topic 8.5), council members will complete specified training after each general election. For a member who is elected through a by-election, the training will be undertaken within 12 months of election. The training would be for up to two days and could cover topics such as: roles and responsibilities of elected members; relationships with other members, CEO and council staff; council finances and budgets; conflicts of interest; effective meetings; and other relevant subjects. Recognition of prior learning (education or work experience) will be given.

Resignation of members

Currently, a council member may only give up to 14 days' notice of resignation. This can put pressure on a council to arrange a by-election in a short space of time.

The new legislation will provide that a council member may give up to three months' notice when resigning. A by-election may be called within the period of notice, provided the polling day is after the notice period expires. This accords with the LGWP recommendation (topic 8.7).

Disqualification

Currently, a person can be disqualified from being a council member if they fail to discharge a debt to the council for rates or surcharges within six months of the debt being due and payable. It is not clear what proof regarding the debt is required.

As recommended by the LGWP (topic 8.3), the new legislation will provide that disqualification for having an outstanding debt due and payable to council for six months is not triggered unless the debt is evidenced by a court order, i.e. a judgment debt and the person cannot produce a receipt showing that the amount has been paid. This will apply for any type of debt to council (not just rates and surcharges).

A person will be disqualified from being a council member if they are disqualified from managing a corporation under the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Currently, if a council member is convicted of an offence and is sentenced to a term of imprisonment for one year or more, the member is automatically disqualified under section 37(1)(c) of the Act. If a member is convicted of an offence but not sentenced to a term of imprisonment for one year or more, a decision to remove the member because the conviction makes that member unfit for office can be made by the Minister.

In other Australian jurisdictions removal from office due to conviction for an offence can only occur if:

- an offence specified in the Act has been committed; or
- a court or tribunal orders the removal from office.

The LGWP recommended that where a member is convicted of an offence and is not automatically disqualified, a decision about whether the conviction makes that member unfit for office should be made by NTCAT (topic 8.8). However, this could create practical difficulties in a situation where a member is imprisoned and a council has to wait a number of months for an NTCAT determination before finding out if a by-election is required. Constituents have a right to be represented and deserve a representative that is free to perform his or her role.

It is intended that if a member is convicted of an offence and serves any term of imprisonment, that person will be disqualified from being a member for five years after they are released.

However, if a member is convicted of an offence and does not serve any term of imprisonment (for example, the member is given a suspended sentence), a decision about whether the conviction makes that member unfit for office may be made by NTCAT. If NTCAT dismisses a member it will have the ability to disqualify that person from being a council member for up to five years.

In addition, where a member is convicted of an offence, the member must notify the council CEO of the conviction. If a member fails to notify the CEO of the conviction, the member commits an offence. The CEO must notify DLGCS of the member's conviction.

Casual vacancies

The new legislation will provide that if a casual vacancy occurs within 18 months prior to the next general election, a council will have the option of holding a by-election or co-opting a person to fill the vacancy. In the event that a casual vacancy occurs within six months of the next general election, a council will have the above options as well as the option to not fill the vacancy.

Chapter 5: Local authorities, local boards and council committees

Local authority appointments and quorums

The new legislation will provide that a council must appoint at least one elected member to a local authority. The member(s) for the ward in which the local authority is located and the principal member will not automatically be members of the local authority. A quorum will be the majority of appointed members. (See LGWP recommendation at topic 7.2.)

Local boards

The new legislation will provide that any council may have a local board. (See LGWP recommendation at topic 7.3.)

This differs from the current provisions which exclude regional councils from having local boards.

Chapter 6: Meetings

First ordinary meeting of a council

The new legislation will provide that after a general election, a council meeting must be held within 21 days. This aligns with the current meeting postponement provision and provides more time than the current 14 day limit. (See LGWP recommendation at topic 3.1.)

Notice of council meetings

The new legislation will provide that a notice convening an ordinary council meeting (including the agenda and relevant business papers) must be published on the council's website and be accessible at the council's public office at least two full business days before the meeting. (See LGWP recommendation at topic 3.4.)

Currently, a notice convening an ordinary meeting must be given to members at least three business days before the date of the meeting, while it must only be accessible on the council's website a 'reasonable time' before the meeting. 'Reasonable time' is not defined. In addition, the current Act requires the notice must be posted on a notice board at the council's public office but there is no specification as to when.

Postponement of meetings

As recommended by the LGWP (topic 11.1), the new legislation will provide that if a quorum is not present for a meeting of a council, council committee, local board or local authority within 30 minutes after the scheduled start time, the meeting may be postponed to a time later that day by:

1. the Chair;
2. if the Chair is not present, the majority of members present; or
3. if no members are present, the CEO or someone authorised by the CEO.

Reasonable efforts must be made to notify all members of the new meeting time. If a meeting is not held later that day, existing requirements will apply and the CEO is responsible for postponing the meeting to a time within the next 21 days.

This will provide clarity and more flexibility than is currently available.

Confidential business

In line with the recommendation of the LGWP (topic 3.5), the new legislation will provide that if a council closes a portion of a meeting to discuss confidential business, the agenda for that meeting must identify the type of matter that is to be discussed in the closed portion of the meeting. Publicly available minutes for that meeting must specify the type of confidential business discussed and which particular section of the legislation was relied upon to keep the matter confidential. Minutes must be kept in respect of the confidential business but the confidential portion of the minutes is not to be publicly available.

Not all matters kept confidential must remain confidential forever. At least once per year councils will review items previously declared confidential, and decide, according to council policy, whether to release the information included in the confidential business section of meetings.

Chapter 7: Rights and obligations of members

Council member allowances

The new legislation will provide that council members' allowances are to be set by a remuneration tribunal. (See LGWP recommendation at topic 8.1.)

Conflict of interest

In accordance with the LGWP recommendations regarding conflicts of interest and related matters (topics 1.1-1.6), the legislation will require the CEO to keep a register of council members' interests. Members will be required to complete an annual return. The register must be available for inspection by the public but will not have to be on a council's website.

A separate register of relevant gifts and benefits must be kept and each member will be responsible for ensuring the CEO is informed as soon as practicable after a gift or benefit is received.

To assist members with this new requirement, a council must have a policy on gifts and benefits that, among other matters, differentiates between what is given to a member for the council and what is given to a member as a gift or benefit to that member. The legislation will include the parameters of that policy to give councils some guidance.

