

# AGENDA

## 1st Ordinary Council Meeting

### Tuesday 1 March 2022

The Ordinary Meeting of the City of Palmerston will be held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, NT 0830 commencing at 5:30 PM.

#### **COVID-19 Statement of Commitment**

The Ordinary Meeting of Council will be open to the public and holds a Statement of Commitment to adhere to:

- Physical distancing measures
- Health and hygiene principles



**LUCCIO CERCARELLI**  
CHIEF EXECUTIVE OFFICER

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*A Place for People*

- 1 ACKNOWLEDGEMENT OF COUNTRY
- 2 OPENING OF MEETING
- 3 APOLOGIES AND LEAVE OF ABSENCE
  - 3.1 Apologies
  - 3.2 Leave of Absence Previously Granted
  - 3.3 Leave of Absence Request
- 4 REQUEST FOR AUDIO/AUDIOVISUAL CONFERENCING
- 5 DECLARATION OF INTEREST
  - 5.1 Elected Members
  - 5.2 Staff
- 6 CONFIRMATION OF MINUTES
  - 6.1 Confirmation of Minutes

THAT the Minutes of the Council Meeting held on 15 February 2022 pages 10652 to 10660 be confirmed.
  - 6.2 Business Arising from Previous Meeting
- 7 MAYORAL REPORT



## MAYORAL REPORT

1st Ordinary Council Meeting

<b>AGENDA ITEM:</b>	7.1
<b>REPORT TITLE:</b>	Mayoral Update Report - February
<b>MEETING DATE:</b>	Tuesday 1 March 2022
<b>AUTHOR:</b>	Mayor, Athina Pascoe-Bell

### COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

### PURPOSE

This report provides Council with a summary of the recent activities of the Mayor, on behalf of Council.

### KEY MESSAGES

- Grand opening of Gray Community Hall with Senator Sam McMahon.
- Meeting with Palmerston Police to discuss current matters relating to Palmerston and also offered Council's support to address matters where Council is able to assist.
- Meeting with Ministers, Mayor's and MLA's:
  - Minister Eva Lawler
  - Mayor Doug Barden
  - Mr Mark Turner, Member for Blain
  - Mr Luke Gosling, Member for Solomon
- Attended the below Community Events on behalf of Council:
  - The Australian Army's 121<sup>st</sup> Birthday Cocktail Party
  - 2022 Year Ahead with the Chief Minister
  - The Royal Humane Society of Australasia Bravery Awards
  - USS Peary Memorial
  - Bombing of Darwin Day
  - 80<sup>th</sup> Anniversary of the Bombing of Darwin
  - Adelaide River Bombing of Darwin Commemoration
- Radio Interviews with ABC Darwin, Mix 104.9 and Hot 100.

### RECOMMENDATION

THAT Report entitled Mayoral Update Report - February be received and noted.

### DISCUSSION

#### Gray Community Hall Grand Opening

On 31 January Senator Sam McMahon and myself cut the ribbon on the new Gray Community Hall, alongside the attendance of our Deputy Mayor and Councillors. The revitalised facility includes an art installation, by local artist Joanna Del Nido of Joanna Roberts Design, there is now also additional space and updated facilities to cater better to our community needs. We are thankful for the Federal Government's \$1.455 million funding towards the cost of this project.

The new Gray Community Hall will be available for bookings shortly, the free facility hire to community members has also been extended until June 2023.



L-R: Councillor Mark Fraser, Mayor Athina Pascoe-Bell, Deputy Mayor Sarah Henderson

## Bombing of Darwin Memorial Day

On February 19 each year, we commemorate the Anniversary of the Bombing of Darwin. This day marks the first of 64 air raids on the Top End of Australia. I attended five events in commemoration: Unveiling Ceremony to Commemorate I-124 Submarine, USS Peary Memorial, Bombing of Darwin Day, 80<sup>th</sup> Anniversary of the Bombing of Darwin and the Adelaide River Bombing of Darwin commemoration.



Adelaide River Commemoration Service

L-R: Coomalie President Sharon Beswick, Palmerston Mayor Athina Pascoe-Bell, Bombing of Darwin Veteran Brian Winspear, Litchfield Mayor Doug Barden, Katherine Mayor Elisabeth Clark.

The Royal Humane Society of Australasia Bravery Awards

I was honoured to be invited to the Royal Humane Society Bravery Awards Investiture at Government House on 17 February. Although it was a small service, it is a significant occasion acknowledging acts of bravery in our community. This particular service saw the investiture of Mark Turner MLA and his former policing partner, Linda, who rescued a man off the cliffs in Darwin.



L-R: Linda Farrand, Mr Craig O'Halloran, Her Honour the Honourable Vicky O'Halloran AO, Mr Mark Turner MLA, Mr Vittorio Angelo Padovan.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**BUDGET AND RESOURCE IMPLICATIONS**

There are no budget or resource implications relating to this report.

**RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There are no risk, legal and legislative implications relating to this report.

**ATTACHMENTS**

Nil

## 8 DEPUTATIONS AND PRESENTATIONS

### 8.1 Redevelopment of the Palmerston Golf & Country Club

THAT the presentation by General Manager, Matthew Hewer of Palmerston Golf & Country Club on the redevelopment of the Palmerston Golf & Country Club be received and noted.

## 9 PUBLIC QUESTION TIME (WRITTEN SUBMISSIONS)

## 10 CONFIDENTIAL ITEMS

### 10.1 Moving Confidential Items into Open

### 10.2 Moving Open Items into Confidential

### 10.3 Confidential Items

## 11 PETITIONS

## 12 NOTICES OF MOTION

## 13 OFFICER REPORTS



# COUNCIL REPORT

1st Ordinary Council Meeting

<b>AGENDA ITEM:</b>	13.1.1
<b>REPORT TITLE:</b>	Council Policy Review- Alcohol Management
<b>MEETING DATE:</b>	Tuesday 1 March 2022
<b>AUTHOR:</b>	EA to Deputy Chief Executive Officer, Tree Gillam
<b>APPROVER:</b>	General Manager of Community and Culture, Amelia Vellar

## COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

## PURPOSE

This Report seeks Council endorsement of a revised Council Policy- *Alcohol Management*.

## KEY MESSAGES

- It is good governance for Council to review all policies at least once during the Council's term to ensure they are consistent, compliant and reflect the intent of the Council.
- The Alcohol Management Policy provides staff direction regarding the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston Municipality and guidance on Council's management of alcohol provision on Council premises.
- The Northern Territory *Liquor Act 2019 (Act)* was introduced in October 2019, with several changes to legislation relating to the production, sale and consumption of alcohol.
- These changes included amendments Section 200 of the Act relating to the process of obtaining permission to consume alcohol in a public place, and the requirement of a Gazette notice being published by the Northern Territory Government (at a cost) to authorise the consumption of alcohol in a public place that Council owned.
- City of Palmerston staff had requested to the Northern Territory Government that section 200(3) of the Act be repealed on the basis the requirement for Gazettal notices is a costly and unnecessary burden for community members and Local Governments.
- Council was advised in writing by the Department of Industry, Tourism and Trade on 8 December 2021, that amendments to Section 200(3) of the Act had been passed removing the requirement of a Gazette notice during a Technical Review.
- Section 200 of the Liquor Act now states permission for the consumption of alcohol in a prohibited public place may be permitted by Council (as the owner of the public place) on the provision that the approval is provided to the applicant in writing by Council.
- Council staff have reviewed and amended Council Policy *Alcohol Management* to reflect these recent amendments to the *Liquor Act 2019*.
- The Policy also now includes Councils right to impose additional conditions to consume alcohol on Council property being security arrangements for larger bookings.

## RECOMMENDATION

1. THAT Report entitled Council Policy Review- Alcohol Management be received and noted.

2. THAT Council adopt amended Council Policy *Alcohol Management* being **Attachment 13.1.1.4** to Report entitled Council Policy Review- Alcohol Management to come into effect 2 March 2022.

### **BACKGROUND**

At the Second Ordinary Council Meeting of 20 October 2020, Council made the following decisions:

#### *Alcohol Management*

1. THAT Report entitled *Alcohol Management* be received and noted.
2. THAT Council adopt the amendments to the Council Policy AD03 *Alcohol Management* being **Attachment 13.2.4.3** to report entitled *Alcohol Management*.
3. THAT Council note the delay to the start of the removal of alcohol exemption at Marlow Lagoon Reserve, for reasons identified in the report which is effective 2 November 2020 for a minimum four-month trial period or until a further decision of Council.
4. THAT a report be prepared undertaking a review of the exemption area for the consumption of alcohol at Marlow Lagoon Reserve with consideration for anti-social behaviour and impacts to the community and approved exemption areas for the municipality by the 2<sup>nd</sup> Ordinary Meeting in April 2021.

*CARRIED 9/1342- 20/10/2020*

Following this decision there is currently nowhere in the Palmerston Municipality where a person can consume liquor in any public place without permission from the owner occupier of the Public Place (as per section 171, Liquor Act 2019).

To assist Council managing this, Council Policy *Alcohol Management* provides staff direction regarding guidance on Council's management of alcohol provision on Council premises as well as outlines the process for the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston Municipality.

With regard to privately run events on Council premises, Council was allowing the provision of alcohol subject to a thorough risk assessment and an event plan being completed. If alcohol was to be served, organisers will need to advise Council that alcohol is being served, and if so, evidence will need to be provided that the organisers have complied with all relevant requirements and Northern Territory Police have been advised of the event (via a Party Smart form). Council was also able to impose additional conditions as it saw fit.

With the legislative changes to the Act being implemented during October 2019, Council reviewed the *Alcohol Management* Policy (Policy) in October 2020 and updated the Policy to reflect those changes. The Policy is not due for review until 20 October 2024, however with recent changes to the Act via a technical review, staff have undertaken a review of the Policy to ensure compliance with the amendments to the Act.

### **DISCUSSION**

The Northern Territory *Liquor Act 2019* (Act) was introduced in October 2019, with several changes to legislation relating to the production, sale and consumption of alcohol.



These changes included amendments Section 200 of the Act relating to the process of obtaining permission to consume alcohol in a public place, and the requirement of a Gazette notice being published by the Northern Territory Government of \$150 - \$450 per application to authorise the consumption of alcohol in a public place that Council owned. Council bore this cost and did not pass this cost on to the residents as other Councils in the Territory did.

City of Palmerston had requested to the Northern Territory Government that section 200(3) of the Act be repealed on the basis the requirement for Gazettal notices is a costly and unnecessary burden for community members and Local Governments.

Council received a letter from the Department of Industry, Tourism and Trade on 8 December 2021 as presented at Attachment **13.1.1.1** to this Report, advising of the recent changes to Section 200 of the Act and the removal of the requirement of a Gazette notice.

Section 200 of the Liquor Act now states permission for the consumption of alcohol in a prohibited public place may be permitted by Council (as the owner of the public place) on the provision that the approval is provided to the applicant in writing by Council.

Council staff have reviewed and amended Council Policy *Alcohol Management* to reflect these recent amendments to the *Liquor Act 2019*.

As per the changes passed on 8 December 2021, Section 200 of the Act allows liquor to be consumed at a public place when:

- 1) The owner or occupier of the public place gives permission for consumption on, or in all, or part of that place.
- 2) The permission may be given generally to the public or to specific persons, bodies or groups, with or without conditions.
- 3) The permission of a local council (as the owner of a public place) must be given in writing.

Section 200(3) has recently been amended to remove the requirement of a Gazette notice being published by the Northern Territory Government.

Changes to the Act have removed the requirement of a Gazette notice, resulting in more manageable and cost effective solutions for Council and the community, however conditions are still required for Council to manage these requests and the safety of the broader community.

The Policy also now includes Councils right to impose additional conditions to consume alcohol on Council property being security arrangements for larger bookings.

Council staff are proposing that Council has the option at some larger events, to request that the hirer engage at their own expense, a minimum of one registered security personnel to assist with monitoring the compliance with the conditions around liquor imposed by Council (quantity approved etc) and to assist with any anti-social behaviour associated with consumption of alcohol.

To consume alcohol on Council premises, an online application to consume alcohol needs to be completed and submitted with a copy of the Northern Territory Police's Party Smart Form. Applications will be reviewed and determined by the Chief Executive Officer (or delegate), on a case-by-case basis with consideration of all relevant factors including:

- Type, amount and strength of alcohol
  - Number of attendees
  - Nature of party
- and a formal letter being issued to the applicant advising them of the outcome.

The reviewed and updated Policy is provided as **Attachment 13.1.1.4** to this Report.

## CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report:

- Executive Manager Community and Library Services
- Community Facilities Officer

All Council Policies are available for viewing on the Council's website:

<https://www.palmerston.nt.gov.au/council/about-council/code-conduct-council-policies-and-guidelines>

## POLICY IMPLICATIONS

If endorsed, this Policy will become the new Policy of Council.

## BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this Report.

## RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

This Report addresses the following City of Palmerston Strategic Risks:

- 1 Fails to be trusted as a Council  
Context: Achieving credibility & trust with majority of those within and external to the City.
- 2 Fails to be sustainable into the long term  
Context: Optimising the financial, social and environmental sustainability of the City.

If Council Policy *Alcohol Management* remains unchanged until its next scheduled review in October 2024, the Policy would be considered non-compliant with the Act and providing incorrect information and guidelines to staff and the community.

The removal of the requirement of a Gazette notice simplifies the internal process of applications being submitted and considered. It will make the process of obtaining and issuing permission to the public easier for Council staff and the community and will have no costs associated for Council or the Community.

One of the six core outcomes of the Community Plan is to ensure that Palmerston is a safe and family friendly community where everyone belongs. Council ensures this by monitoring all requests to consume alcohol on a Council premises by looking at the social consideration and impact of each request including the type and volume of alcohol, the number of attendees and the types of functions.

## ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this Report.

## COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## ATTACHMENTS

1. Letter to Local Council - Amendments to the Liquor Act 2019 Section 200(3) [**13.1.1.1** - 1 page]
2. Council Policy Alcohol Management - Current [**13.1.1.2** - 3 pages]
3. Council Policy Alcohol Management - Tracked Changes [**13.1.1.3** - 3 pages]
4. Council Policy Alcohol Management Clean [**13.1.1.4** - 3 pages]



Department of  
INDUSTRY, TOURISM AND TRADE

Licensing NT  
Level 3, NAB Building  
71 Smith Street, Darwin NT 0801

E Philip.Timney@nt.gov.au

T 08 8999 1808

8 December 2021

Re: ***Amendments to the Liquor Act 2019 – Section 200(3) - Permission for Prohibited Public Place***

Dear Stakeholder

As you may be aware, amendments to the *Liquor Act 2019* (the Act) were recently passed in the October 2021 Legislative Assembly sittings and came into effect on 19 November 2021.

Prior to the amendments, section 200(3) of the Act provided that permission for the consumption of liquor in a public place that is owned by a local council government authority must be given by Gazette notice. That requirement resulted in an onerous administrative burden being places on the 4 authorities providing the approval.

I am pleased to advise that following the amendments, section 200(3) of the Act now provides that permission to consume liquor in a public place must simply be given in writing, without the publication of a Gazette notice.

If you have any queries in relation to these changes, please contact Mr Doug Bell, Senior Project Officer, Licensing NT on 08 8999 1903 or via [doug.bell@nt.gov.au](mailto:doug.bell@nt.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Philip Timney", with a stylized flourish at the end.

Philip Timney  
Executive Director, Liquor, Racing and Gaming

AD03

Name:	Alcohol Management		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Lifestyle and Community		
Approval Date:	20/10/2020	Next Review Date:	20/10/2024
Records Number:	431174	Council Decision:	9/1342

## 1 PURPOSE

This policy provides staff direction regarding the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston Municipality and guidance on Council's management of alcohol provision on Council premises.

This policy applies to all comments Council staff provide to the Northern Territory Government (NTG) (Licensing NT) in regard to liquor licence applications for new liquor licences or changes and/or operation of existing licences under the *Liquor Act*.

This policy will also demonstrate how Council will meet the City of Palmerston Community Plan commitment to consider the social implications of all planning and decision making when contributing to Territory planning processes.

## 2 PRINCIPLES

Council is committed to providing a healthier and safer place for residents and visitors and a key aspect of this is via input Council provides on liquor licence applications within the Palmerston municipality and responsible alcohol management on its own premises and public spaces.

Council is a stakeholder in the Palmerston and Litchfield Liquor Accord. To support the intent of this organisation vendors who propose to serve alcohol at Council events or on council property should be members of the Palmerston and Litchfield Liquor Accord.

It is imperative that Council have a set criterion to consider relevant Liquor Licence applications to provide relevant comments under section 61 of the *Liquor Act* and other relevant legislation and if required, object to those applications that are inconsistent with an area or locality.

## 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Council Premises	Any land or buildings under the effective control of Council
Liquor Licence	Means a licence issued under the <i>Liquor Act</i>
Liquor	- Means a beverage that contains more than 1.15% by volume of ethyl alcohol
Sensitive Land Use	- Schools, childcare centres and other places principally used by children; - Seniors living residential developments; - Community Centres; - Places of Public Worship; and Other land uses identified at the time of an application.
Residential Areas	- Land contained within a residential zone under the <i>NT Planning Scheme</i>

#### 4 POLICY STATEMENT

##### 4.1 Assessment Criteria for Liquor Licence Applications

Council will consider, but is not limited to, the following criteria when considering liquor licence applications and formulating comments to Licensing NT:

- 4.1.1 Proximity and potential impacts on sensitive land uses. *(Will the proposed licence impact on any nearby sensitive land uses by way of noise impacts, increased occurrences of itinerancy or antisocial behaviour etc?)*
- 4.1.2 Hours of operation. *(Is the proposal consistent with the operation hours of the surrounding land uses?)*
- 4.1.3 Number of existing/proposed/approved licensed venues in the locality. *Consideration of (represented spatially) existing/proposed/approved licensed venues in the locality with regards to the social conditions of the locality (a review of Socio-Economic Indexes for areas (SEIFA) data if required)*
- 4.1.4 Number and nature of complaints lodged with Council in relation to an existing licensed premise. *(if applicable)*
- 4.1.5 The extent to which the premise has been designed to minimise the impacts of its activities on an adjacent residential development. *(Considerations include Crime Prevention through Environmental Design Principles, noise attenuation measures, landscaping or fencing buffers between any car parking, service area, outdoor storage area and surrounding land use)*
- 4.1.6 Level of security and surveillance to be adopted by the licensed premises. *(Is the existing/proposed level of security and surveillance to be adopted by the licensed premises adequate for the locality or surrounding land uses?)*
- 4.1.7 Does the application conflict with Community Plan objectives?
- 4.1.8 Does the application raise any additional matters of non-compliance with other legislation that may be relevant? *(Does the proposed licence operation have the relevant Planning permits/approvals?)*
- 4.1.9 Information contained with the Community Impact Assessment that accompanies applications.
- 4.1.10 Impact on visitors to the municipality.

Should an application raise significant conflicts with the above criteria it may be in the interest of Council to object to an application on relevant grounds.

An objection to an application should be made under Section 61 of the *Liquor Act* and based on conflicts or non-compliance with other relevant legislation.

##### 4.2 Alcohol on Council Premises

The *Liquor Act* states permission for the consumption of alcohol in a prohibited public place may be permitted by Council (as the owner of the public place) on the provision that it is declared by Gazette notice.

- 4.2.1 Council does not generally serve alcohol at community events; however, alcohol may be served as appropriate at Council run limited access events (e.g. ticketed or by invitation only events) or unique events. This will be determined by the Chief Executive Officer on a case by case basis, with consideration of all relevant factors.
- 4.2.2 Council is prepared to allow the consumption of alcohol at privately run events on Council premises (e.g. parties, weddings) subject to written application advising of the provision of alcohol.



**AD03**

- 4.2.3 Organisers will need to demonstrate that they have complied with all relevant legislative and Council requirements and have engaged with NT Police including submitting a Northern Territory Police Party Smart Registration Form.
- 4.2.4 Council also reserves the right to impose additional conditions, including security arrangements, recovery of cleaning costs and an increased bond if it is deemed necessary for private events on Council premises.

**4.3 Sponsorship of Council Events**

Where sponsorship arrangements incorporating provision or promotion of alcohol are being considered as a way of assisting to meet the costs of a Council event, consideration must be given to the following:

- The role, nature and value of the sponsorship package. The supply and service of alcohol as a main element of a sponsorship package is generally inconsistent with this policy, however an assessment of the role and purpose for the supply of alcohol will need to demonstrate alignment with the event setting.
- Should the event be an open access (ie. all ages), the service of alcohol must not compromise access to the event.
- The values of the sponsor must align with the values of Council as outlined in Council's Community Plan and requirements of Council policies as applicable.

**5 ASSOCIATED DOCUMENTS**

- 5.1 City of Palmerston Community Plan

**6 REFERENCES AND RELATED LEGISLATION**

- 6.1 *Liquor Act*  
6.2 *Planning Act*  
6.3 *Northern Territory Planning Scheme*

Name:	Alcohol Management		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	<del>Director Lifestyle and Community</del> <u>General Manager Community and Culture</u>		
Approval Date:	<del>20/10/2020</del> <u>20/10/2020</u>	Next Review Date:	<del>20/10/2024</del> <u>20/10/2024</u>
Records Number:	<del>431174</del>	Council Decision:	<del>9/1342</del>

## 1 PURPOSE

This policy provides staff direction regarding the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston Municipality and guidance on Council's management of alcohol provision on Council premises.

This policy applies to all comments Council staff provide to the Northern Territory Government (NTG) (Licensing NT) in regard to liquor licence applications for new liquor licences or changes and/or operation of existing licences under the *Liquor Act*.

This policy will also demonstrate how Council will meet the City of Palmerston Community Plan commitment to consider the social implications of all planning and decision making when contributing to Territory planning processes.

## 2 PRINCIPLES

Council is committed to providing a healthier and safer place for residents and visitors and a key aspect of this is via input Council provides on liquor licence applications within the Palmerston municipality and responsible alcohol management on its own premises and public spaces.

Council is a stakeholder in the Palmerston and Litchfield Liquor Accord. To support the intent of this organisation vendors who propose to serve alcohol at Council events or on council property should be members of the Palmerston and Litchfield Liquor Accord.

It is imperative that Council have a set criterion to consider relevant Liquor Licence applications to provide relevant comments under section 61 of the *Liquor Act* and other relevant legislation and if required, object to those applications that are inconsistent with an area or locality.

## 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Council Premises	Any land or buildings under the effective control of Council.
Liquor Licence	Means a licence issued under the <i>Liquor Act</i> .
Liquor	- Means a beverage that contains more than 1.15% by volume of ethyl alcohol
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Residential Areas	- Land contained within a residential zone under the NT Planning Scheme.
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## 4 POLICY STATEMENT

### 4.1 Assessment Criteria for Liquor Licence Applications

Council will consider, but is not limited to, the following criteria when considering liquor licence applications and formulating comments to Licensing NT:

- 4.1.1 Proximity and potential impacts on sensitive land uses. *(Will the proposed licence impact on any nearby sensitive land uses by way of noise impacts, increased occurrences of itinerancy or antisocial behaviour etc?)*
- 4.1.2 Hours of operation. *(Is the proposal consistent with the operation hours of the surrounding land uses?)*
- 4.1.3 Number of existing/proposed/approved licensed venues in the locality. *Consideration of (represented spatially) existing/proposed/approved licensed venues in the locality with regards to the social conditions of the locality (a review of Socio-Economic Indexes for areas (SEIFA) data if required)*
- 4.1.4 Number and nature of complaints lodged with Council in relation to an existing licensed premise. *(if applicable)*
- 4.1.5 The extent to which the premise has been designed to minimise the impacts of its activities on an adjacent residential development. *(Considerations include Crime Prevention through Environmental Design Principles, noise attenuation measures, landscaping or fencing buffers between any car parking, service area, outdoor storage area and surrounding land use)*
- 4.1.6 Level of security and surveillance to be adopted by the licensed premises. *(Is the existing/proposed level of security and surveillance to be adopted by the licensed premises adequate for the locality or surrounding land uses?)*
- 4.1.7 Does the application conflict with Community Plan objectives?
- 4.1.8 Does the application raise any additional matters of non-compliance with other legislation that may be relevant? *(Does the proposed licence operation have the relevant Planning permits/approvals?)*
- 4.1.9 Information contained with the Community Impact Assessment that accompanies applications.
- 4.1.10 Impact on visitors to the municipality.

Should an application raise significant conflicts with the above criteria it may be in the interest of Council to object to an application on relevant grounds.

An objection to an application should be made under Section 61 of the *Liquor Act* and based on conflicts or non-compliance with other relevant legislation.

### 4.2 Alcohol on Council Premises

Section 200 of the Liquor Act states permission for the consumption of alcohol in a prohibited public place may be permitted by Council (as the owner of the public place) on the provision that the approval is - it is declared by Gazette notice provided in writing.

- 4.2.1 Council does not generally serve alcohol at community events; however, alcohol may be served as appropriate at Council run limited access events (e.g. ticketed or by invitation only events) or unique events. This will be determined by the Chief Executive Officer on a case by case basis, with consideration of all relevant factors.

- 4.2.2 Council is prepared to allow the consumption of alcohol at privately run events on Council premises (e.g.e.g. parties, weddings) subject to written application advising of the provision of alcohol.
- 4.2.3 Organisers will need to demonstrate that they have complied with all relevant legislative and Council requirements and have engaged with NT Police including submitting a Northern Territory Police Party Smart Registration Form.
- 4.2.4 Council also reserves the right to impose additional conditions, **including security arrangements, including for the hirer, at their own expense, will engage at a minimum, one registered security personnel to assist with at any larger gatherings with anti-social behaviour associated with the consumption of alcohol.**
- 4.2.5 Council reserves the right to impose the recovery of cleaning costs and an increased bond if it is deemed necessary for private events on Council premises.

### 4.3 Sponsorship of Council Events

Where sponsorship arrangements incorporating provision or promotion of alcohol are being considered as a way of assisting to meet the costs of a Council event, consideration must be given to the following:

- 4.3.1 The role, nature and value of the sponsorship package. The supply and service of alcohol as a main element of a sponsorship package is generally inconsistent with this policy, however an assessment of the role and purpose for the supply of alcohol will need to demonstrate alignment with the event setting.
- 4.3.2 Should the event be an open access (ie. all ages), the service of alcohol must not compromise access to the event.
- 4.3.2
- 4.3.3 The values of the sponsor must align with the values of Council as outlined in Council's Community Plan and requirements of Council policies as applicable.

## 5 ASSOCIATED DOCUMENTS

- 5.1 City of Palmerston Community Plan

## 6 REFERENCES AND RELATED LEGISLATION

- 6.1 *Liquor Act*
- 6.2 *Planning Act*
- 6.3 *Northern Territory Planning Scheme*

Name:	Alcohol Management		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	General Manager Community and Culture		
Approval Date:	[Approval Date]	Next Review Date:	[Next Review]
Records Number:		Council Decision:	

## 1 PURPOSE

This policy provides staff direction regarding the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston Municipality and guidance on Council's management of alcohol provision on Council premises.

This policy applies to all comments Council staff provide to the Northern Territory Government (NTG) (Licensing NT) in regard to liquor licence applications for new liquor licences or changes and/or operation of existing licences under the *Liquor Act*.

This policy will also demonstrate how Council will meet the City of Palmerston Community Plan commitment to consider the social implications of all planning and decision making when contributing to Territory planning processes.

## 2 PRINCIPLES

Council is committed to providing a healthier and safer place for residents and visitors and a key aspect of this is via input Council provides on liquor licence applications within the Palmerston municipality and responsible alcohol management on its own premises and public spaces.

Council is a stakeholder in the Palmerston and Litchfield Liquor Accord. To support the intent of this organisation vendors who propose to serve alcohol at Council events or on council property should be members of the Palmerston and Litchfield Liquor Accord.

It is imperative that Council have a set criterion to consider relevant Liquor Licence applications to provide relevant comments under section 61 of the *Liquor Act* and other relevant legislation and if required, object to those applications that are inconsistent with an area or locality.

## 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Council Premises	Any land or buildings under the effective control of Council.
Liquor Licence	Means a licence issued under the <i>Liquor Act</i> .
Liquor	- Means a beverage that contains more than 1.15% by volume of ethyl alcohol
Sensitive Land Use	- Schools, childcare centres and other places principally used by children; - Seniors living residential developments; - Community Centres; - Places of Public Worship; and - Other land uses identified at the time of an application.
Residential Areas	- Land contained within a residential zone under the <i>NT Planning Scheme</i> .

## 4 POLICY STATEMENT

### 4.1 Assessment Criteria for Liquor Licence Applications

Council will consider, but is not limited to, the following criteria when considering liquor licence applications and formulating comments to Licensing NT:

- 4.1.1 Proximity and potential impacts on sensitive land uses. *(Will the proposed licence impact on any nearby sensitive land uses by way of noise impacts, increased occurrences of itinerancy or antisocial behaviour etc?)*
- 4.1.2 Hours of operation. *(Is the proposal consistent with the operation hours of the surrounding land uses?)*
- 4.1.3 Number of existing/proposed/approved licensed venues in the locality. *Consideration of (represented spatially) existing/proposed/approved licensed venues in the locality with regards to the social conditions of the locality (a review of Socio-Economic Indexes for areas (SEIFA) data if required)*
- 4.1.4 Number and nature of complaints lodged with Council in relation to an existing licensed premise. *(if applicable)*
- 4.1.5 The extent to which the premise has been designed to minimise the impacts of its activities on an adjacent residential development. *(Considerations include Crime Prevention through Environmental Design Principles, noise attenuation measures, landscaping or fencing buffers between any car parking, service area, outdoor storage area and surrounding land use)*
- 4.1.6 Level of security and surveillance to be adopted by the licensed premises. *(Is the existing/proposed level of security and surveillance to be adopted by the licensed premises adequate for the locality or surrounding land uses?)*
- 4.1.7 Does the application conflict with Community Plan objectives?
- 4.1.8 Does the application raise any additional matters of non-compliance with other legislation that may be relevant? *(Does the proposed licence operation have the relevant Planning permits/approvals?)*
- 4.1.9 Information contained with the Community Impact Assessment that accompanies applications.
- 4.1.10 Impact on visitors to the municipality.

Should an application raise significant conflicts with the above criteria it may be in the interest of Council to object to an application on relevant grounds.

An objection to an application should be made under Section 61 of the *Liquor Act* and based on conflicts or non-compliance with other relevant legislation.

### 4.2 Alcohol on Council Premises

Section 200 of the *Liquor Act* states permission for the consumption of alcohol in a prohibited public place may be permitted by Council (as the owner of the public place) on the provision that the approval is provided in writing.

- 4.2.1 Council does not generally serve alcohol at community events; however, alcohol may be served as appropriate at Council run limited access events (e.g. ticketed or by invitation only events) or unique events. This will be determined by the Chief Executive Officer on a case by case basis, with consideration of all relevant factors.
- 4.2.2 Council is prepared to allow the consumption of alcohol at privately run events on Council premises (e.g. parties, weddings) subject to written application advising of the provision of alcohol.