Responsibility for declaring a conflict of interest during a meeting or on other relevant occasions will remain with the individual member.

Where a member is required to leave a meeting due to a conflict of interest, the member must leave the meeting without any comment on the matter in which they have a conflict.

The following categories of interest will be used to determine what interests should be declared by members of councils, local authorities, council committees or local boards:

Direct interest – occurs when the member is likely to be directly affected if the matter is decided in a particular way.

Example: a company controlled by the member is tendering for a contract being discussed by council.

Indirect interest by close association – occurs if an associate of the member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Example: the member's sibling is suing council and council is considering whether to settle the matter.

Example: a resident of the member's household is tendering for a contract being discussed by council.

Indirect financial interest – occurs if the member is likely to receive a benefit or incur a loss because another person has an interest.

Example: the member has shares worth \$5 000 in a company that is tendering for a contract being discussed by council.

Indirect interest because of conflicting duties – occurs if the member is a director, partner, agent, trustee or employee of a person or entity (including a non-profit) that has a direct interest.

Example: the member is a director of a non-profit entity that is seeking a sponsorship or donation being discussed by council.

Example: the member is a director of a non-profit entity that is tendering for a contract being discussed by council.

Indirect interest because of a gift – occurs if the member received a gift of more than trivial or nominal value in the last three years from a person with a direct interest.

Example: the member recently received a gift of concert tickets from a local business operator who is negotiating a lease of a property from council.

Currently, a member who fails to disclose an interest may be prosecuted in court and, if found guilty, a penalty may be imposed. The Northern Territory Civil and Administrative Tribunal (NTCAT), as opposed to a court, may declare a council decision resulting from an undeclared interest, void. To avoid the need for dual proceedings, the new legislation will provide that where a court finds that a member has failed to disclose an interest, the court will also be able to declare a decision void.

Code of conduct

The new legislation will prescribe a code of conduct that applies to elected members of all councils without modification. The prescribed code will be substantially the same as the existing code in schedule 2 of the Act. (See LGWP recommendation at topic 4.3.)

Disciplinary proceedings

The Territory is the only jurisdiction that does not provide for a disciplinary panel to make remedial orders such as requiring someone to attend mediation or counselling.

It is common in other jurisdictions for complaints to be heard by a panel established by the peak body for council members. It is also common in other sectors for complaints to be heard by a panel established by a peak body for those professionals, such as a Law Society or Dental Board. The LGWP recommended that LGANT coordinate a panel to deal with code of conduct complaints (topic 4.1).

The new legislation will provide that where a breach of the code of conduct is alleged:

1. Complaints must initially be directed to the relevant council. The council will seek to resolve the matter according to council policy.
2. If the council cannot resolve the matter, the council may refer the matter to LGANT.
3. LGANT will have a panel constituted of representatives of LGANT and the Director of Legislation and Policy from DLGCS. The LGANT panel may:
 - reprimand a person;
 - order a person to attend training, mediation or counselling; and
 - order a person to make an apology.
4. A party to the complaint can appeal a decision of the LGANT panel to NTCAT and NTCAT will be able to make any order that could be made by the LGANT panel. If a member does not comply with an order from the LGANT panel, LGANT can apply to NTCAT to deal with the failure to comply. In determining such an application, NTCAT will be able to make any order that could be made by the LGANT panel and may also order that the

member be suspended or dismissed. If NTCAT dismisses a member it will have the ability to disqualify that person from being a council member for up to five years.

Chapter 8: Elections and polls

In accordance with the LGWP recommendation (topic 9.3), where a candidate is declared ineligible after an election (and was ineligible at the time of the election), NTCAT will have discretion to order that votes be recounted and that a vote for the ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper.

Please note that intended changes to the *Local Government (Electoral) Regulations* are set out below on page 17.

Chapter 9: Council staff

Remuneration policy

In accordance with the LGWP recommendation (topic 5.3), councils will be required to have a remuneration policy for all staff, including the CEO.

CEO recruitment

As recommended by the LGWP (topic 5.4), the new legislation will set out compulsory due diligence steps that must be taken before a CEO may be appointed, including but not limited to:

- a. written references covering a shortlisted applicant's past three years of work history must be obtained from the applicant's manager or supervisor;
- b. positions must be advertised externally;
- c. qualifications and professional memberships must be verified; and
- d. a criminal history check must be conducted.

Contracts for new CEOs must include a probation period and a review of the CEO's performance must be undertaken before the end of the probation period. A CEO will be set performance criteria for his or her probation period and the review of the CEO must consider his or her performance against those criteria. The review must be undertaken by a panel that includes a person independent from council (unless DLGCS approves an exemption). The independent person on the review panel must be approved by LGANT.

CEO responsibilities

Currently CEOs are required to appoint staff in accordance with a staffing plan. However, there are different understandings of what a staffing plan actually means.

In accordance with the LGWP recommendation (topic 5.3), the requirement to appoint staff in accordance with a staffing plan will no longer be compulsory. Instead, a CEO will be required to keep council expenditure on staff within an approved staffing budget, as well as having to keep other expenditure within an approved non-staffing budget (all other operational and capital expenditure).

The legislation will explicitly require CEOs to ensure that spending does not exceed the budget adopted or amended by council.

Conflict of interest

The legislation will provide that council CEOs and senior staff who report directly to the CEO must complete an annual declaration of interests, using a prescribed form similar to that used by Northern Territory Public Sector CEOs and executives. The current requirement that all staff members (including the CEO) disclose a conflict of interest when it arises will remain. These interests and conflicts must be recorded on a non-public register. (See LGWP recommendation at topic 5.1.)

Chapter 10: Financial management

There are no anticipated changes to the requirements under this chapter. Please note that intended changes to the *Local Government (Accounting) Regulations* are set out below on pages 15-17.

Chapter 11: Rates and charges

Conditional rating

Submissions were received that suggested the removal of conditional rating. The LGWP did not reach a consensus regarding conditional rating, however a significant number of the LGWP members supported the following recommendations (topic 6.4):

- Conditional rating must be removed and all rateable land must be subject to general and special rates; and
- In the event that conditional rating remains, where land is held under a pastoral lease or mining tenement but is used for two or more different purposes, including a commercial activity that is not pastoral or mining, the land is to be rateable rather than conditionally rateable.

While there is no intention to remove or change conditional rating provisions, the legislation will align the definition of 'mining tenement' with titles described in the *Mineral Titles Act*. (See LGWP recommendation at topic 6.1)

Exemptions

The LGWP recommended (topic 6.2) that there not be any exemption from rates for land used for residential purposes by a charity or public benevolent institution. Further consideration will be given to the effect of such a change and whether it should be confined to certain types of housing, for example, staff housing.. Submissions are invited on this particular issue.

All rateable land must be rated

In line with the recommendation of the LGWP (topic 6.9), the legislation will make it explicit that a council must rate all rateable land within its area.

Assessment record

Currently a copy of the assessment record must be available for inspection, free of charge, by any member of the public. In dealing with information available to the public, it is important that the principles of both freedom of information and protection of privacy are carefully balanced.

In accordance with the LGWP recommendation (topic 6.6), it is intended that the public will be able to inspect or obtain copies of all or part of the assessment record and councils may charge a fee for the provision of this service. No fee is to be payable for inspecting or obtaining copies of part of the record for land by:

- an owner, occupier or lessee of the land or of adjoining land;
- an agent of an owner, occupier or lessee of the land or of adjoining land; or
- a Northern Territory Government agency.

Councils must redact personal information (name, contact details, postal address, etc.) from any copies of the record inspected or provided unless the person seeking the copy of the record is an owner, occupier or lessee of the land; an agent of an owner, occupier or lessee of the land; or a Northern Territory Government agency. The proposed rules concerning personal information differ slightly from the recommendation of the LGWP and are intended to provide clear direction for council staff.

The requirement for a CEO to suppress a person's name and address on request will be retained.

Chapter 12: Council property

There are no anticipated changes to the requirements under this chapter.

Chapter 13: Regulatory powers

By-laws

The legislation will explicitly provide that by-laws may not operate retrospectively or impose a tax.

Chapter 14: Reporting and public disclosure

Public availability of information

The Act sets out the time that information that must be publically available on council websites. The *Local Government (Accounting) Regulations* require a notice of a successful tender to be published on a council's website but do not give a timeframe.

The legislation will provide that a notice of a successful tender must remain on a council's website for a minimum of three years after the financial year in which the tender was awarded.

Chapter 15: Compliance reviews and investigations

Investigations

Similarly to other Australian jurisdictions, it is intended that inspectors of local government appointed under the Act will have a general power to investigate the administration of the Act. Investigations will not connote a suggestion of wrongdoing.

Commencing proceedings to recover loss

The current Act provides that DLGCS may, if satisfied that a council has suffered a loss as a result of an irregularity and that the loss is recoverable in court, bring an action in the name of the council to recover the loss. The provision has not been used. The new legislation will omit this provision. (See LGWP recommendation at topic 11.2.)

Surcharges

The current Act allows a council to impose a surcharge on a person for the council's loss if DLGCS is satisfied that the council suffered loss as a result of dishonesty or serious illegality by the person. The existing surcharge provision reverses the onus of proof in legal proceedings to recover a loss. The onus of proof should only be reversed where there are compelling public policy reasons for doing so. The provision has not been used.

In accordance with the recommendation of the LGWP (topic 11.3), the new legislation will not have such a provision. Where it is suspected that a council has suffered a loss due to dishonesty or illegality, a court or tribunal must find that the allegation is proved before a person is held liable for a council's loss.

Chapter 16: Inquiries

There are no anticipated changes to this chapter.

Chapter 17: Defaulting councils*Official management*

The new legislation will provide that the Minister must make a decision to either reinstate or dismiss the suspended members within 12 months after the council has been placed under official management. Dismissal would then automatically trigger a general election.

Chapter 18: Review and appeal*Administrative review committee*

Currently the initial application for review must be made within 14 days of the decision, which is significantly shorter than the equivalent time periods in other Australian jurisdictions. Under the new legislation, the time for making an initial application for a review will be within 28 days of the decision.

Chapter 19: Miscellaneous*Offences*

In accordance with the recommendation of the LGWP (topic 10.2), under the new legislation the offence for making a misleading representation will:

- extend to representations made to local authorities;
- extend to representations made to an inspector under the Act; and
- not require an intention to gain an advantage or cause a detriment, but instead require that a written or oral statement is false or misleading in a material particular.

Further, as recommended by the LGWP (topic 10.1), the corruption and 'abuse of office' offences in the *Northern Territory Criminal Code* that apply to public servants will also apply to council staff.

Service of documents

The legislation will clarify that councils may serve notices electronically where the recipient has consented to the particular means of electronic communication. (See LGWP recommendation at topic 6.3.)

Local Government (Accounting) Regulations

Financial administration

To reduce red tape, the new legislation will specify that an accounting and policy manual must include (but is not limited to) the following:

- the council's accounting policies and procedures;
- the council's internal control policies and procedures;
- the council's fraud protection plan;
- a statement of the duties and responsibilities of the CEO and other officers;
- details of all delegations; and
- any other information required in a guideline issued by the Minister.

This is less prescriptive than current regulation 9(2).

Budget and allocation of money

Currently the Regulations provide that a council must not budget for a deficit and that a deficit occurs if overall expenditure for a financial year (disregarding depreciation) exceeds income. LGAAC have recommended that the depreciation exception be extended to all non-cash expenditure.

Even if LGAAC's recommendation is taken up, this may not remove the potential issue where a council receives grant funding at the end of a financial year but does not expend some or all of the funds until the next financial year. The Australian Accounting Standards generally require the funds to be recognised as income in the year they are received. This can create a situation where a council will have a deficit in a year because it expends funds carried forward from the previous year.

In order to address such situations and to broaden the depreciation exception when calculating overall expenditure in a financial year, it is intended to expand the exception to include depreciation, amortisation, asset write downs and the expenditure of carried forward tied grant funding.

It is intended that the restriction under regulation 14 regarding allocation of money will be replaced by a restriction to the effect that a council cannot allocate (commit) money that has not been budgeted for in an adopted or amended budget, unless the expenditure:

- has been approved by council resolution; or
- is within the terms of a grant accepted by council or its delegate (and such spending is reported to council at the earliest opportunity); and

- the budget is adopted or amended at the earliest opportunity.