- 4.2.3 Organisers will need to demonstrate that they have complied with all relevant legislative and Council requirements and have engaged with NT Police including submitting a Northern Territory Police Party Smart Registration Form.
- 4.2.4 Council also reserves the right to impose additional conditions, including security arrangements, for the hirer, at their own expense, will engage at a minimum, one registered security personnel to assist at any larger gatherings with any anti-social behaviour associated with the consumption of alcohol.
- 4.2.5 Council reserves the right to impose the recovery of cleaning costs and an increased bond if it is deemed necessary for private events on Council premises.

#### 4.3 Sponsorship of Council Events

Where sponsorship arrangements incorporating provision or promotion of alcohol are being considered as a way of assisting to meet the costs of a Council event, consideration must be given to the following:

- 4.3.1 The role, nature and value of the sponsorship package. The supply and service of alcohol as a main element of a sponsorship package is generally inconsistent with this policy, however an assessment of the role and purpose for the supply of alcohol will need to demonstrate alignment with the event setting.
- 4.3.2 Should the event be an open access (ie. all ages), the service of alcohol must not compromise access to the event.
- 4.3.3 The values of the sponsor must align with the values of Council as outlined in Council's Community Plan and requirements of Council policies as applicable.

## 5 ASSOCIATED DOCUMENTS

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- 5.1 City of Palmerston Community Plan

## 6 REFERENCES AND RELATED LEGISLATION

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- 6.1 *Liquor Act*
- 6.2 *Planning Act*
- 6.3 *Northern Territory Planning Scheme*

# COUNCIL REPORT

1st Ordinary Council Meeting

<b>AGENDA ITEM:</b>	13.1.2
<b>REPORT TITLE:</b>	Palmerston Local Economic Plan
<b>MEETING DATE:</b>	Tuesday 1 March 2022
<b>AUTHOR:</b>	Chief Executive Officer, Luccio Cercarelli
<b>APPROVER:</b>	Chief Executive Officer, Luccio Cercarelli

## COMMUNITY PLAN

Vibrant Economy: Palmerston is a destination city for employment, it is a place where businesses are encouraged to set up and grow.

## PURPOSE

This Report seeks Council's endorsement for the Palmerston Local Economic Plan 2021-31.

## KEY MESSAGES

- Council's Community Satisfaction Surveys identified that the Palmerston community highly rated the importance of supporting and encouraging local business and tourism.
- In partnership with the Northern Territory Government (NTG), Council has developed the Palmerston Local Economic Plan (PLEP) reflecting the NT Economic Development Framework.
- In response to the COVID-19 pandemic the PLEP aligns with the NTG's Territory Economic Reconstruction Commission report.
- The PLEP will build on existing partnerships between the five stakeholder groups namely the Australian Government, NTG, Council, the private sector and the community assigning responsibilities and objectives as appropriate.
- The PLEP will be in place for ten years and includes short, medium, and long-term actions.
- It is being recommended that Council endorses a new full time equivalent (FTE) in order to deliver on the PLEP and its associated actions.
- The NTG has provided part funding to assist with the delivery of this significant plan.

## RECOMMENDATION

1. THAT Report entitled Palmerston Local Economic Plan be received and noted.
2. THAT Council approve an additional full time equivalent position to enable the delivery of the objectives of the Palmerston Local Economic Plan.

## BACKGROUND

Council's Community Satisfaction surveys identified that the Palmerston community highly rated the importance of encouraging and supporting local businesses. However, the surveys also indicated that the community would like to see Council do more to promote Palmerston and grow the local economy.

Economic health and prosperity are widely recognised as vital pillars supporting a successful and prosperous community. This view is shared by the City of Palmerston (CoP) and community, as

highlighted in the Palmerston Community Plan, which states, *When businesses thrive, families also thrive, and our city becomes more liveable.*

As a result, Council developed the PLEP to inform its decision making, based on the Northern Territory Economic Development Framework, which was prepared by the NTG and commits to an economic development plan and priority projects that realise local aspirations for Palmerston. Council developed the PLEP in partnership with NTG to avoid duplication and share resources.

The Palmerston Local Economic Plan (Plan) was endorsed by Council at the 2<sup>nd</sup> Ordinary Council Meeting of 20 July 2021, and then formally launched in August 2021.

### *Palmerston Local Economic Plan*

- *THAT report entitled Palmerston Local Economic Plan be received and noted.*
- *THAT Council endorse the Palmerston Local Economic Plan 2021-31 for its public release being **Attachment 25.2.2.1** to Report entitled Palmerston Local Economic Plan.*
- *THAT a progress report on the implementation of the Palmerston Local Economic Plan be provided to Council within 12 months of the public launch.*
- *THAT the Council decisions relating to Report entitled Palmerston Local Economic Plan be moved into the Open Minutes following the launch of the Palmerston Local Economic Plan 2021-31.*

***CARRIED 9/1736 – 20/07/2021***

The process of implementation has now commenced, and this report seeks Council endorsement for an additional FTE to enable the delivery of the PLEP.

### **DISCUSSION**

The PLEP has been developed to support and grow the Palmerston economy over a ten year period, and includes short, medium, and long-term actions to stimulate, actively develop and sustain the Palmerston economy. All actions are designed to be delivered in collaboration with the NTG and business community.

The Palmerston Local Economic Plan will grow the Palmerston economy by focusing on:

1. Business and Industry attraction and retention
2. Population attraction and retention
3. Fostering business development and innovation
4. Mitigation of COVID-19 impact

City of Palmerston will utilise several tools over the ten-year timeframe to influence local economic developing, including but not limited to, business and private sector support, procurement approaches, leadership and framework setting, and co-ordination and implementation of regulation and compliance mechanisms

There are ten actions that have been identified to occur in the short term to stimulate and activate the local economy. These are targeted to occur over the next 12-24 months, with some having already commenced through existing programs and initiatives. The short-term actions are:

- Establish an advisory committee comprised of Council, NTG, local business and community members to inform a response to COVID-19.
- Host a round table meeting of industry leaders to discuss business needs, priorities, and immediate actions to be delivering in Palmerston to support industry development.
- Develop a suite of communications and marketing materials to showcase Palmerston and promote a unique selling proposition for residents.
- Seek expression of interest from ICT, Creative and Tourism industry representatives, and business to research strategic opportunities for industry development in Palmerston.
- Incentivise commercial rental offerings in the CoP.
- Undertake a survey of businesses in Palmerston to confirm challenges, strengths, and priority business support services to inform a 12 month plan for business support.
- Bring forward capital investment programs planned for the CoP.
- Develop an awareness campaign of business and industry opportunities and benefits in the CoP.
- Invest in tree planting, verge maintenance and further development of green corridors in Palmerston.
- Complete an audit of regulations in the CoP that impact business development and remove unnecessary regulation.
- On establishment of a committee these and all actions will be reviewed and prioritised to reflect any changes in environment.

In addition, Council has committed to spend over \$93 million on capital works over the 10 years from 2021, as outlined in Council's Long Term Financial Plan 2022-2031 (LPFP), which will further assist in the achievement of relevant actions.

For Council to implement the Plan and short-term actions, resources need to be dedicated to the economic development work, including staffing. The establishment of a new role is proposed to enable the delivery of these actions. The role will be responsible for:

- Management and administration of the Vibrant Economy Advisory Committee,
- Engagement with the local business community for Council,
- Collaboration with NTG to deliver economic outcomes for the community,
- Management of Council's commercial activities such as commercial lease management, dining permits and markets.

With a dedicated role Council will be able to engage with the business community proactively on relevant matters and make a difference to the local economy. This role has not been existent at Council before and was flagged as a potential cost of implementation of the Plan in the report previously presented to Council at the 2<sup>nd</sup> Ordinary meeting in July 2021.

The NTG has provided a grant of \$80,000 to CoP to assist with resourcing and delivery of actions, which will partially fund the role and related activities for the first two years.

This report recommends Council endorses an additional FTE position.

### **CONSULTATION PROCESS**

There was no consultation required during the preparation of this Report.

### **POLICY IMPLICATIONS**

There are no policy implications for this Report.

## **BUDGET AND RESOURCE IMPLICATIONS**

The PLEP includes actions that will require Council investment through the annual budget considerations. Council continues to work with the NTG to ensure that funding is not made in isolation.

It has been identified in the previous updates to Council, that full implementation will require resources. There are no current staffing resources available to provide this additional service relating to economic development and the associated activities. Without the resource, limited elements will be able to be delivered through existing programs, such as the tree planting, however it would not achieve the overall desired outcome of the PLEP.

If approved, funding for the balance of 2021/2022 will be sourced from existing budgets with the FTE costs and additional program resources to be included in future budgets. The NTG has provided a grant of \$80,000 which will offset the initial costs to Council, with potential future grant opportunities to be sought as the activities progress.

The cost of the additional FTE is \$140,000 per annum.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

Council will be looking for strategic opportunities to assist in the growth of the local economy but does not currently have the resources to invest significantly or the associated economic levels, CoP will have a significant advocacy role to develop and promote our local economy.

This Report addresses the following City of Palmerston Strategic Risks:

- 6 Fails to deliver the strategic vision for the City  
Context: Ensuring vision is delivered effectively & efficiently, progress is measurable & celebrated.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this Report.

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

I the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

Nil

# COUNCIL REPORT

1st Ordinary Council Meeting

<b>AGENDA ITEM:</b>	13.1.3
<b>REPORT TITLE:</b>	Planning Reform - Phase 2 Stage 1
<b>MEETING DATE:</b>	Tuesday 1 March 2022
<b>AUTHOR:</b>	Urban & Environment Planner, Damien Scalora
<b>APPROVER:</b>	General Manager of Infrastructure, Nadine Nilon

### COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

### PURPOSE

This report seeks to inform Council of proposed planning scheme amendments as part of Planning Reform Phase 2 Stage 1 and provides a submission for endorsement.

### KEY MESSAGES

- The Northern Territory Government (NTG) has been progressively undertaking planning reform with the intent to deliver better planning outcomes.
- The process has been undertaken in two phases with Phase 1 completed in July 2020 and Phase 2 currently in process.
- Phase 2 Stage 1 of NT Planning Reform involves a planning scheme amendment which is currently under public exhibition until 4 March 2022.
- Council officers have prepared a draft response for Council consideration, outlining general support for the proposed amendments.
- The proposal is for an integrated planning scheme amendment that includes outcomes from two individual projects, Designing Better and economic recovery actions.
- Amendments include new Location Specific Development Requirements for the Palmerston City Centre, adapting best design practices and outcomes under the Central Palmerston Area Plan (CPAP).

### RECOMMENDATION

1. THAT Report entitled Planning Reform - Phase 2 Stage 1 be received and noted.
2. THAT Council endorse the response to the NT Planning Commission consultation on Planning Reform Phase 2 Stage 1, being **(attachment 13.1.3.1)** to the Report entitled Planning Reform - Phase 2 Stage 1.

### BACKGROUND

The Department of Infrastructure, Planning and Logistics (DIPL) has been working through planning reform since 2017, to deliver a best practice land use planning system in the NT. The intent behind this is to deliver better planning outcomes, restore community confidence and encourage new investment.

The reform has been split into two phases. Outcomes from Phase 1 came into effect in July 2020 through the establishment of a new planning system by introducing the *NT Planning Scheme 2020* and amending



associated Act and Regulations. Other features included upgrades to online development portal and information systems, which continue to be refined.

This report discussed the current stage of reform, Phase 2 Stage 1. This is facilitated through a proposed planning scheme amendment which is currently under public exhibition. The amendment seeks to integrate two individual projects under the one amendment. The two projects being:

- Economic recovery actions
- Designing Better

Both projects have similar aims to improved building and place design outcomes, though seek to deliver these outcomes through different means. An integrated planning scheme amendment is proposed that will combine outcomes from both outcomes within the planning system. A detailed information paper prepared by DIPL is provided (**attachment 13.1.3.2**) outlining the proposed. Further information can be found from the NT Government have your say website <https://haveyoursay.nt.gov.au/planningreform>.

This report seeks Council's consideration of a draft response to the proposed amendment, to be submitted to the NT Planning Commission (**attachment 13.1.3.1**). The following discussion provides further information regarding the proposed amendments, centring on the application to Palmerston and outlines context for City of Palmerston's submission.

### DISCUSSION

#### Economic Recovery Actions

The first project stems from recommendations under the Territory Economic Recovery Commission report. This seeks to leverage opportunities created by the restructure through the NT Planning Scheme 2020 to integrate these recommendations. The proposal is based on encouraging the streamlining of planning processes, while maintaining the influence of strategic land use planning. How this translates into the amendments is:

- Integration of local design responses from area plans (such as the central Palmerston Area Plan) into new Location Specific Development requirements
- Increase the interchangeable use in zones CB and C where low risk
- Move some uses to permitted or reduce assessment levels

#### Designing Better

The Designing Better project began 2019 and involved a review of building design requirements for apartment and mixed-use development in Zones MR (medium Density Residential), HR (High Density Residential), CB (Central business) and C (Commercial). The Designing Better project itself has undergone significant consultation informing the current outcomes, this included two stages of community and industry consultation. At a high level the project aims to deliver better quality building design that better responds to local context and differences, responds to climates, and embraces innovation in design solution to create great places.

#### Planning Scheme Changes

The amendment currently under exhibition, proposes the following:

- Introduces an overlay to Part 3 of the NTPS to facilitate development of gateway locations
- Amends components of Parts 4 (Zones) including revised assessment categories
- Amends Part 5 (Development Requirements)
- Supporting amendments of general definitions under Schedule 2

The overlay introduced in Part 3, picks up on the gateway locations already identified under the CPAP. These adjoin key junctures of the Palmerston City Centre, intended to establish a 'sense of arrival' and aid in creation of local place identity. The designation of overlays on these sites will mean an increase in the level of assessment, meaning greater control of design outcomes. There are also specific development requirements applicable to facilitate built form outcomes. This relates to inclusion of public art, and provisions for other design elements. It should be noted that these changes reflect existing outcomes under the CPAP. The changes proposed do not go beyond these existing design outcomes, only changing their influence in the planning scheme.

Amendments to Part 4 reduces the assessment category of a number of uses in Zones LMR, CB, C and TC. This is intended to streamline processes for approvals. Similarly, the types of interchangeable uses in Zones CB and C are extended through additions under this relevant clause (under Part 5). This means that in these commercial based zones, there are increased abilities for existing uses to change to other uses without the need for planning approval. This seeks to allow increased flexibility of uses, spurring more activity. While new uses have been added to the existing clause, limits for criteria have also been added to act as another control. This includes ensuring interchangeable uses do not decrease the number of car parks, reduce the extent of activated street frontage and other specific requirements.

Further changes under Part 5 Development Requirements are proposed, resulting from both projects. Under the Designing Better Project this relates to themes such as landscaping, private open space, residential density, residential and commercial building design, building articulation and setbacks. These changes have primarily been restructured within the existing clauses.

Other changes of note for Council include new Location Specific Development Requirements under Part 5. For Palmerston, this relates to new requirement for development in Palmerston City Centre under Clause 5.9.3. These requirements reflect Designing Better project outcomes and additional requirements reflected outcomes from the CPAP. Components covered by these location requirements include design volumetric control for buildings, priority pedestrian and cycle networks, and gateway locations.

### **City of Palmerston Submission**

The submission acknowledges the ongoing work undertaken as part of the reform, noting Council's previous involvement through various stages of consultation. The submission is generally supportive of the proposed amendments, while highlighting a few points of further potential.

As it highlights the emphasis on gateway locations does have potential to integrate with Council policy and strategy. These gateway locations promote public art and wayfinding – its noted that Council is undertaking a review of Creative Industries Strategy and actions, and has an existing Advertising Signs Code. Further suggestions are provided on continuing to improve these gateway locations as true points of arrival, with the vision statement under the CPAP. Council officers are awaiting further feedback in response to questions over the impacts of overlays on the potential interchangeable use rights.

The submission supports the intent behind the expansion of interchangeable uses to encourage flexibility and diverse uses in Zones CB and C. Importantly, engagement with DIPL officers has suggested that industry is supportive of the value this may bring to activity. While there is some risk of uses permitted outside of planning processes, controls remain to lower risks of some changes. Given the relative absence of activity in the city centre and the need to create interesting places that trigger activity, this approach may be beneficial when managed in lower risk settings and with controls. However, this will not address poor design outcomes existing in the city centre from previous developments. This will still require a

progressive approach by Council, and projects that focus on attracting activity within the central area at both a community and business level.

The submission also highlights support for outcomes from Designing Better for commercial centres. Council officers note previous instances of development applications where these better design outcomes have not been successfully promoted in the planning process resulting in poorer outcomes for the community. Where poorer design outcomes eventuate, this impacts on the attractiveness, accessibility of these commercial centres in neighbourhoods and their role in facilitating economic, and social development. Poor design can also enable anti-social behaviour due to an absence of safety design features.

Finally, the submission highlights potential for future scoping of works under next stages of planning reform. One major aspect identified is landscaping. Currently there is limited rigour in the initial assessment of landscaping, complemented by lack of enforcement on development permits. This often leads to poor outcomes in the interface with the public realm. Given the expenditure Council provides for maintenance of public spaces, and ongoing tree planting and greening programs, it is important that greening and planting on private land is also delivered effectively. As the submission highlights for successful urban greening, it requires a coordinated approach. Under Council's Sustainability Strategy this relates to operational approaches, as well as engagement with the community over residential planting. This should therefore extend to establishing commercial uses, ensuring the site considers best practice approaches to planting.

The submission also highlights greater integration of the Northern Territory Subdivision Development Guidelines within the planning scheme and system. The planning system may look to improve how it supports the intent and application of the guidelines throughout the entire planning process, including the initial planning approval stage.

Following the response from City of Palmerston, a relevant next step is a review of the relevance and application of the Palmerston City Centre Master Plan. Such review is timely since the adoption of the CPAP, and now that requirements are to be further embedded in the NT Planning Scheme. As discussed, the recent planning reform includes design considerations as part of the Designing Better project, as well as specific development requirements now applicable for Central Palmerston. The City Centre Master Plan may therefore be redundant, particularly now that much of the intent of this plan is addressed in the planning framework. A report to Council will be provided by April 2022 on the review of the City Centre Master Plan.

### **CONSULTATION PROCESS**

Council officers met with DIPL project officers to discuss the proposed amendments. Both projects relating to Economic Recovery Actions and Designing Better have involved previous engagement between project officers and Council officers.

The proposed amendment to the NT Planning Scheme 2020 commenced public exhibition on 21 January 2022 and will end of 4 March 2022. Consultation feedback will be considered by the Planning Commission before a final report is provided to the Minister.

### **POLICY IMPLICATIONS**

This report relates to policy implications for the NT Planning Scheme 2020, therefore impacting some development in Palmerston.

### **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget or resource implications relating to this report.

### **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

This report addresses the following City of Palmerston Strategic Risks:

- 6 Fails to deliver the strategic vision for the City  
Context: Ensuring vision is delivered effectively & efficiently, progress is measurable & celebrated.

### **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

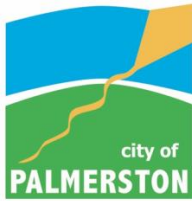
There are no environment sustainability implications for this report.

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

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

### **ATTACHMENTS**

1. 20220216 - Co P Response Planning Reform P 2 S 1 - Nilon [13.1.3.1 - 3 pages]
2. Detailed Information Paper [13.1.3.2 - 32 pages]



ID: 492198 - NN:ds

21 February 2022

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Dr David Ritchie  
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Dear Dr Ritchie

### Planning Reform Phase 2 Stage 1 – Incorporating Economic Recovery Actions and Designing better – PA2021/0254 Amendment to NT Planning Scheme 2020

The City of Palmerston (Council) appreciates the opportunity to provide comment on proposed amendments under this stage of Planning Reform. It is recognised that Phase 2 Stage 1 of the reform relates to two projects, the Designing Better initiative and progressing relevant planning recommendations under the Territory Economic Recovery Commission report.

Council has provided feedback at various stages throughout each of these projects, and Council officers have engaged with relevant Department of Infrastructure, Planning and Logistics (DIPL) officers during respective consultation periods. Council highlights it has since adopted two strategies of relevance to outcomes in the built environment:

- Sustainability Strategy 2022
- Play Space Strategy 2022

The current proposal to amend the *NT Planning Scheme 2020*, to include outcomes from the two projects is generally supported, with Council officers providing the following response for consideration by the NT Planning Commission.

### Part 3 – Overlays

The introduction of a new overlay which designates sites in gateway locations, furthers outcomes supported under the Central Palmerston Area Plan (CPAP). The proposed amendment better integrates these considerations by ensuring development proponents are aware of these requirements from the initial scoping and designs concepts for the site. Its relevance is increased by not being isolated within the strategic framework, instead integrated as a development requirement.

Council has existing relevant policy such as the Advertising Signs Code, which may warrant internal review to ensure outcomes sought reflect that of the CPAP and facilitate new development requirements. Additionally, specific development opportunities promoting public art may benefit from early engagement with City of Palmerston, also noting potential relevance to the Palmerston Art Strategy 2016-2021 which is currently undergoing review. Both the strategy and code may provide greater direction for outcomes in the public realm when working with proponents.

It's noted that the gateway locations may require an additional focus on improving public realm outcomes, particularly as it relates to users beyond those in cars. These gateway locations are located at key junctures for cars, with poorer outcomes currently for other users in the public realm. Given the intent to enhance the appeal of these locations, there

may be future opportunities to focus on encouraging these points as gateways to the wider public realm of the city centre. This may encourage outcomes more aligned with the vision under the CPAP.

It is also understood by Council officers that further clarity is to be provided on the impacts of the Gateway Location overlay on interchangeable uses at these sites.

### **Assessment Categories & Interchangeable Uses**

Council supports the intent behind the revision to assessment categories and the expansion of interchangeable uses in Zone CB and C. This potentially achieves a greater mix of uses desired for activity nodes, particularly in the city centre where vacancies exist and activity is low. While development requirements in these areas are not seen as necessarily onerous, where industry is supportive of these changes this may reflect in improved future economic and community outcomes in these zones.

In regard to interchangeable uses, review should be ongoing to monitor how these changes actually influence the uptake of interchangeable uses and limit vacancy rates. It may also assess any negative consequences which can be further mitigated. This should include further engagement with certifiers to understand confidence and methods of applying interchangeable use rights.

It is recognised that in these instances of interchangeable use, buildings are existing and expected controls would also be existing. Within these zones however, particularly Zone CB, there are examples of poor design outcomes in Palmerston which may be retained under these provisions longer than otherwise would have occurred. This specifically relates to issues of building interface with streets, and the relationship between sites and the public realm. The current city centre reflects conflicting outcomes the CPAP, and a continuation of development as is, may potentially enable a continuation of hindering development.

In addressing this, there may be other levers explored through both future scheme amendments and Council programs and projects, to encourage better outcomes through activation of areas. Future scoping opportunities under the next stages of planning reform which may assist are discussed further below.

### **Part 5 - Development Requirements**

Council is supportive of the process undertaken by the NT Planning Commission through the process of Designing Better, where it involved focused consultation with industry to ensure design outcomes were steeped in some feasibility.

Council also recognises the importance of the changes to ensure better outcomes for the community, adding elements beyond visual appeal such as CPTED principles. City of Palmerston is a relatively compact municipality, but there remains emphasis from Council on supporting outcomes across neighbourhood and local centres.

Council continues to improve outcomes in public open space it manages, evidenced by priorities under the Sustainability and Play Space Strategies recently adopted. These documents make note of the need to promote how these urban open spaces interact and can benefit from connectivity to commercial and community uses.

Of note to Council are development requirements under Clause 5.5.16 Active Street Frontage in Commercial and Mixed-Use. This will support outcomes in instances where previously Council had raised concern in development applications relating to commercial



neighbourhood centres, but alterations were limited due to ability of the scheme to apply 'site responsiveness'. In achieving the purpose of this clause it should be necessary for development proponents to clearly demonstrate interface with the public realm, including pathway networks and open space areas, and address how the development exhibits attractive and functional outcomes for the community.

Further relevance is noted in new development requirements specifying provisions of shade structures, and awnings under certain clauses relevant for Central Palmerston. Council is supportive of such climatically responsive design requirements, facilitating pedestrian movement and a greater interface with the public domain. This does have the ability to impact on Council infrastructure, and provision of awnings to street frontages would remain subject to the technical requirements of City of Palmerston and maintenance agreements, which seek to ensure impacts to amenity, liability, functionality, and the like are considered.

### **Future Scoping**

The Detailed Information Paper prepared by DIPL outlines that future scoping of projects for the next stages of reform.

Council highlights landscaping as a potential focus area. Currently, most of the influence for landscaping is applied at the initial planning stage which may not be steeped in long-term outcomes. Where indicative landscaping is provided, further rigour may be needed to ensure capacity to deliver. This relates to planting areas and design, and promoting engagement with local authority open space experts who may be able to ensure more coordinated and sustainable outcomes.

This benefits not only the life of the development, but interactions with streets, and public spaces and ultimately community experience. This approach recognises the integrated nature of urban greening, which is reflected by a mosaic of public and private land, with various types of uses. Promoting a coordinating effort, with smart and effective long-term planning, supports outcomes under Council's Sustainability Strategy 2022. The outcomes this would target relate to urban heat, amenity and facilitating active transport. All of which extend beyond the site, and to the wider community, requiring greater coordination and improved approach.

Additionally, Council highlights the importance of the Northern Territory Subdivision Development Guidelines and the role of the planning system to support the intent and application of the guidelines. There is potential to better integrate these guidelines so that desired subdivision development outcomes are supported throughout the planning process.

Based on the above discussion the proposed amendments are generally supported. Council appreciates the opportunity to provide feedback and looks forward to being involved in future planning reform projects.

Should you wish to discuss the above, please contact Damien Scalora by email: [damien.scalora@palmerston.nt.gov.au](mailto:damien.scalora@palmerston.nt.gov.au) or phone (08) 8935 9918.

Yours sincerely

Nadine Nilon  
General Manager Infrastructure



# PLANNING REFORM PHASE 2

## STAGE 1 REFORMS

INCORPORATING ECONOMIC RECOVERY  
ACTIONS AND DESIGNING BETTER  
DETAILED INFORMATION PAPER

*Building Confidence through Better  
Planning for the Northern Territory*

# COUNCIL AGENDA

## Attachment 13.1.3.2

Detailed Information Paper

Acronyms	Full form
CASAP	Central Alice Springs Area Plan
CDAP	Central Darwin Area Plan
CPAP	Central Palmerston Area Plan
DIPL	Department of Infrastructure, Planning and Logistics
LSDRs	Location Specific Development Requirements
NT	Northern Territory
NTPC	NT Planning Commission
NTPS 2020	NT Planning Scheme 2020
TERC	Territory Economic Reconstruction Commission

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This document provides a comprehensive, technical guide to proposed changes to the NTPS 2020.

It should be read in conjunction with the Integrated Schedule of Amendments and:

Appendix A: Individual Project Amendments – Economic Recovery Actions

Appendix B: Individual Project Amendments – Designing Better

Appendix C: Supplementary Information

## 1. Introduction

On 31 July 2020 the outcomes of Phase 1 of the NT Planning Reform project came into effect, establishing a new planning system by amending the *Planning Act 1999* and the Planning Regulations 2000, and introducing the NTPS 2020. Upgrades to the Development Applications Online portal and other online systems and information were also implemented (and continue to be implemented) to support the new system.

To further enhance the planning system and to address matters that could not be accommodated as priority reforms in Phase 1, DIPL continues to scope the nature and extent of Planning Reform Phase 2. A first stage of Phase 2 provides opportunities to progress recommendations from the TERC that are focused on streamlining regulatory processes to reduce application timeframes, while maintaining necessary standards and protections.

The economic recovery actions that form this first stage of Phase 2 use the opportunities created by the systemic restructure of the NTPS 2020 that was achieved in Phase 1 to:

- incorporate local design responses from area plans into location specific development requirements, to more succinctly inform design and decision making about developments in strategic locations;
- increase the number of low-risk uses that can be interchanged in commercial zones without the need for a development application; and
- move some uses to permitted or simpler assessment categories.

Parallel to this work, the NT Planning Commission has, over the past two years, been progressing the Designing Better project. Designing Better is an initiative that aims to better facilitate the achievement of best practice design outcomes in apartment and mixed use development.

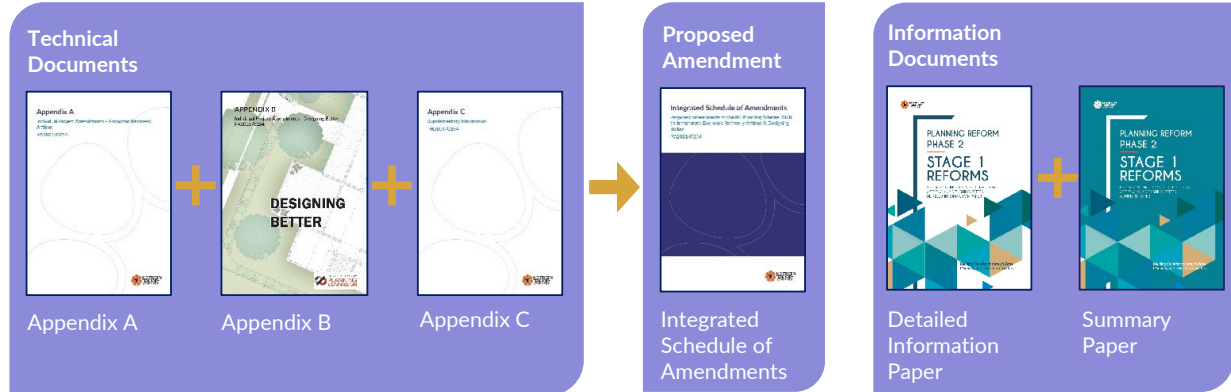
The Commission has engaged widely with the community and industry to explore options for amending the planning scheme. These amendments are to development requirements relating to themes such as landscaping, private open space, residential density, residential and commercial building design, articulation and setbacks, and active street frontages for commercial buildings.

The proposed economic recovery actions build on those changes explored through the Designing Better project. Both of these projects propose changes to development requirements within the planning scheme, and seek to improve processes and outcomes relating to the design of buildings. This synergy requires their joint consideration. To reduce the confusion of two similar projects on exhibition at the same time, and to maximise the benefits of integrated consideration of these related projects, a single, comprehensive planning scheme amendment is proposed that:

- introduces an overlay to Part 3 to guide development of gateway locations in central Darwin, Palmerston and Alice Springs;
- amends components of Parts 4 and 5 to implement the revised assessment categories and development requirements; and
- amends Schedule 2.2 (General Definitions) of the NT Planning Scheme 2020 to support the changes in Part 5.