LGAAC also recommended that another exception should be where the expenditure was within the terms of a commercial contract entered into by council (and such spending is reported to council at the earliest opportunity). A council may resolve to try and enter into a contract and to expend money in the event that the contract is entered into. Expenditure not resolved by council or outside of a budget approved by council should be minimised as far as possible. For those reasons, it is not intended that a 'contract exception' be created.

With the above restrictions in place, the requirement that unbudgeted spending does not exceed 25 per cent of expected budgetary provision will be unnecessary. Accordingly, it is intended that this requirement will be removed.

Annual financial statement

In order to reduce red tape, it is intended that the current requirements for a council's annual financial statement will be replaced and a council's annual financial statement will have to:

- comply with the Australian Accounting Standards;
- include rates collected; and
- state the nature (capital or operating) and amounts of grants and subsidies received and identify the grantors.

Financial reports to council

Currently, the financial report that the CEO must lay before a meeting of council (or a council finance committee) each month requires, among other things, a statement of the debts owed to council and an indication of the age of the debts. There is no requirement that the debts owed **by** council are included in the report. To enhance transparency, it is intended that the monthly report must include the following information about debtors and creditors:

- total debts owed to council (other than rates) categorised by age – 30 days, 60 days and 90 or more days;
- total rates owed to council categorised by financial year (e.g. 2014-15, 2015-16, 2016-17); and
- total debts owed by council categorised by age – 30 days, 60 days and 90 or more days.

Authorised accounts and expenditure

Cheques issued on behalf of council must be signed by at least two people and electronic disbursements from an authorised account of council must be processed by at least two people.

The legislation will provide that the CEO is authorised to sign cheques and process electronic disbursements. The CEO, rather than council, will be responsible authorising other council staff members, or staff members of a subsidiary, to sign cheques and process electronic disbursements. In the event that a staff member of a subsidiary has been authorised by the CEO for this purpose, any cheque signed or electronic disbursement processed by that person must also be signed or processed by the CEO or an authorised member of the council's staff.

The intended changes are similar to the recommendation of the LGWP (topic 11.6) but also allow for a staff member of a subsidiary to assist a council in making payments.

Property

The legislation will explicitly require councils to undertake regular stocktakes of council property, ensuring that all categories of council property are the subject of a stocktake at least once every three years.

Quotations and tenders

LGAAC has recommended that the threshold value of a supply where a council must obtain tenders be increased from over \$100 000 (including GST) to over \$150 000 (excluding GST).

The legislation will provide that where supplies have a value over \$100 000 (including GST) but under \$150 000 (including GST), a public quotation process will be required. Where supplies have a value over \$150 000 (including GST), a council must obtain tenders.

Local Government (Administration) Regulations

Confidential information

As recommended by the LGWP (topic 3.7), classes of confidential information for council meetings will include advice in anticipation of litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Local Government (Electoral) Regulations

Tied candidates

To minimise instances where lots are drawn to decide the outcome of an election, where two candidates remain in the count and have the same number of votes, all preceding counts/transfers will be able to be used to determine which candidate is elected (i.e. the candidate with larger number of votes at last count or transfer is elected, if votes are even at that last count/transfer then the second to last count/transfer can be used, and so on).

Death of a candidate

Currently if any candidate dies before polling day, a vote for the deceased candidate is distributed to the candidate next in order of the voter's preferences on the ballot paper. There is always a possibility that someone may not have stood as a candidate because of the popularity of the deceased candidate who was running, particularly where the deceased candidate was running for the principal member position.

As recommended by the LGWP (topic 9.2), if a principal member candidate dies after nominations are declared and prior to the declaration of results, the election for the principal member will fail and a new election will be held.

Postal voting

In order to maximise opportunities to vote in council elections, it is intended to extend the deadline to receive postal votes by one week, until the second Friday after polling day.

How to have your say

The general public, local government sector and other industry sectors are encouraged to provide written comments on any of the intended content for the new Act. Please provide any comments by 24 June 2016. Comments may be emailed to localgovernment.dlgcs@nt.gov.au.

Should you require further information in relation to this consultation paper, please contact Hugh King, Manager Legislation and Policy Projects by email (hugh.king@nt.gov.au) or telephone (08 8995 5118).

Appendix A – Recommendations of the Local Government Working Party

Introduction

To commence the review of the *Local Government Act* (the Act), in late 2014 the Department of Local Government and Community Services (DLGCS) invited submissions from stakeholders and the general public on changes to the *Local Government Act* to ensure it is working effectively for the benefit of local people and the sector generally. The initial cut-off date for submissions was 30 April 2015 but late submissions have been accepted.

The Local Government Working Party (LGWP) was established with representation from regional and municipal councils, the Local Government Association of the Northern Territory (LGANT) and DLGCS staff with responsibilities for local government.

The LGWP made recommendations to DLGCS and the Minister regarding possible changes to the Act on all the topics it considered. All the recommendations of the LGWP are set out within this document.

Working Party Members¹

Chair: Damien Ryan (President – LGANT; Mayor – Alice Springs Town Council)

Brendan Dowd (CEO – City Of Darwin)

Chris Kendrick (Director Corporate Services – MacDonnell Regional Council)

Tony Tapsell (CEO - LGANT)

David Willing (Executive Director Local Government – DLGCS)

Lee Williams (Director Legislation and Policy – DLGCS)

Nathanael Knapp (Regional Manager, Big Rivers Region – DLGCS)

Hugh King (Manager Legislation and Policy Projects – DLGCS)

Recommendations

Topic 1: Conflict of Interest

1. A register of council members' interests must be kept. This would involve an annual return by members. The register must be available to the public but would not have to be on a council's website.
2. A register of relevant gifts and benefits must be kept that is separate to the register of council members' interests.
3. Councils must have a policy on gifts and benefits that, among other matters, differentiates between what is given to a member for the council and what is given to a member as a gift or benefit to that member. The Act or Regulations must include the parameters of that policy to give councils some guidance.

¹ Some members were represented by proxy at one or more meetings.

4. Responsibility for declaring a conflict of interest during a meeting or on specific occasions must remain with the individual member.
5. Where a member is required to leave a meeting due to a conflict of interest, the member must leave the meeting without making statements or answering questions regarding the matter in which they have a conflict.
6. The following categories of interest must be used to determine what interests should be declared by members of councils, local authorities, council committees or local boards:

Direct interest – occurs when the member is likely to be directly affected if the matter is decided in a particular way.