## 2. How to Use this Document

The following documents form the exhibition package and are available to assist in your understanding:



<b>Proposed Amendment</b>	Integrated Schedule of Amendments	A consolidated, 'clean' version of all the proposed changes integrated with the relevant parts of the planning scheme
<b>Information Documents</b>	Detailed Information Paper	An in-depth explanation of the proposed changes to support interpretation of the Integrated Schedule of Amendments
	Summary Paper	A high level introduction to the proposed amendments
<b>Technical Documents</b>	Appendix A: Individual Project Amendments - Economic Recovery Actions	A document identifying the changes proposed by the Economic Recovery Actions project
	Appendix B: Individual Project Amendments - Designing Better	A document identifying the changes proposed by the Designing Better project
	Appendix C: Supplementary information	New guidance notes to assist interpretation of technical requirements

Read the Summary Paper first for an introduction to the two separate projects that have informed the integrated planning scheme amendment. The Summary Paper also includes general information regarding the proposed amendment.

This Detailed Information Paper will then guide you through the proposed amendments to the planning scheme. An index at the end of this document identifies all the affected components of the planning scheme and an indication of which project has informed the change. The index of changes will also assist in identifying the proposed changes in the Integrated Schedule of Amendments.

Appendices A and B are referenced in this document, and specifically in the index of changes at the end, to direct you to the relevant project that informed the proposed change. In some instances both projects have informed a proposed change, and the final version is an amalgamation of the individual recommendations.



### **3. Individual Project Amendments**

#### **3.1. Summary**

This proposed amendment integrates two separate yet related projects:

1. Economic Recovery Actions, prepared by the Department of Infrastructure, Planning and Logistics; and
2. Designing Better, prepared by the NT Planning Commission.

The individual components of each project are discussed below.

#### **3.2. Economic Recovery Actions Project**

This project is comprised of three components that are interrelated. When combined, these components address the TERC recommendation that seeks to streamline regulatory processes to reduce application timeframes, while maintaining necessary standards and protections.

##### **3.2.1. Location Specific Development Requirements (LSDRs)**

The first component of the Economic Recovery Actions project is to include 'Location Specific Development Requirements' in Part 5 of the NTPS 2020. LSDRs seek to increase confidence in the planning system by:

- reinforcing the importance of the wishes of the community and industry, reflected in area plans, in informing development outcomes; and
- streamlining processes to enhance the ability of strategic planning to guide development and influence decisions.

A review of the Central Alice Springs, Darwin, and Palmerston Area Plans identified that they each contain a number of quasi development requirements as acceptable responses to land use objectives. Translating these quasi requirements into Part 5 of the planning scheme will create development requirements that:

- reflect the local communities' wishes with respect to design matters;
- provide clearer guidance to developers; and
- ensure specific design requirements relating to local areas inform design and decision making for all development.

Part 5 of the NTPS 2020 currently includes existing development requirements that respond to local design matters in specific localities, such as building heights in Alice Springs or Central Darwin, and alfresco dining in Zone CB. The LSDRs integrate these existing requirements and the quasi requirements from the area plans into one location within the planning scheme.

Separate LSDRs have been drafted for Alice Springs, Darwin and Palmerston, and each includes a map to visually identify the area where requirements apply to and the components referred to. Components covered by the LSDRs include volumetric control, building design, priority pedestrian and cycle networks, and gateway locations.

Recognising the importance of appropriate design and development at gateway locations, a new overlay is proposed as part of the LSDRs, requiring development at those locations to obtain consent.

The administration clauses are designed to provide more detailed guidance to applicants, the community and the consent authority as to how any variation to a requirement is to be considered.

This approach will allow for specific development requirements to be applied to identified locations, and provide a framework for local design variations, as envisaged through an area plan, to be considered.

This component also includes some consequential amendments, including:

- consolidation of all building height limits (excluding those covered by the LSDRs) into one development requirements;
- review of the structure and format of car parking and loading bay requirements; and
- minor amendments to some requirements to reflect changes in assessment categories, such as clause 5.8.7 Demountable Structures.

Appendix A Part 1 provides a copy of all the changes proposed through the LSDR component of this project.

### 3.2.2. Interchangeable Use and Development

The second component of the Economic Recovery Actions project is expanding the number of uses that can be interchanged without consent within Zone CB (Central Business) and within Zone C (Commercial).

Expanding those uses that can be interchanged without consent helps achieve the TERC recommendation of streamlining by reducing the need for lodging planning applications. The proposed changes are considered appropriate while maintaining necessary standards and protections, and are limited to uses within existing buildings.

Expanding the interchangeable uses is supported by more robust development requirements that provide specific guidance relevant to developments in either Zone CB or Zone C. In some instances, a limit to the extent of a use or development that may be interchanged has been introduced, such as for an education establishment in Zone CB. More detailed administration clauses are also provided.

Appendix A Part 2 provides a copy of the proposed changes to the interchangeable use and development requirements.

### 3.2.3. Assessment Categories

The more specific guidance that will be provided by the LSDRs will ensure that local design matters from area plans are considered as requirements at all assessment levels. This has facilitated the third component of the Economic Recovery Actions project, which is a review of the assessment categories of development within Zones CB and C. In most cases, the proposed assessment category changes involve moving merit assessable development to permitted.

It is important to keep in mind that for a development to remain permitted, and therefore not require a development application, it must comply with all the relevant development requirements. If a development does not comply with one or more development requirements, it will require a development application at the merit assessable level. In considering such an application, the consent authority must consider only those requirements that are not complied with, and whether or not the proposal meets the purpose of the requirements.

Appendix A Part 3 provides an excerpt of the zoning matrix. It highlights the proposed changes to specific assessment categories of the affected zones.

### 3.3. Designing Better

The NT Planning Commission's Designing Better project is a review of building design requirements for apartment and mixed use development, and aims to deliver better quality building design that:

- responds to context and celebrates local and regional differences;
- responds to the varied and often extreme climate of the Northern Territory through quality design of the built form;
- embraces innovation through flexible, best practice design solutions; and
- creates great places that provide meaningful, vibrant and liveable spaces for people.

Designing Better has been informed by two stages of comprehensive community and industry consultation over the past two years. This has allowed the Commission to:

- engage with stakeholders on the ideas and concepts suggested by Designing Better; and
- prepare a suite of draft development requirements and guidance notes specifically relating to apartment and mixed use buildings in Zones MR, HR, CB and C.

The proposed development requirements and consequential amendments relate to themes such as landscaping, private open space, residential density, residential and commercial building design, articulation and setbacks, and active street frontages for commercial buildings. Supporting these changes is the introduction or amendment of several general definitions in Schedule 2.2.

Appendix B provides a copy of the final recommendations of the Commission and an index of changes made since the previous consultation.

### 3.4. Integrated Planning Scheme Amendment

The outcomes sought to be achieved by the Commission through Designing Better complement the objectives of the Economic Recovery Actions project to improve processes and outcomes relating to the design of buildings.

Because of the synergies between the development requirements proposed by Designing Better, and those proposed by the Economic Recovery Actions project, the two projects have been integrated and are presented together to minimise potential confusion.

## 4. Issues outside the scope of this Amendment

Whilst this amendment is an initial stage of Planning Reform Phase 2, it is not a broadscale review of all standards and measures included in the planning scheme.

Changes to assessment categories in zones other than LMR, CB, C and TC are not being considered at this stage. Likewise, changes to measurable aspects of requirements beyond that which supports the objectives of responding to the TERC recommendation and the Designing Better project are also outside the scope of this amendment.

Minor amendments to the *Planning Act 1999* and *Planning Regulations 2000* to support the response to the TERC recommendations have recently been progressed through the [Statute Law Amendment \(Territory Economic Reconstruction\) Bill 2021](#) and more may be addressed in a second such Bill in the future.

## **5. Details of the Proposed Amendment**

### **5.1. Summary**

This proposed amendment consolidates all the components of the two projects identified above to:

- introduce an overlay to Part 3;
- amend components of Parts 4 and 5; and
- amend Schedule 2 (Definitions).

The proposed changes include many small adjustments to zones and development requirements throughout Parts 4 and 5. The Integrated Schedule of Amendments presents these changes in a way that allows the amendments to be considered in the context of the whole of these parts, and indicates how the scheme would look should the amendments be approved.

Clause numbers are not being removed or reallocated. New development requirements will have new clause numbers. This is an interim measure until the planning scheme is reviewed in full as part of further stages of planning reform. Appendices A, B and C provide technical information to assist with following and interpreting the proposed changes.

This amendment does not include any rezoning of land. It also does not include any changes to the strategic framework or any other parts of the planning scheme not mentioned.

### **5.2. How to read the proposed changes**

The proposed changes to the scheme are presented below in the order in which they appear in the planning scheme. A summary is provided for each proposed change.

If you are interested in what the final proposal looks like, read the below first, and then use the index of changes at the end of this document to guide you through the Integrated Schedule of Amendments.

If you are interested in understanding what informed the proposed changes, each summary below, as well as the index of changes at the end of this document, identifies the relevant technical document that will provide further information.

Note that a number of guidance notes have been prepared to assist with the interpretation of the new requirements. These do not form part of the planning scheme amendment, and will be published on the planning website for reference if the amendments are approved.

**Refer also to:**

**Integrated Schedule of Amendments - a consolidated version of all the proposed changes**

**Appendix A: Individual Project Amendments – Economic Recovery Actions**

**Appendix B: Individual Project Amendments – Designing Better**

**Appendix C: Supplementary Information**

### 5.3. Proposed changes to Part 3 – Overlays

The Central Alice Springs, Darwin and Palmerston Area Plans each identify and talk to 'Gateway Locations' or prominent sites or corners. These sites are key intersections in these localities, and the respective area plans identify the need to provide for a sense of arrival and enhanced building design.

Overlays can change the level of assessment, and/or apply additional requirements to proposed development.

Proposed Overlay 3.12 GL - Gateway Locations does both of these to ensure development at these key sites achieves the objectives of the area plans. The proposed overlay is supported by an LSDR for each location that provides further location-based specific requirements relevant to the particular locality.

Refer to Appendix A for further detail.

#### Case Study 1

John is designing a new shop on a vacant corner block in Alice Springs. The block is within Zone CB (Central Business). John looks at the Assessment Table in Part 4 of the NT Planning Scheme 2020 to find out the assessment category and to see which overlays and development requirements might apply. He sees that a shop is a permitted use in Zone CB, and that Overlay 3.12 GL – Gateway Locations may apply.

John checks the overlay and it says that it applies to any site identified as a Gateway Location in Clause 5.9 (Location Specific Development Requirements). When John looks at Clause 5.9.1 (Alice Springs), the map identifies his site as a gateway location.

John returns to Overlay 3.12, and reads that the use and development of land subject to the overlay requires consent. This means that his proposed development will now become merit assessable.

John will now need to prepare a development application at merit assessment level. The application must address the overlay and all other development requirements identified in the assessment table, including Clause 5.9.1.4 (Development in Gateway Locations).

### 5.4. Proposed changes to Part 4 – Zones and Assessment Tables

Proposed changes to Part 4 of the NTPS 2020 include minor amendments to specific zone outcomes, and changes to specific assessment categories in Zones LMR, CB, C and TC.

Refer to Appendix A for further detail.

#### 4.3 Zone LMR (Low-Medium Density Residential)

The only change in Zone LMR is the proposed increase in the number of dwellings-group that are permitted without consent from two (2) to four (4). Five (5) or more dwellings-group in one development on a site will remain as merit assessable. Dwellings-group is a low risk development that is expected and appropriate in Zone LMR, and allowing up to ten dwellings without consent (provided the proposal is fully compliant with the relevant requirements of the planning scheme) negates the need for a development application. This will support the construction industry to get more Territorians into housing more quickly.

#### Case Study 2

Eliza owns an 1150m<sup>2</sup> block of land zoned LMR (Low-Medium Density Residential). There's an existing house on the block that she wants to demolish and replace with townhouses (dwellings-group).

Eliza looks at the assessment table for Zone LMR in Part 4 of the NT Planning Scheme 2020. She sees that dwellings-group (4) is a permitted use, subject to the identified overlays and development requirements.

After checking that no overlays apply to her block of land, Eliza starts looking at the development requirements. She's particularly keen to know how many townhouses she can build on her block of land. Clause 5.4.1 (Residential Density and Residential Plot Ratio) says that for Zone LMR the density for dwellings-group is 1 per 300m<sup>2</sup>. This means Eliza can build up to 3 dwellings-group on her 1150m<sup>2</sup> block without planning consent, as long as she complies with all the relevant development requirements. These requirements include standards for building setbacks, building height, car parking and density.

Eliza meets with an architect, and they prepare a design that is for 4 dwellings-group on the block. Although the design complies with all the other relevant development requirements, it does not comply with the density requirements.

As there is a non-compliance, the proposed development can no longer proceed as a permitted use. The proposed development is now merit assessable and requires a development application.

Eliza prepares the development application. The application only needs to focus on the part of the development that does not comply with the planning scheme, being the density requirements.

The development application is put on public exhibition for 2 weeks, allowing service authorities and Eliza's neighbours the opportunity to review the proposal and make a submission. The Development Consent Authority then makes a decision on whether or not it will vary the density requirements to allow 4 dwellings-group rather than 3.

#### 4.10 Zone CB (Central Business)

Changes have been made to the assessment category of a number of uses within Zone CB based on the more specific guidance that will be provided in Part 5 and the types of use and development that would be appropriate and expected within the zone to support the zone purpose.

1. Bar-small is proposed to become permitted, noting that clause 5.5.10 (Nightclub Entertainment Venue, Bar-Public and Bar-Small) and the definition of bar-small in Schedule 2.1 (Defined Uses) limit the size of a bar-small to a maximum of 100 patrons. This is consistent with the definition of a small bar approval issued through Licensing NT, who will still have a role in considering the appropriateness of the licensed premises.
2. Education establishment is proposed to become merit assessable acknowledging the increase in demand for smaller scale vocational education training establishments and the contribution they can make to the achievement of the zone purpose.
3. Food premises-café/take away and food premises-restaurant are proposed to become permitted to streamline the achievement of the zone purpose.
4. Office up to three (3) storeys is proposed to become permitted. Office is an appropriate and expected use within Zone CB. Within the context of thresholds for infrastructure and servicing requirements through other legislation and the intricacy of design requirements in Part 5 of the planning scheme, three storeys is considered an appropriate limit for permitted development without adversely impacting on the amenity of an area.



5. Shop is proposed to become permitted to streamline the achievement of the zone purpose.

The application of Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) against some commercial and residential uses in Zone CB is omitted. Designing Better introduces a new commercial specific development requirement instead to address the design of commercial and mixed use development in Zone CB.

#### Case Study 3

Rex wants to build a 2 storey office building on a vacant block of land on the periphery of the Darwin CBD. The land is zoned CB (Central Business) and an office building up to (3) storeys is permitted.

Rex's architect reviews the relevant development requirements, and advises Rex that a 3 storey building that is fully compliant with the NT Planning Scheme 2020 is achievable. Rex decides to proceed with this proposal and submits plans to Development Assessment Services, DIPL, for a Compliance Check.

Development Assessment Services confirms that the proposed development fully complies with the NT Planning Scheme 2020. This means the development can proceed as a permitted use and without a planning application.

Rex will need to work with his building certifier to confirm the standards and requirements of other agencies, including the local council, NTPFES and Power and Water.

#### 4.11 Zone C (Commercial)

Changes have been made to the assessment category of a number of uses within Zone C based on the more specific guidance that will be provided in Part 5 and the types of use and development that would be expected within the zone to support the zone purpose.

1. Bar small is proposed to become merit assessable, noting that clause 5.5.10 (Nightclub Entertainment Venue, Bar-Public and Bar-Small) and the definition of bar-small in Schedule 2.1 (Defined Uses) limit the size of a bar-small to a maximum of 100 patrons. This is consistent with the definition of a small bar approval issued through Licensing NT.
2. Dwellings-multiple are proposed to become permitted, based on the new residential plot ratio requirements being introduced to Part 5 through Designing Better.
3. Education establishment is proposed to become impact assessable, acknowledging the increase in demand for smaller scale vocational education training establishments and the contribution they can make to the achievement of the zone purpose. It is balanced against the need to ensure that larger scale development does not detrimentally impact on the ability of smaller commercial areas to provide an appropriate mix of activities that serve the associated surrounding community.
4. Exhibition centre is proposed to become merit assessable to streamline the achievement of the zone purpose.
5. Food premises-café/take away and food premises-restaurant are proposed to become permitted, to streamline the achievement of the zone purpose.
6. Office is proposed to become permitted to streamline the achievement of the zone purpose. The application of a commercial plot ratio will continue to control the building height of offices and other commercial uses within Zone C.
7. Shop is proposed to become permitted to streamline the achievement of the zone purpose.

The application of Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) against some commercial and residential uses in Zone C is omitted. Designing Better

introduces a new commercial specific development requirement instead to address the design of commercial and mixed use development in Zone C.

Changes have also been made to zone outcomes (1) and (3) to further refine the guidance provided as to the type and form of development that will contribute to the achievement of the purpose of the zone, acknowledging the varying scale of localities in which Zone C applies.

#### Case Study 4

Jane is redeveloping a block of land in Zone C (Commercial). She thinks a mixed use development of ground floor shops and offices and upper level residential would benefit the local neighbourhood.

Jane looks at the NT Planning Scheme 2020 to check the assessment categories and the relevant development requirements. Dwellings-multiple, office and shop are all permitted uses, and Jane notices that instead of a height limit, residential and commercial plot ratios apply. Jane engages an architect to help her with the design of her development.

Jane's architect advises that although they could design a building that is fully compliant with the planning scheme and therefore be a permitted use, they think a better outcome could be achieved by varying some of the requirements. Jane prepares a development application at merit assessment level to vary the commercial plot ratio, building articulation and communal open space requirements.

The development application is put on public exhibition for 2 weeks, allowing service authorities and local residents the opportunity to review the proposal and make a submission. The Development Consent Authority then makes a decision on whether or not it will vary the identified development requirements.

#### 4.13 Zone TC (Tourist Commercial)

Minor amendments provide greater flexibility for development in Zone TC and consistency with other expected development in the zone.

1. Up to two (2) demountable structures are proposed to be permitted without consent to support development within that zone. This is supported by a consequential amendment to clause 5.8.7 (Demountable Structures). Three (3) or more demountable structures will require a development application with a variation to clause 5.8.7.
2. Dwelling-independent is proposed to become permitted, on the premise that the suitability of the site for low density residential use has been assessed through an application for a dwelling-single, which remains impact assessable.
3. Food premises-café/take away is proposed to become permitted, noting that clause 5.5.11 (Food Premises) limits the net floor area of a café/take away to 80m<sup>2</sup>. A café/take away with a net floor area of more than 80m<sup>2</sup> will require a development application with a variation to clause 5.5.11.

A minor change has been made to outcome (1) to clarify the reference to food premises.

The zoning matrix extract on the next page shows all the above proposed assessment category changes with the use of track changes.

A fact sheet is available to assist in understanding the requirements and processes for a permitted development (refer Appendix C).

# COUNCIL AGENDA

## Attachment 13.1.3.2

### Detailed Information Paper

#### Amended Zoning Matrix

Defined Use	LMR	CB	C	TC
Abattoir	x	x	x	x
Agriculture	x	x	x	x
Animal boarding	x	x	x	x
Bar-public	x	M	I	M
Bar-small	x	M P	I M	M
Caravan accommodation	P	x	P	P
Caravan park	x	x	x	M
Car park	x	M	M	M
Car wash	x	I	I	I
Child care centre	x	M	M	M
Club	x	M	M	M
Community centre	I	M	M	I
Demountable structure	M	I	M	M P
Dwelling-caretakers	x	P	P	P
Dwelling-community residence	P	P	x	x
Dwelling-group (2) (4)	P	I	x	I
Dwelling-group (3+)(5+)	M	I	x	I
Dwelling-independent	P	M	x	M P
Dwelling-multiple	M	M	M P	I
Dwelling-single	P	x	x	I
Education establishment	x	I M	x I	I
Emergency services facility	x	I	x	x
Excavation and fill	I	I	I	I
Exhibition centre	x	M	I M	M
Food premises-café/takeaway	x	M P	M P	M P
Food premises-fast food outlet	x	I	I	I
Food premises-restaurant	x	M P	M P	M
Fuel depot	x	x	x	x
Helicopter landing site	x	x	x	x
Home based business	P	P	P	P
Horticulture	x	x	x	x
Hospital	x	x	x	x
Hotel/motel	x	M	I	M
Industry-general	x	x	x	x

Defined Use	LMR	CB	C	TC
Industry-light	x	I	x	x
Industry-primary	x	x	x	x
Intensive animal husbandry	x	x	x	x
Leisure and recreation	x	M	M	M
Market	x	P	P	x
Medical clinic	x	M	M	I
Motor body works	x	I	x	x
Motor repair station	x	I	I	x
Nightclub entertainment venue	x	M	I	I
Office (Up to 3 storeys above ground level)		M P	M P	I
Office (4 storeys or more above ground level)		M	M P <sup>1</sup>	I
Passenger terminal	x	I	x	I
Place of assembly	x	M	I	I
Place of worship	x	M	I	I
Plant nursery	x	I	I	I
Recycling depot	x	x	x	x
Renewable energy facility	x	x	x	x
Residential care facility	I	M	I	x
Retail agricultural stall	x	x	x	x
Rooming accommodation	x	M	I	M
Service station	x	I	I	I
Sex Services-Commercial Premises	x	I	x	x
Sex Services-Home Based Business	P	P	P	P
Shop	x	M P	M P	M
Shopping centre	x	I	I	x
Showroom sales	x	M	I	x
Stables	x	x	x	x
Telecommunications facility	I	I	I	I
Transport terminal	x	x	x	x
Vehicle sales and hire	x	I	I	I
Veterinary clinic	x	I	I	x
Warehouse	x	x	x	x

P = Permitted

M = Merit Assessable

I = Impact Assessable

x = Prohibited

<sup>1</sup> Height controlled by existing plot ratio requirements

#### Assessment Tables

The individual assessment tables have been amended to include an additional column to accommodate any LSDRs. The figure below is an example of the new format for an assessment table:

ASSESSMENT TABLE – ZONE XY – XXXXXXXX YYYYYYYY					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
<i>Defined uses found in Schedule 2 will be listed in this column</i>	<i>The applicable assessment category (Permitted, Merit assessable or Impact Assessable) will be listed in this column</i>	<i>Any overlays that may be applicable will be listed in this column</i>	<i>All relevant general development requirements will be listed here</i>	<i>Any relevant Location Specific Development Requirements will be listed here</i>	<i>Additional development requirements that apply to specific developments will be listed in this column</i>
<b>All other uses defined in Schedule 2 (Definitions)</b>	Prohibited				
<b>Any use not defined in Schedule 2 (Definitions)</b>	<i>The applicable assessment category (Impact Assessable or Prohibited) will be listed here</i>				Part 2, Part 3, Part 4, and Part 5 of this Planning Scheme

## 5.5. Proposed changes to Part 5 – Development Requirements

Proposed changes to Part 5 of the NTPS 2020 include the introduction of LSDRs, amendments to some development requirements relating to apartment and mixed use developments, and consequential amendments to other general and specific development requirements.

An overview of the proposed changes is provided below. Appendices A and B provide the individual project amendments and give the background to each proposed change. In some instances both projects have informed a proposed change, and the final version is an amalgamation of the individual recommendations. The final version of the proposed changes can be found in the Integrated Schedule of Amendments.

Appendix C includes guidance notes for particular development requirements to assist in their interpretation.

If an existing section or clause of Part 5 is not listed, no changes are proposed. Existing clauses are not being re-numbered or numbers reallocated.

### 5.1 Preliminary

Sub-clause 1 has been updated to give effect to the Location Specific Development Requirements.

### 5.2 General Development Requirements

*Height Controls (5.2.1 General; 5.2.2 in Alice Springs; 5.2.3 in Central Darwin)*

The LSDRs now include the specific height controls for Alice Springs and Darwin. This process identified benefits for consolidating all other general height controls into one clause for easy reference. Minor

amendments have been made to the purpose and administration to give effect to the new consolidated clause.

The definition of 'building height' has been amended to remove duplication with content included in the administration of the general height clause.

#### *5.2.4 Car Parking*

The LSDRs now include the specific car parking requirements for Zone CB in Darwin. The remaining requirements have been renamed and restructured to better reflect the content and intent of the requirements, including clearer administration.

#### *5.2.5 Loading Bays*

This development requirement has been reformatted to more clearly present the requirements, with minor changes to the administration.

#### *5.2.6 Landscaping*

Designing Better introduces additional requirements for landscaping in Zones MR and HR, and a new general development requirement for landscaping in Zone CB. As a result, the existing clause has been restructured into two separate clauses to provide more clarity. A guidance note is available at Appendix C to assist in understanding and interpreting the new landscaping requirements.

### 5.4 Residential Specific Development Requirements

#### *5.4.1 Residential Density and Residential Plot Ratio*

Designing Better introduces residential plot ratio to replace fixed dwelling densities for apartment and mixed use buildings (dwellings-multiple) in Zones MR, HR and C. A number of the existing tables have been amended to give effect to this change, as well as the purpose and administration.

The existing definition of 'plot ratio' is being omitted. New definitions for 'commercial plot ratio' and 'residential plot ratio' are being introduced, as well as new definitions for 'commercial floor area' and 'residential floor area' to support and clarify this change (refer section 3.5 of this document). A guidance note is available to assist in understanding and interpreting the new plot ratio requirements.

#### *5.4.2 Residential Height Limitations*

Designing Better amends the height limit for dwellings-multiple in Zone C from 3 storeys to 4 storeys. This clause is then omitted as requirements have been consolidated into Clause 5.2.1 General Height Control.

#### *5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures*

Designing Better introduces new setbacks in Zones MR, HR and C for residential buildings and ancillary structures. New tables are inserted to give effect to these setbacks, as well as additional editor's notes to provide further clarification. Minor amendments have also been made to the administration. A guidance note is available to assist in understanding and interpreting the new setback requirements.

Designing Better also omits Clause 5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height. These requirements have been replaced by a new specific development requirement, Clause 5.4.18 Building Articulation.

#### *5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR*

Designing Better omits this clause and incorporates the requirements into Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures, and Clause 5.4.19.1 Fencing of Dwellings-multiple in Zones MR and HR.

#### *5.4.6 Private Open Space*

Designing Better introduces a new residential specific development requirement for private open space for dwellings-multiple. As a result, the existing clause has been restructured into two separate clauses to provide more clarity. A guidance note is available to assist in understanding and interpreting the new private open space requirements.

#### *5.4.7 Communal Open Space*

Designing Better amends the administration of this requirement to provide guidance on the exercise of discretion for the provision of communal open space in Zones CB and C.

#### *5.4.8 Building Design for Dwelling-group, Dwelling-multiple, Rooming Accommodation and Residential Care Facility*

Designing Better introduces a new residential specific development requirement for the design of dwellings-multiple. As a result, the existing clause has been restructured into two separate clauses to provide more clarity.

#### *5.4.17 Building Articulation*

Designing Better introduces a new residential specific development requirement that seeks to reduce the perceived bulk of long residential buildings. This new requirement incorporates the intent of Clause 5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in Height, which is proposed to be omitted.

A new definition for 'articulation' is being introduced to support and clarify this change (refer section 3.5 of this document). A guidance note is available to assist in understanding and interpreting the new articulation requirements.

#### *5.4.18 Fencing*

This new overarching title is introduced to provide for the introduction of future fencing requirements in particular zones or for other development types.

Designing Better introduces a new residential specific development requirement for the fencing of dwellings-multiple in Zones MR and HR. This new requirement incorporates the intent of Clause 5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR.

A new definition for 'visually permeable' is being introduced to support and clarify this change (refer section 3.5 of this document). A guidance note is available to assist in understanding and interpreting the new fencing requirements.

#### *5.4.19 Street Frontage of Residential Buildings in Zone CB*

Designing Better introduces a new specific development requirement to address the ground level interface between residential development and the street frontage in Zone CB.

### 5.5 Commercial Specific Development Requirements

#### 5.5.1 Interchangeable Use and Development

This clause is significantly restructured to better reflect the format of the NTPS 2020. This restructure creates two separate clauses with requirements dealing specifically with the individual zones it applies to. These changes will make it easier to distinguish between the administration and the requirements of the clause.

The amended clauses also introduce limitations on the scale to which a specific use may be interchangeable. For example, education establishment is proposed as an interchangeable use within Zone CB; however, clause 5.5.1.1 limits this to a net floor area of 2000m<sup>2</sup>. A proposed education establishment in excess of 2000m<sup>2</sup> would revert to its assessment category listed in Part 4, which in this case is merit assessable.

The tables below identify the proposed additions to interchangeable use and development in Zones CB and C respectively.

Zone CB		Zone C	
Existing	Additions	Existing	Additions
Club	Bar-small	Food premises- café/take away	Education Establishment
Food premises- café/take away	Education establishment	Food premises- restaurant	Exhibition centre
Food premises- restaurant	Exhibition centre	Office	Medical clinic
Leisure and recreation	Medical clinic	Shop	
Office	Showroom sales	Showroom sales	
Shop			

#### Case Study 5

James is a teacher and wants to establish a tutoring business. He finds an empty tenancy within a small enclave of offices that would be perfect.

James speaks with the property manager, who says the tenancy was previously an office and has been empty for 6 months. The tenancy is 150m<sup>2</sup> in size.

James then speaks with a planner at Development Assessment Services, DIPL, to find out about any planning requirements. He is advised that his tutoring business would be considered as an education establishment under the NT Planning Scheme 2020. The land is zoned C (Commercial) and an education establishment is impact assessable.

However, the planner further advises James that education establishment is an interchangeable use listed in Clause 5.5.1.2 (Interchangeable Use and Development in Zone C). As the net floor area of the education establishment will not exceed 400m<sup>2</sup>, and as long as James does not remove any carparks or reduce the existing extent of active frontage, development consent is not required.

#### 5.5.6 Alfresco Dining Areas in Zone CB in Central Darwin

This clause is omitted as the LSDRs now include the specific alfresco dining requirements for Zone CB in Darwin.



### *5.5.15 Design of Commercial and Mixed Use Development in Zones CB and C*

Designing Better introduces a new commercial specific development requirement to address the design of commercial and mixed use development in Zones CB and C. Where this development requirement is applied, the application of Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) is omitted.

### *5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C*

Designing Better introduces a new commercial specific development requirement that sets a minimum standard for active street frontage for all land within Zones CB and C. The LSDRs include alternative requirements for Alice Springs and Darwin.

The definition of 'active street frontage' has also been amended, refer to section 4.5 of active street frontage requirements.

## 5.6 Industrial Specific Development Requirements

### *5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV*

Designing Better makes a consequential amendment to requirement (4) to remove any potential confusion with the term 'articulation'.

## 5.8 Miscellaneous Specific Development Requirements

### *5.8.7 Demountable Structures*

This clause is amended to allow up to two (2) demountable structures to be placed on land zoned TC without consent. This supports the change in the assessment category from merit assessable to permitted in Part 4.

## 5.9 Location Specific Development Requirements

As discussed throughout this document, LSDRs are transitioning quasi development requirements from the Central Alice Springs, Darwin and Palmerston Area Plans into development requirements within Part 5 of the planning scheme.