Example: a company controlled by the member is tendering for a contract being discussed by council.

Indirect interest by close association – occurs if an associate of the member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Example: the member's sibling is suing council and council is considering whether to settle the matter.

Example: a resident of the member's household is tendering for a contract being discussed by council.

Indirect financial interest – occurs if the member is likely to receive a benefit or incur a loss because another person has an interest.

Example: the member has shares worth \$5 000 in a company that is tendering for a contract being discussed by council.

Indirect interest because of conflicting duties – occurs if the member is a director, partner, agent, trustee or employee of a person or entity (including a non-profit) that has a direct interest.

Example: the member is a director of a non-profit entity that is seeking a sponsorship or donation being discussed by council.

Example: the member is a director of a non-profit entity that is tendering for a contract being discussed by council.

Indirect interest because of a gift – occurs if the member received a gift of more than trivial or nominal value in the last 3 years from a person with a direct interest.

Example: the member recently received a gift of 5 boxes of chocolates from a local business operator who is negotiating a lease of a property from council.

Topic 2: Council as a Body Corporate

1. Ministerial approval is required before a council can form or participate in a corporation, partnership or other trading body.
2. Current restrictions on changes to the constitution of a local government subsidiary must be maintained.
3. The constitution of a local government subsidiary must provide that its liabilities are guaranteed by the constituent council or councils.
4. The power to adopt or amend a budget must not be able to be delegated.

5. The Act must ensure that delegation and sub-delegation powers are clear.

Topic 3: Council Meetings

1. The maximum period for holding a meeting after a general election must be extended to 21 days, which aligns with the current meeting postponement provision.
2. Frequency of meetings must remain at a minimum of one in every two months.
3. The rule that a member present at a meeting (including the chair) must exercise his or her vote should not be changed.
4. A notice convening an ordinary council meeting (including the agenda and relevant business papers) must be published on the council's website and be accessible at the council's public office at least two business days before the meeting. For example, the legislation should ensure that for a Tuesday meeting, the papers are required to be accessible on the Friday before the meeting.
5. If a council intends to close a portion of a meeting to discuss confidential business, the agenda for that meeting must identify the type of matter that is to be discussed in the closed portion of the meeting. Publicly available minutes for that meeting must specify the type of confidential business discussed, which particular section of the legislation was relied upon to keep the matter confidential and why it was in the public interest for a portion of the meeting to be closed. Minutes must still be kept in respect of the confidential business but the confidential portion of the minutes is not to be publicly available.
6. There must be a review period, at least once a year, for maintaining the confidentiality of the information included in the confidential business section of meetings in accordance with council policy. For example, contracts and agreements may lose confidentiality over time but information on financial hardship of ratepayers would generally remain confidential.
7. Classes of confidential information must also include advice in anticipation of litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
8. There are not to be motions of no confidence.

Topic 4: Code of Conduct

1. The current disciplinary proceedings must be replaced with the following processes:
 - a. Complaints must initially be directed to the relevant council. The Council would seek to resolve the matter.
 - b. If the Council cannot resolve the matter or wishes not to, the Council can refer the matter to LGANT.
 - c. LGANT would have a panel constituted of representatives of the Department of Local Government and Community Services, The Department of the Attorney-General and LGANT. The LGANT panel may:
 - reprimand a person;
 - order a person to attend training, mediation or counselling (at the council's expense);
 - order a person to make an apology; and/or

- refer the matter to the Department if it is an appropriate matter for an investigation under section 208 of the Act.
 - d. If a person does not comply with an order from the LGANT panel, the matter may be referred to NTCAT, which may make any order that could be made by the LGANT panel and may also order that the member be suspended or dismissed.
2. Councils must have a code of conduct complaint resolution policy.
 3. To encourage consistent disciplinary processes and outcomes throughout the Territory, the Act must prescribe a code of conduct that applies to elected members of all councils without modification. The code prescribed should be substantially the same as the existing code in schedule 2 of the Act.

Topic 5: CEO

1. Council CEOs and senior staff who report directly to the CEO must complete an annual declaration of interests, using a prescribed form similar to that used by Northern Territory Public Sector CEOs and executives. The current requirement to disclose conflicts of interest must remain. These interests and conflicts must be recorded on a non-public register.
2. Council CEOs must be required to ensure that spending does not exceed the budget adopted or amended by council. This clarifies current practice.
3. Instead of being required to appoint staff in accordance with a staffing plan, a CEO must be required to keep council expenditure on staff within an approved staffing budget, as well as having to keep other expenditure within an approved non-staffing budget (all other operational and capital expenditure). A council must also be required to have a remuneration policy that covers all council staff.
4. Regulations or guidelines under the Act must set out compulsory due diligence steps that must be undertaken before a CEO can be appointed, including, but not limited to:
 - a. written references covering a shortlisted applicant's past three years of work history must be obtained from the applicant's manager or supervisor;
 - b. positions must be advertised externally;
 - c. qualifications and professional memberships must be verified; and
 - d. a criminal history check must be conducted.
5. Contracts for new CEOs must include a probation period and a review of the CEO's performance must be undertaken before the end of the probation period. A CEO is to be set performance criteria for his or her probation period and the review of the CEO must consider his or her performance against those criteria. The review must be undertaken by a panel that includes a person independent from council (unless the Department approves an exemption). The person independent from council on the review panel must be approved by LGANT.

Topic 6: Rates

1. The definition of 'mining tenement' should be amended to align with the *Mineral Titles Act*.
2. There must not be any exemption from rates for land used for residential purposes by a charity or public benevolent institution. "Non-commercial purpose" in section 144(1)(f) should be clarified and tightened.

3. The Act should expressly clarify that councils may serve notices electronically where the recipient has consented to the particular means of electronic communication.
4. The LGWP did not reach a consensus regarding conditional rating, however the following recommendations were supported by a significant number of the LGWP members:

Conditional rating must be removed and all rateable land must be subject to general and special rates.

In the event that conditional rating remains, where land is held under a pastoral lease or mining tenement but is used for two or more different purposes, including a commercial activity that is not pastoral or mining, the land is to be rateable rather than conditionally rateable.