The area plans establish policy to guide future development. This is achieved through overarching planning principles and policy statements that are based on several themes. The planning principles are supported by objectives that will contribute to achievement of the principle, and acceptable responses that describe specific and practical actions and measures to achieve the associated objective.

The objectives in the area plans have been used to inform the purpose statements for the LSDR clauses, and the acceptable responses have informed the corresponding requirements.

It is important to note that in many cases, the acceptable responses have not been transitioned verbatim from an area plan. The requirements have transitioned the intent of those acceptable responses into legible and measurable development requirements to guide the design of future development and the making of decisions.

The existing development requirements in Part 5 that respond to local design matters in the Darwin city centre and Alice Springs town centre are integrated in the LSDRs with the quasi development requirements from the area plans.

The LSDRs apply in addition to general development requirements and specific development requirements. However, they may provide for a variation of, or a different standard to, that provided elsewhere in Part 5.

Appendix A provides an explanation of all the proposed new and amended requirements associated with the Economic Recovery Actions project.

#### Case Study 6

Adrian is developing a large, vacant block of land in the Darwin CBD. The land is within Zone CB (Central Business). Adrian looks at the Zone CB assessment table in Part 4 of the NT Planning Scheme 2020 to get an idea of the different uses that he may be able to establish on the site. The assessment table also tells him which overlays and development requirements might apply.

Adrian confirms that no overlays apply to the block of land. He also sees that there are location specific development requirements for Darwin. As Adrian's site is within the boundaries of the map at 5.9.2 (Darwin City Centre), he must address any relevant location specific development requirements as well as any general and specific development requirements.

By reading the requirements at 5.9.2 (Darwin City Centre), Adrian understands the building and site design characteristics that are expected of a development in the CBD. He can also consider these requirements in preliminary discussions with his architect when deciding the type of development he wants to proceed with. If Adrian complies with these requirements (and the rest of the identified development requirements in Part 5), then he may be able to undertake a permitted use and not submit a planning application.

## 5.6. Proposed changes to Schedule 2 - Definitions

To support the changes proposed by both projects, the following amendments to Schedule 2.2 General Definitions are proposed:

New	Amended	Omitted
<i>articulation</i>	<i>active street frontage</i>	<i>plot ratio</i>
<i>commercial plot ratio</i>	<i>building height<sup>2</sup></i>	
<i>commercial floor area</i>		
<i>residential plot ratio</i>		
<i>residential floor area</i>		
<i>visually permeable</i>		

<sup>2</sup> The definition of **building height** has been amended to support the consequential change to clause 5.2.1 General Height Control, which now contains height limits for all development, including residential development.

Refer to the Integrated Schedule of Amendments for the proposed definitions.

## 5.7. Additional matters

### Why Location Specific Development Requirements?

The LSDRs are intended to achieve good design outcomes within the established framework of the NTPS 2020, and reduce the need for some planning applications. This facilitates increasing the number of interchangeable uses in Zones CB and C, and moving some uses to simpler assessment categories. This will enable businesses to begin operating faster with less regulatory burden and red tape.

The LSDR component of this proposed amendment responds to the TERC recommendation to streamline application processes and timeframes while maintaining necessary standards and protections. Other options were considered, including:

- amendments to the strategic framework, including restructuring area plans or appending a schedule of development requirements to area plans; and
- amendments to the NTPS 2020, including the use of overlays or new zones for local development areas.

The transition of the quasi development requirements in area plans to LSDRs within the NTPS 2020 provides the best outcome as it:

- strengthens and builds on the simple and clear regulatory structure established through Planning Reform Phase 1;
- reinforces the relationship between the strategic and statutory frameworks;
- gives effect to the principles and objectives contained within area plans to all use and development;
- makes the planning system more accessible and easier to use, by having all relevant development requirements in one place; and
- strengthens community and industry confidence in the planning system by incorporating design-related needs and wishes as requirements to inform design and decision making.

### Area Plans

Existing area plans are not being reviewed or changed as a result of the introduction of LSDRs. Area plans will continue to provide context and guidance to planning decisions. This includes informing rezoning and development decisions, particularly impact assessable development and developments where variations to requirements are sought. In the future the development of area plans may include the parallel drafting of relevant LSDRs, which will be included in the planning scheme concurrently with the inclusion of an area plan.

The LSDRs facilitate more permitted and merit assessable development. This reinforces the importance of the focus on encouraging the community and industry to be involved in the NTPC's consultation processes and to have their say on future planning policy.

### Future LSDRs

The introduction of LSDRs provides greater flexibility within the planning scheme to provide for location-based design requirements and variations. Future work may first include a review of remaining existing area plans for any possible LSDRs.

## 6. Consideration of Legislative Framework

### 6.1. Alignment with the Planning Act 1999

The proposed amendment aims to:

- further enhance the planning system and its efficiency, clarity and ease of use;
- clarify the purpose and influence of area plans to meaningfully guide development and influence decisions; and
- improve the validity of the Planning Commission's commitments to capturing and implementing community wishes and needs.

This intent is consistent with the purpose of the Act to establish a system to facilitate planning for the orderly use and development of land, and contributes specifically to the achievement of the following objectives:

- (a) *ensure that strategic planning is applied to planning schemes and individual planning decisions;*
- (d) *ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community;*
- (j) *promote the good design of buildings and other works that respects the amenity of the locality;*
- (l) *respect and encourage fair and open decision making and public access to processes for review of planning related decisions.*

### 6.2. Alignment with the NTPS 2020 Strategic Framework

The proposed changes do not seek to amend the strategic framework of the NTPS 2020.

The role of area plans in guiding design and decision making, specifically in strategic locations, will be enhanced through the incorporation of local design responses into location specific development requirements. The ability to respond to local design matters is further supported by the changes proposed by Designing Better to development requirements relating to apartments and mixed use buildings.

This has resulted in an increase in the number of low-risk uses that can be interchanged in commercial zones without the need for a development application. It has also informed the movement of some uses to simpler assessment categories.

### 6.3. Merits of the proposed amendment

The proposed amendment seeks to implement changes to the NTPS 2020 that:

- respond to the TERC recommendation to streamline application processes and timeframes by introducing more permitted and interchangeable uses, while maintaining necessary standards and protections through LSDRs; and
- incorporate building design requirements for apartment and mixed use buildings through the NTPC's Designing Better project.

The greater guidance that is achieved through the integrated changes to Part 5 of the NTPS 2020 has facilitated a review of assessment categories and interchangeable use rights for particular uses in Zones CB and C, and to a lesser extent in Zones LMR and TC.

This has created the opportunity to reduce the assessment category of a number of uses in those zones, particularly from merit assessable to permitted. As long as the proposal is compliant with the relevant requirements of the NTPS 2020, this will negate the need for obtaining planning consent.

Section 4.6 of this document lists additional merits and benefits to the public interest in proceeding with this proposal.

## 7. Implementation

These changes seek to streamline development application processes and timeframes. The more specific guidance now included in Part 5, including the changes to apartment and mixed use development requirements and LSDRs, means requirements are now contained in one place within the NTPS 2020.

This capitalises on the robust framework established by the NTPS 2020. The integration of strategic planning and the restructure of development requirements allows the exercise of discretion by the consent authority to be more responsive to specific sites and proposals.

More uses are now proposed as permitted development within Zones CB and C. Permitted development is not a new concept within the planning scheme. Permitted developments are used in other zones to facilitate streamlined processes for low-risk, expected and appropriate development in a zone, such as a single house in Zone LR (Low Density Residential) or a motor repair station in Zone LI (Light Industry).

Proponents should contact the relevant [local authority and service authorities](#) (such as Power and Water Corporation and NT Fire and Rescue Service) to ensure all relevant requirements of those authorities are addressed in the design, construction and completion of a development.

A development application will still be required should any aspect of that proposed development not comply with a development requirement; however, that application will only need to address the area/s of non-compliance rather than prepare a comprehensive application that addresses all the applicable requirements.

A building certifier will need to be satisfied that the proposed development meets the requirements of the *Planning Act 1999* prior to issuing a building permit and subsequent certificate of occupancy under the *Building Act 1993*. Whilst it is not mandatory, a certifier may ask for a [Compliance Check](#) from [Development Assessment Services](#) to provide this confirmation or may seek the services of an independent planning professional.

A compliance check is an assessment of whether or not the proposed development complies with the requirements of the NTPS 2020, and an application can be lodged online through [Development Applications Online](#) ([fees apply](#)).

## 8. Progressing existing Planning Applications

All planning applications will continue to be assessed against the existing requirements in the NTPS 2020, including the assessment categories.

In determining an existing development application, the consent authority must take into account any proposed amendments to the planning scheme that:

- have been exhibited; and
- have not yet been determined; and
- are relevant to the proposed development in the development application.

This means that from now and until the Minister for Infrastructure, Planning and Logistics makes a decision on these proposed amendments, the consent authority will need to take into account both the existing and proposed requirements when making a decision.

If you have any questions regarding the status of your existing planning application, please contact Development Assessment Services on (08) 8999 6046 or through [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

## 9. Further information

### 9.1. Be involved

#### 1. Read the documents

Read this Detailed Information Paper in conjunction with the Integrated Schedule of Amendments. Individual Project Amendments (Appendices A and B) provide background to the proposed changes.

Documents are available on [Have Your Say](#), the Planning Reform [website](#), and [Planning Notices Online](#)

#### 2. Speak with a planner

Visit [Have Your Say](#) to make an appointment to speak with a planner about anything you need clarification on, or any issues or concerns about the proposal.

#### 3. Write a submission

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

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

Email: [planning.ntg@nt.gov.au](mailto:planning.ntg@nt.gov.au)

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

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

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

### 9.2. Contact details

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

Phone: 08 8999 8963

Email: [planning.ntg@nt.gov.au](mailto:planning.ntg@nt.gov.au)

*Please quote application number PA2021/0254 to be directed to one of the Project Team.*

## 10. Index of Changes

The following tables are an index of all proposed changes to the NTPS 2020. This index should be used in conjunction with the Integrated Schedule of Amendments. For further detail on the proposed change, refer to either Appendix A or B as identified.

### Part 3 Overlays

Clause	Status	Comments	Relevant Appendix
3.12 GL – Gateway Locations	New	Introduction of new overlay to support 5.9 Location Specific Development Requirements	A – Economic Recovery Actions

### Part 4 Zones and Assessment Tables

Clause	Status	Comments	Relevant Appendix
4.3 Zone LMR – Low-Medium Density Residential	Amended	Changes to specific assessment categories	A – Economic Recovery Actions
4.10 Zone CB – Central Business	Amended	Changes to specific assessment categories	A – Economic Recovery Actions
4.11 Zone C – Commercial	Amended	Changes to specific assessment categories and zone outcomes	A – Economic Recovery Actions
4.13 Zone TC – Tourist Commercial	Amended	Changes to specific assessment categories and zone outcomes	A – Economic Recovery Actions

### Part 5 Development Requirements

Clause	Status	Comments	Relevant Appendix
<b>5.1 Preliminary</b>			
5.1 Preliminary	Amended	Incorporates reference to Location Specific Development Requirements	A – Economic Recovery Actions
<b>5.2 General Development Requirements</b>			
5.2.1 General Height Control	Amended	Consequential amendment (consolidates all building height controls)	A – Economic Recovery Actions
5.2.2 Building Heights in Alice Springs	Omitted	Consequential amendment	A – Economic Recovery Actions
5.2.2.1 General Height Controls in Alice Springs	Omitted	Incorporated into 5.2.1 General Height Control	A – Economic Recovery Actions



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## Attachment 13.1.3.2

### Detailed Information Paper

Clause	Status	Comments	Relevant Appendix
5.2.2.2 Design for Buildings above 3 storeys within Zone CB in Alice Springs	Omitted	Incorporated into 5.9.1 Alice Springs Town Centre	A – Economic Recovery Actions
5.2.2.3 Building Design Requirements within Zone CB in Alice Springs	Omitted	Incorporated into 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zone CB and 5.9.1 Alice Springs Town Centre	A – Economic Recovery Actions (5.9.1) B – Designing Better (5.5.16)
5.2.3 Building Heights in Central Darwin	Omitted	Consequential amendment	A – Economic Recovery Actions
5.2.3.1 Building Heights in the Esplanade Character Area	Omitted	Incorporated into 5.9.2 Darwin City Centre	A – Economic Recovery Actions
5.2.3.2 Volumetric Control in Central Darwin	Omitted	Incorporated into 5.9.2 Darwin City Centre	A – Economic Recovery Actions
5.2.3.3 Urban Design Requirements in Central Darwin	Omitted	Incorporated into 5.5.15 Design of Commercial and Mixed Use Buildings in Zones CB and C, 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C, and 5.9.2 Darwin City Centre	A – Economic Recovery Actions (5.9.2) B – Designing Better (5.5.15 and 5.5.16)
5.2.4 Car Parking	Amended	Previously Vehicle Parking	
5.2.4.1 Car parking spaces	Amended	Previously Parking Requirements	A – Economic Recovery Actions
5.2.4.2 Reduction in Parking Requirements outside of Zone CB in Darwin	Omitted	Incorporated into 5.2.4.1 Car Parking Spaces	A – Economic Recovery Actions
5.2.4.3 Reduction in Parking Requirements within Zone CB in Darwin	Omitted	Incorporated into 5.9.2 Darwin	A – Economic Recovery Actions
5.2.4.4 Layout of car parking areas	Amended	Previously Parking Layout	A – Economic Recovery Actions
5.2.5 Loading Bays	Amended	Consequential amendment	A – Economic Recovery Actions
5.2.6 Landscaping	Amended	Split into 2 requirements to differentiate requirements relevant to Zone CB	
5.2.6.1 Landscaping in Zones other than Zone CB	Amended	Informed by Designing Better	B – Designing Better
5.2.6.2 Landscaping in Zone CB	New	Informed by Designing Better	B – Designing Better

Clause	Status	Comments	Relevant Appendix
<b>5.4 Residential Specific Development Requirements</b>			
5.4.1 Residential Density and Residential Plot Ratio	Amended	Previously Residential Density Limitations	B – Designing Better
5.4.2 Residential Height Limitations	Amended / Omitted	Amendment informed by Designing Better, and consequently incorporated into 5.2.1 General Height Control	A – Economic Recovery Actions B – Designing Better
5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures	Amended	Amendment informed by Designing Better, and consequential amendments (incorporates components of 5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR)	B – Designing Better
5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in Height	Omitted	Informed by Designing Better	B – Designing Better
5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR	Omitted	Incorporated into 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures, and 5.4.19.1 Fencing of Dwellings-multiple in Zones MR and HR	B – Designing Better
5.4.6 Private Open Space	Amended	Split into 2 requirements to differentiate requirements for dwellings-multiple	
5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent, Dwellings-group and Residential Care Facility	Amended	Removes reference to Dwelling-multiple	B – Designing Better
5.4.6.2 Private Open Space for Dwellings-multiple	New	Informed by Designing Better	B – Designing Better
5.4.7 Communal Open Space	Amended	Informed by Designing Better	B – Designing Better
5.4.8 Building Design	Amended	Split into 2 requirements to differentiate requirements for dwellings-multiple	