6. The public must continue to be able to obtain copies of all or part of the assessment record and council may charge a fee for the provision of this service. No fee is to be payable for obtaining copies of part of the record for land by:
 - an owner, occupier or lessee of the land or of adjoining land;
 - an agent of an owner, occupier or lessee of the land or of adjoining land; or
 - a Territory Government agency.

Councils must redact personal information (name, contact details, postal address, etc.) from copies of the record unless:

- the person seeking the copy of the record is an owner, occupier or lessee of the land; an agent of an owner, occupier or lessee of the land; or a Territory Government agency; or
- for any other person, that person makes a written application in the form of a statutory declaration and provides a legitimate reason for wanting the personal information. For example, if an applicant wanted the personal information for marketing reasons, this would generally be legitimate, i.e. not illegal. However, if the applicant did not provide a reason or provided a reason which raised concerns of illegality (e.g. violence against a former partner), council would have the discretion not to release the personal information.

A council's decision not to provide requested personal information would be a reviewable decision.

The ability for someone to require that their name and address is suppressed must be retained.

7. Councils must not have rate increases capped.
8. Councils' existing ability to declare special rates at any time must remain.
9. A Council must rate all rateable land within its area.

Topic 7: Meetings of Local Authorities, local boards and council committees

1. Guideline 8 should be amended so that local authorities only have to meet a minimum of four times per year.
2. Principal members and ward members are not to automatically be local authority members. A council must appoint one or more elected members to the local authority. A quorum is the majority of appointed members.
3. The local board concept should not be limited to municipal or shire councils only and should be extended to regional councils.

4. Recommended amendments to the conflict of interest provisions for council members (annual disclosure of all interests, etc.) are not intended for members of local authorities, local boards or council committees. Otherwise, unnecessary red tape could be created. Accordingly, current conflict/disclosure of interest requirements in the Act must continue to apply to members of local authorities, local boards or council committees. However, the Act must clarify that these are minimum standards. For example, in the event that a council wanted to impose stricter requirements for members of a particular committee, such as requiring full disclosure of interests by the committee members, it would be free to do so.
5. All local authority members should be paid the same allowance for attending meetings, irrespective of any employment they have.

Topic 8: Terms and Conditions of Membership

1. Members' allowances must be set by the Remuneration Tribunal established under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.
2. A member must be disqualified if they are disqualified from managing a corporation under the *Corporations Act 2001* (Cth).
3. Disqualification for having an outstanding debt due and payable to council for six months is not to be triggered unless the debt is evidenced by a court order, i.e. a judgment debt. This applies for any type of debt to council (not just rates and surcharges).
4. Suspended members must not be paid allowances.
5. Council members must complete specified training after each general election. For a member who is elected through a by-election, the training must be undertaken within 12 months of election. The training could cover topics such as: roles and responsibilities of elected members; relationships with other members, CEO and council staff; council finances and budgets; conflicts of interest; effective meetings; and other relevant topics. Recognition of prior learning (education or work experience) would be given.
6. Councils must have a professional development policy for members.
7. A council member must be able to give up to three months' notice when resigning. A by-election could be called within the period of notice, provided the polling day is after the notice period expires.
8. If a member is convicted of an offence and is not sentenced to a term of imprisonment for one year or more and automatically disqualified under section 37(1)(c), a decision about whether the conviction makes that member unfit for office should be made by the Northern Territory Civil and Administrative Tribunal (NTCAT).

If NTCAT dismisses a member it must have the ability to disqualify that person from being a council member for up to five years.

Topic 9: Elections

1. Representation reviews must be conducted by the Electoral Commission and final determinations made by a panel that includes the Electoral Commissioner (as chair and having a casting vote), the Surveyor-General, the Auditor-General and a representative of LGANT. The issues for the panel to consider must be set out within the Act.
2. An election for a principal member must be deemed to fail if a principal member candidate dies after nominations are declared and prior to the declaration of results.

3. The Northern Territory Civil and Administrative Tribunal must have wide discretionary powers where an elected candidate is declared ineligible after an election. Such powers should be clearly identified in the Act. This would include the ability to order that votes be recounted and that a vote for the ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper.

Topic 10: Offences

1. The corruption and 'abuse of office' offences in the Northern Territory Criminal Code that apply to public servants must apply to council staff.
2. The offence for making a misleading representation must:
 - extend to representations made to local authorities;
 - extend to representations made to an inspector under the Act; and
 - not require an intention to gain an advantage or cause a detriment, instead require that a written or oral statement is false or misleading in a material particular (or words of equivalent effect).

Topic 11: Miscellaneous

1. If a quorum is not present for a meeting of a council, council committee, local board or local authority within 30 minutes after its scheduled start time, the meeting must be able to be postponed to a time later that day by:
 - a. the Chair;
 - b. if the Chair is not present, the majority of members present; or
 - c. if no members are present, the CEO or someone authorised by the CEO.

Reasonable efforts must be made to notify all members of the new meeting time. If a meeting is not held later that day, existing requirements apply and the CEO is responsible for postponing the meeting to a time within the next 21 days.

2. A council must be wholly responsible for commencing civil proceedings to recover its own loss.
3. The Department must not make a decision, for the purpose of allowing a council to surcharge a person, about whether it is satisfied that a person acted dishonestly or illegally. Where it is suspected that a council has suffered a loss due to dishonesty or illegality, a court or tribunal must find that the allegation is proved before a person is held liable for a council's loss.
4. Territory councils' existing powers to enter property must not be expanded.

As there is a significant risk that a definition could limit the powers in an emergency situation, the word 'emergency' must not be defined.

5. For a new council, the Minister must be able to appoint an official manager who will act as the council until the results of the first election are declared. The polling day for the first election must be set by the Minister and occur within 12 months of the council being established.
6. Authorisations by a council under regulation 20 of the *Local Government (Accounting) Regulations*, to sign cheques or process electronic disbursements on council's behalf, are to be given to the CEO and council staff, not elected members. The CEO is to be automatically authorised and the CEO, rather than council, must be responsible for other authorisations.

Appendix B – Local Government Accounting Advisory Committee Recommendations

Information about LGAAC

The Local Government Accounting Advisory Committee (LGAAC) is established under the Local Government (Accounting) Regulations. Its role is to provide advice to the Minister and DLGCS on:

- contemporary financial management and accounting practices relevant and appropriate to local government; and
- appropriate legislative changes necessary to improve standards of local government financial management and accounting.

Current members of LGAAC are:

- Chair: Chris Kendrick (MacDonnell Regional Council)
- Deputy Chair: Miles Craighead (City of Darwin)
- Tony Tapsell (LGANT)
- Diana Leeder (City of Darwin)
- Greg Arnott (Roper Gulf Regional Council)
- Lawrence Autencio (Merit Partners)
- Matthew Kennon (Merit Partners)
- Muhammad Waqas (West Arnhem Regional Council)
- Meeta Ramkumar (DLGCS)
- Jocelyn Nathanael-Walters (DLGCS)

Recommendations

Membership of LGAAC

LGAAC should have:

- 2 members appointed by the Department who are employees of the Department and responsible for local government;
- 2 members appointed by LGAAC with suitable accounting qualifications;
- 2 members appointed by LGANT;
- 2 members appointed by Local Government Professionals NT Incorporated (formerly Local Government Managers Australia); and
- up to 2 further members appointed by the Minister who work in local government.

In the event that the above recommendation is not accepted, LGAAC's alternative recommendation is that no change should be made to the current membership structure.

LGAAC should appoint its own chair every 12 months, with an existing chair able to be re-appointed.

The appointment process for LGAAC members should reflect the streamlined process used for the Local Government (Administration and Legislation) Advisory Committee and ensure a balanced mix between representatives from regional or shire councils and representatives from municipal councils.

Prescribed reporting formats

Council annual financial statements should:

- comply with the Australian Accounting Standards;
- include rates levied; and
- state the nature (capital or operating) and amounts of grants and subsidies received and identify the grantors.

Other requirements in regulation 15 should be removed. The ABS Local Government Purpose classification information would still be required to be provided to the NT Grants Commission but does not need to be part of the annual financial statement (noting that the accounting standards still require function reporting).

Accounting policy manual

Instead of the list of requirements set out in regulation 9(2), the regulations should require that a council must maintain an accounting and policy manual that conforms to the minimum standards in any relevant Minister's guideline issued by the Department.

Finance committee meetings

Where a council normally meets monthly but its monthly meeting is postponed to another month or cancelled, there should not be any compulsory requirement that the council have a finance committee meet during that month.

Allocation of money

The current requirement that a council must adopt a budget for a financial year by July 31 of the financial year should not be changed.

The restrictions under regulation 14 should be replaced by a restriction to the effect that a council cannot allocate (commit) money that has not been budgeted for in an adopted or amended budget, unless the spending:

- has been approved by council resolution;
- is within the terms of a grant accepted by council or its delegate (and such spending is reported to council at the earliest opportunity); or
- is within the terms of a commercial contract won by council (and such spending is reported to council at the earliest opportunity).

The requirement under regulation 14(2) that unbudgeted spending does not exceed 25 per cent of expected budgetary provision should be removed.

Stocktake of property

Councils should carry out regular stocktakes of council property, ensuring that all categories of council property are the subject of a stocktake at least once every three years.

Tendering and procurement

Tenders should be invited for a contract over \$150 000 (GST exclusive). The regulations should indicate that the amount is GST exclusive.

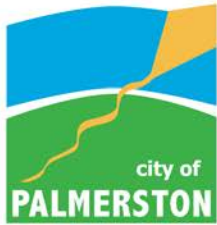
Written quotations should be required for obtaining supplies at a cost of more than \$10 000 (GST exclusive). The regulations should indicate that the relevant amount is GST exclusive.

Deficit budgeting

Non-cash expenditure should not be included in the calculation of a deficit in regards to budgeting.

General instructions

Matters currently covered by general instructions should be included in the Regulations.



Please include the following reference in all correspondence
ID: BD/ab 30052016-3

8/06/2016

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Manager Legislation and Policy Projects
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Dear Mr King

Submission: Local Government Legislation Consultation Paper

On 18 April 2016, the Department of Local Government and Community Services forwarded a consultation paper entitled ***Proposed content of New Local Government Legislation***, and invited comment from local governments. As such, the City of Palmerston provides the following comments.

First, congratulations to the review committee on an in-depth, well thought out review of possible improvements to the Local Government Act. Council believes that on the whole they represent improvements should the recommendations be included within legislation, and will be of benefit both to the Northern Territory Government and local government.

In general, Council is supportive of the proposed changes, and believes they will be of benefit to the efficient and effective delivery of local government services across the Northern Territory.

With regards to specific concerns, Council provides the following comments:

1. Representation Reviews (Chapter 3: Planning at the Local Level)

The Department recommends that representation reviews required in Section 23(2) of the Act would be more appropriately conducted by the NT Electoral Commission, with final determinations being made by a panel consisting of a representative of LGANT, the Electoral Commissioner (as chair, with a casting vote), the Surveyor General, and the Auditor General.

City of Palmerston **does not support** this change, and believes future recommendations municipal boundaries, wards and the constitution of wards for City of Palmerston ought to remain with those elected to represent the city – being Council.

2. Conditional Rating (Chapter 11: Rates and Charges)

The City of Palmerston **does not support** the continued inclusion of conditional rating within the Local Government Act.

ATTACHMENT B

The position of the City of Palmerston is that Section 142 be repealed to allow councils to make decisions about all ratable properties in their areas.

Once again, Council commends the comprehensive approach taken by the Department to address areas for improvement within the Act, and Council is supportive of the proposed amendments with the exclusion of the two items identified above.

Should you have any questions regarding this letter, please contact Ben Dornier, Director of Corporate and Community Services, at 08 8935 9922 or ben.dornier@palmerston.nt.gov.au.

Sincerely

Ben Dornier
(Acting) Chief Executive Officer
Director of Corporate and Community Services

ITEM NUMBER: 13.1.8 PGA Tournament

FROM: Acting Chief Executive Officer

REPORT NUMBER: 8/0904

MEETING DATE: 7 June 2016

Municipal Plan:**2. Economic Development****2.1 Tourism**

2.1 We are committed to supporting tourism throughout our region

SUMMARY:

The Palmerston Golf Club and Cazaly's Community Club intend to hold the Northern Territory PGA Championship Golf Tournament on 11 August 2016 at Palmerston Golf Course. This report recommends that Council provide a sponsorship to the Tournament.


RECOMMENDATION

1. THAT Council receives Report Number 8/0904.
2. THAT Council determine whether to sponsor the PGA event in Palmerston, and the level of sponsorship.

GENERAL:

At the 19 April 2016 Ordinary Council Meeting, Mr Noel Fahey of the Palmerston Golf Club provided Council with a presentation detailing its plans to work with PGA Australia to hold the first Northern Territory PGA Championship Golf Tournament at Palmerston Golf Club. At this time, the Palmerston Golf Club was seeking financial support from Northern Territory Government to make the tournament viable.

Mr Fahey has since contacted Council to confirm that Northern Territory Government will be providing significant funding towards the event, and that the opportunity existed for Council to sponsor as well.



At the 19 May Special Council Meeting, Council resolved the following:

THAT Council seek a sponsorship proposal from the Palmerston Golf Club and Cazalys prior to giving further consideration to a monetary contribution.

CARRIED 8/2035-19/05/2016

The Palmerston Golf Club has provided the following sponsorship packages for Council's consideration:

"Tier 3" Sponsorship for \$30,000 would include:

- Use of City of Palmerston's logo on print and electronic media
- Use of logo on PGA website, with a planned 400,000 page impressions
- Use of logo on PGA Online consumer newsletter, with readership distribution of 45,000
- Use of logo on newspaper advertisements and local television where applicable
- Mention on any radio adverts
- Identification of City of Palmerston on PGA social media platforms as an event sponsor
- Use of logo on banners and all collateral associated with the event during the event
- Use of logo on media related to junior clinics, women's clinics and other community engagement activities.

"Tier 2" Sponsorship for \$50,000 would include all above, and

- Naming rights to the event

This report recommends that Council determine how it wishes to proceed with this opportunity.

FINANCIAL IMPLICATIONS:

Sufficient funds remain in the Events and Promotion budgets to cover this sponsorship.

LEGISLATION/POLICY:

FIN18 Grants, Donations, Scholarships and Sponsorships

RECOMMENDING OFFICER: Ben Dornier, Acting Chief Executive Officer

Any queries on this report may be directed to Ben Dornier, Acting Chief Executive Officer on telephone (08) 8935 9976 or email ben.dornier@palmerston.nt.gov.au.

Author: Ben Dornier, Acting Chief Executive Officer

SCHEDULE OF ATTACHMENTS:

Nil

ITEM NUMBER: 13.1.9 Renewal Insurance Cover for Financial Year 2016/17

FROM: Acting Chief Executive Officer

REPORT NUMBER: 8/0905

MEETING DATE: 7 June 2016

Municipal Plan:

4. Governance & Organisation

4.1 Responsibility

4.1 We are committed to corporate and social responsibility, the sustainability of Council assets and services, and the effective planning and reporting of Council

SUMMARY:

The report is providing information on the renewal of insurance service for the financial year 2016/17 for the City of Palmerston.

Council is asked to approve that the current insurance cover will be renewed for a further financial year.


RECOMMENDATION

1. THAT Council receives Report Number 8/0905.
2. THAT Council extend agreement with Jardine Lloyd Thompson for the financial year 2016/17.
3. THAT Council procure insurance cover for the financial year 2016/17 through Jardine Lloyd Thompson.

BACKGROUND:

City of Palmerston has been working with the current insurance broker (Jardine Lloyd Thompson) over several years and last renewed policies in June/July 2015.

Management desired to change the approach on seeking insurance cover from brokers in this financial year to a more suitable approach, whereby brokerage services and the buy in of insurance cover are separated as procurement processes. To be able to do so management sought an exemption from tender requirements for the purchase of insurance cover, as this purchase would be facilitated by the broker. Unfortunately, staff weren't able to obtain this exemption from the Department of Local Government and Community



Services (the Department) in an appropriate timeframe to facilitate the process of procurement.

The Department has issued an exemption on the 18 May 2016 (see Attachment A), which allows council to procure insurance cover through a broker without tender requirements under the Local Government (Accounting) Regulations.

With the current Public Liability Cover running out at the end of June 2016 management has not been left with enough time to go through a tender process for brokerage services. Therefore, management suggests for Council to continue the current agreement with the existing broker for a further financial year.

Staff have sought indicative quotation on the current cover and can believe that the rates for the insurance cover are competitive and in favour for council at this stage.

FINANCIAL IMPLICATIONS:

The following table outlines the current quotations received compared to the rates for this financial year:

Cover	Current rate 2015/16	Indicative rate 2016/17
Industrial Special Risk	\$112,873.96	\$112,000
Public Liability	\$152,524.90	\$150,000
Councillors & Officers Liability	\$14,568.40	\$13,000
Motor Vehicle	\$21,175	\$20,000
Personal Accident	\$1,438.80	\$1,300
Workers Compensation	\$104,209.28	\$90,000

Fees for the brokerage service are not payable.

LEGISLATION/POLICY:

Local Government (Accounting) Regulations

Part 14 Miscellaneous

Section 31 Exemptions

RECOMMENDING OFFICER: Ben Dornier, Acting Chief Executive Officer

Any queries on this report may be directed to Ben Dornier, Acting Chief Executive Officer on telephone (08) 8935 9976 or email ben.dornier@palmerston.nt.gov.au.

Author: Ben Dornier, Acting Chief Executive Officer

SCHEDULE OF ATTACHMENTS:

Attachment A: Local Government Procurement Exemption

LOCAL GOVERNMENT PROCUREMENT EXEMPTION

In accordance with regulation 31 of the *Local Government (Accounting) Regulations* (Accounting Regulations), I grant each local government council and local government subsidiary an exemption from complying with the tender requirements of regulation 29 for the procurement of insurance services selected through an insurance broker.

Exclusions:

1. This exemption does not apply to insurance brokerage service fees.

Each local government council and local government subsidiary must comply with the quotation or tendering requirements of the Accounting Regulations for one-off or ongoing brokerage service fees.

2. This exemption does not apply where insurance services are not procured through an insurance broker.

Each local government council and local government subsidiary must comply with the quotation or tendering requirements of the Accounting Regulations where insurance is procured directly from the insurance provider without the services of a broker.

This exemption and associated exclusions apply from the date signed below and remains in effect until revoked in writing.

MICHAEL CHIODO

15/5/16