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## Attachment 13.1.3.2

### Detailed Information Paper

Clause	Status	Comments	Relevant Appendix
5.4.8.1 Building Design for Dwelling-group, Rooming Accommodation and Residential Care Facility	Amended	Removes reference to Dwelling-multiple	B – Designing Better
5.4.8.2 Building Design for Dwelling-multiple	New	Informed by Designing Better	B – Designing Better
5.4.17 Building Articulation	New	Informed by Designing Better and replaces 5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in Height	B – Designing Better
5.4.18 Fencing	New	Overarching clause title	
5.4.19.1 Fencing of Dwellings-multiple in Zones MR and HR	New	Informed by Designing Better and also incorporates 5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR	B – Designing Better
5.4.19 Street Frontage of Residential Buildings in Zone CB	New	Informed by Designing Better	B – Designing Better
<b>5.5 Commercial Specific Development Requirements</b>			
5.5.1 Interchangeable Use and Development	Amended	Split into 2 requirements to differentiate between Zone CB and Zone C	
5.5.1.1 Interchangeable Use and Development in Zone CB	New	Introduces new interchangeable uses and requirements	A – Economic Recovery Actions
5.5.1.2 Interchangeable Use and Development in Zone C	New	Introduces new interchangeable uses and requirements	A – Economic Recovery Actions
5.5.6 Al Fresco Dining Areas in Zone CB in Central Darwin	Omitted	Incorporated into 5.9.2.10	A – Economic Recovery Actions
5.5.15 Design of Commercial and Mixed Use Development in Zones CB and C	New	Informed by Designing Better	B – Designing Better
5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C	New	Informed by Designing Better	B – Designing Better

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## Attachment 13.1.3.2

### Detailed Information Paper

Clause	Status	Comments	Relevant Appendix
<b>5.6 Industrial Specific Development Requirements</b>			
5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV	Amended	Consequential amendment	B – Designing Better
<b>5.8 Miscellaneous Specific Development Requirements</b>			
5.8.7 Demountable Structures	Amended	Consequential amendment	A – Economic Recovery Actions
<b>5.9 Location Specific Development Requirements</b>			
5.9 Location Specific Development Requirements	New		A – Economic Recovery Actions
5.9.1 Alice Springs Town Centre	New	Includes map identifying the locality the requirement applies to	A – Economic Recovery Actions
5.9.1.1 General Building Design	New	Incorporates 5.2.2.3 Building Design Requirements within Zone CB in Alice Springs	A – Economic Recovery Actions
5.9.1.2 Volumetric Control	New	Incorporates 5.2.2.2 Design for Buildings above 3 storeys within Zone CB in Alice Springs and 5.2.2.3 Building Design Requirements within Zone CB in Alice Springs	A – Economic Recovery Actions
5.9.1.3 Active Street Frontages in Alice Springs Town Centre	New	Incorporates 5.2.2.3 Urban Design Requirements within Zone CB in Alice Springs and 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zone CB and C	A – Economic Recovery Actions (5.2.2.3) B – Designing Better (5.5.16)
5.9.1.4 Development in Gateway Locations	New	Informed by CASAP	A – Economic Recovery Actions
5.9.1.5 Design of Car Parking Areas and Vehicle Access in Zone CB	New	Incorporates 5.2.2.3 Building Design Requirements within Zone CB in Alice Springs	A – Economic Recovery Actions
5.9.2 Darwin City Centre	New	Includes map identifying the locality the requirement applies to	A – Economic Recovery Actions
5.9.2.1 General Building Design	New	Incorporates 5.2.3.3 Urban Design Requirements in Central Darwin	A – Economic Recovery Actions

# COUNCIL AGENDA

## Attachment 13.1.3.2

### Detailed Information Paper

Clause	Status	Comments	Relevant Appendix
5.9.2.2 Volumetric Control	New	Incorporates 5.2.3.2 Volumetric Control in Central Darwin	A – Economic Recovery Actions
5.9.2.3 Building Height in the Esplanade Character Area	New	Incorporates 5.2.3.1 Building Heights in the Esplanade Character Area	A – Economic Recovery Actions
5.9.2.4 Development within the Darwin Waterfront	New	Informed by CDAP	A – Economic Recovery Actions
5.9.2.5 Development along Priority Activated Frontages	New	Informed by CDAP and incorporates 5.2.3.3 Urban Design Requirements in Central Darwin and 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zone CB and C	A – Economic Recovery Actions (5.2.3.3) B – Designing Better (5.5.16)
5.9.2.6 Development Fronting Laneways	New	Informed by CDAP	A – Economic Recovery Actions
5.9.2.7 Development along the Priority Pedestrian and Cycle Network	New	Informed by CDAP	A – Economic Recovery Actions
5.9.2.8 Development in Gateway Locations	New	Informed by CDAP	A – Economic Recovery Actions
5.9.2.9 Public Realm Contributions for Development on Large Sites	New	Informed by CDAP	A – Economic Recovery Actions
5.9.2.10 Alfresco Dining Areas	New	Incorporates 5.5.6 Al Fresco Dining Areas in Zone CB in Central Darwin	A – Economic Recovery Actions
5.9.2.11 Car Parking Spaces in Darwin City Centre	New	Incorporates 5.2.4.1 Parking Requirements (Zone CB in Darwin)	A – Economic Recovery Actions
5.9.2.12 Reduction in Car Parking Spaces in Darwin City Centre	New	Incorporates 5.2.4.3 Reduction in Parking Requirements within Zone CB in Darwin	A – Economic Recovery Actions
5.9.2.13 Design of Car Parking Areas and Vehicle Access	New	Incorporates 5.2.3.3 Urban Design Requirements in Central Darwin	A – Economic Recovery Actions
5.9.3 Palmerston City Centre	New	Includes map identifying the locality the requirement applies to	A – Economic Recovery Actions
5.9.3.1 General Building Design	New	Informed by CPAP	A – Economic Recovery Actions
5.9.3.2 Volumetric Control	New	Informed by CPAP	A – Economic Recovery Actions

# COUNCIL AGENDA

## Attachment 13.1.3.2

### Detailed Information Paper

Clause	Status	Comments	Relevant Appendix
5.9.3.3 Development along Priority Activated Frontages	New	Informed by CPAP and incorporates 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zone CB and C	A – Economic Recovery Actions B – Designing Better (5.5.16)
5.9.3.4 Development along Green Links	New	Informed by CPAP	A – Economic Recovery Actions
5.9.3.5 Development in Gateway Locations	New	Informed by CPAP	A – Economic Recovery Actions
5.9.3.6 Public Realm Contributions for Developments above 8 storeys	New	Informed by CPAP	A – Economic Recovery Actions
5.9.3.7 Design of Car Parking Areas and Vehicle Access	New	Informed by CPAP	A – Economic Recovery Actions

### Schedule 2.2 General Definitions

Definition	Status	Comments	Relevant Appendix
<b>active street frontage</b>	Amended	Informed by Designing Better	B – Designing Better
<b>articulation</b>	New	Informed by Designing Better	B – Designing Better
<b>building height</b>	Amended	Consequential amendment informed by Economic Recovery Actions	A – Economic Recovery Actions (5.2.1)
<b>commercial plot ratio</b>	New	Informed by Designing Better	B – Designing Better
<b>commercial floor area</b>	New	Informed by Designing Better	B – Designing Better
<b>plot ratio</b>	Omitted	Informed by Designing Better and incorporated into commercial plot ratio and residential plot ratio	B – Designing Better
<b>residential plot ratio</b>	New	Informed by Designing Better	B – Designing Better
<b>residential floor area</b>	New	Informed by Designing Better	B – Designing Better
<b>visually permeable</b>	New	Informed by Designing Better	B – Designing Better





# COUNCIL REPORT

1st Ordinary Council Meeting

<b>AGENDA ITEM:</b>	13.2.1
<b>REPORT TITLE:</b>	Municipal Boundary Review update
<b>MEETING DATE:</b>	Tuesday 1 March 2022
<b>AUTHOR:</b>	Chief Executive Officer, Luccio Cercarelli
<b>APPROVER:</b>	Chief Executive Officer, Luccio Cercarelli

### COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

### PURPOSE

This purpose of this report is update and advise Council on the Northern Territory Government's decision relating to the City of Palmerston submission for a Municipal Boundary Review.

### KEY MESSAGES

- The 9<sup>th</sup> Council considered opportunities to realign City of Palmerston municipal boundaries and undertook some preliminary investigations.
- The investigations indicated that there was merit in a proposal to realign Palmerston's municipal boundaries to include unincorporated land being:
  - Northcrest Residential Development
  - Tivendale Area
  - Wishart
  - Kirkland Road and Elrundie Area
- The investigations validated that there is considerable social and economic benefit to be achieved by adding the unincorporated land into the Palmerston Municipality.
- A formal submission was made in late 2019 to the then Minister for Local Government.
- The Northern Territory Government released an Information Paper in May 2021 seeking community feedback, closing on 30 June 2021.
- The Northern Territory Government considered the feedback and recently undertook a gazettal process to affect a change to the City of Palmerston Municipal Boundary.
- The change will in effect result in the currently unincorporated areas of
  - Tivendale Area
  - Wishart
  - Kirkland Road and Elrundie Areabecoming part of the City of Palmerston Municipality.
- The realignment will come into effect as of 1 July 2022.
- City of Palmerston staff are working with Northern Territory Government officers to finalise the transition and to ensure Council is able to effect services to our newest suburbs as of 1 July 2022.

### RECOMMENDATION

THAT Report entitled Municipal Boundary Review update be received and noted.

## BACKGROUND

In December 2018, Council considered preliminary information regarding potential boundary realignments.

In February 2019, Council resolved that a position paper be developed.

In September 2019, Council resolved to endorse a submission for a boundary realignment for unincorporated land between Palmerston and Berrimah Road including Northcrest residential development but excluding East Arm at present.

The area within the submission is identified in the following plan:



The decision was based on economic, social, and political futures.

A submission was made in 2019, to the then Minister for Local Government.

This report provides the Council with an update on the Government's decision.

## DISCUSSION

On Thursday 17 February 2022 a special gazettal occurred that amended the NT Rates Regulations, enabling the further processes required, for the City of Palmerston Municipal Boundary realignment to occur.

The area of unincorporated land to become new suburbs of Palmerston include:

- Tivendale area
- Wishart
- Kirkland Road and Elrundie Area

These areas are in accordance with Council's submission with the exception of Northcrest which will remain unincorporated. The areas to be included with Palmerston are shown in the plan below:



The City of Palmerston is working with the Northern Territory Government (NTG) to prepare for the change to come in effect as of the 1 July 2022, with the intent to ensure that Council can provide municipal services to the new areas from that date.

NTG has identified that "Landowners and residents of the land that is to be incorporated into the City of Palmerston area will obtain the benefits of being in a council area including:



## *A Place for People*

- local representation: opportunity for involvement in community planning through
- transparent council processes;
- council advocacy for community benefit with other spheres of government;
- council-maintained community infrastructure; and
- council administration of by-laws to assist with matters such as animal management."

City of Palmerston views this expansion as a great opportunity for Palmerston to become more diverse and provide further opportunities for its improved economic and social activities for our current and future ratepayers and community long term.

City of Palmerston is committed to improving community well-being and sustainability, the expansion presents an opportunity to continue the social and economic development of the existing City of Palmerston and the unincorporated areas to become *'The Place for People'* and *'The Family City'*, through population growth, providing and maintaining infrastructure, community character and culture.

The expansion of City of Palmerston municipal boundary fits within Council's vision for the long-term financial sustainability and growth. It also aligns with the Northern Territory Government's Planning for a vibrant future. City of Palmerston is pleased with the opportunity to welcome business owners and operators and potential new residents to the vibrant and growing community of Palmerston. And is proud that Palmerston is *'A Place for People'* where everyone belongs and is welcome.

### **CONSULTATION PROCESS**

Consultation for the boundary realignment was undertaken by the Northern Territory Government which closed 30 June 2021.

Information was also provided by City of Palmerston to its existing residents and potential new business owners and residents as well as the broader community to explain the impacts of any boundary change.

City of Palmerston worked collaboratively and provided insight and support as required to the Northern Territory Government.

City of Palmerston and Northern Territory Government representatives have been meeting to discuss issues and progress the matter.

### **POLICY IMPLICATIONS**

Policies will apply to all existing and new areas with the Municipality.

### **BUDGET AND RESOURCE IMPLICATIONS**

This proposal will diversify the rating mix, provide stability and long-term sustainability and growth.

Population and economic growth will provide opportunities to further develop relationships with the Australian and Northern Territory Governments resulting in improved community outcomes.

The proposal provides the opportunity to leverage City of Palmerston's existing services, programs, and systems to ensure efficient and effective delivery of services and programs to the Community.

The draft 2022/2023 Municipal Plan will incorporate the realignment.

### **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

City of Palmerston by-law and policies will cover the new areas effective 1 July 2022 due to the Municipality change.

City of Palmerston considers it is ideally aligned for the proposal and represents a community of interest.

Council will undertake further due diligence and financial analysis work to identify any concerns and then implement appropriate mitigation measures.

Under the current timeframe provided by Government the realignment will take effect on 1 July 2022. This will provide Council with sufficient time to ensure Council is ready and able to provide services including the inclusion of the area financials being authorised in the 2022/2023 budget considerations.

City of Palmerston is trusted by its community and will continue to develop its trust and accountability to all its community and stakeholders.

This Report addresses the following City of Palmerston Strategic Risks:

- 1 **Fails to be trusted as a Council**  
Context: Achieving credibility & trust with majority of those within and external to the City.
- 4 **Fails to effectively design and implement contemporary governance practices**  
Context: Strong foundations to hold the City and Administration to account.
- 5 **Fails to make informed and timely decisions**  
Context: Ensuring the City and Administration with decision making delegation have access to the right information, at the right time to make decisions on a timely basis.
- 6 **Fails to deliver the strategic vision for the City**  
Context: Ensuring vision is delivered effectively & efficiently, progress is measurable & celebrated.
- 7 **Fails to be agile to respond to opportunities and challenges**  
Context: Ensuring the organisation is positioned to respond quickly to take up opportunities and respond to challenges both internally and externally.
- 8 **Fails to develop effective relationships and manage expectations of relevant parties**  
Context: Engagement & communication with stakeholders (internal and external to the City).

### **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this Report.

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

I the author and approving officer declare that I do not have a conflict of interest in relation to this matter.

### **ATTACHMENTS**

Nil

**14 INFORMATION AND CORRESPONDENCE**

**14.1 Information**

**14.2 Correspondence**

**15 REPORT OF DELEGATES**

**16 QUESTIONS BY MEMBERS**

**17 GENERAL BUSINESS**

**18 NEXT ORDINARY COUNCIL MEETING**

THAT the next Ordinary Meeting of Council be held on Tuesday, 15 March 2022 at 5:30pm at Gray Community Hall, Corner of Essington Avenue and Victoria Drive, Gray, Palmerston.

**19 CLOSURE OF MEETING TO PUBLIC**

THAT pursuant to *section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021* the meeting be closed to the public to consider the Confidential items of the Agenda.

**20 ADJOURNMENT OF MEETING AND MEDIA LIAISON**

# MINUTES

## **2<sup>nd</sup> Ordinary Council Meeting** **Tuesday 15 February 2022**

The Ordinary Meeting of the City of Palmerston held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, NT 0830



## COUNCIL MINUTES

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Minutes of Council Meeting  
held in Council Chambers  
Civic Plaza, 1 Chung Wah Terrace, Palmerston  
on Tuesday 15 March 2022 at 5:30pm.

### PRESENT

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#### ELECTED MEMBERS

Mayor Athina Pascoe-Bell (Chair)  
Deputy Mayor Sarah Henderson  
Councillor Mark Fraser  
Councillor Amber Garden  
Councillor Ben Giesecke  
Councillor Damian Hale  
Councillor Lucy Morrison

#### STAFF

Chief Executive Officer, Luccio Cercarelli  
Deputy Chief Executive Officer/General Manager  
Community and Culture, Amelia Vellar  
General Manager Infrastructure, Nadine Nilon  
Minute Secretary, Chloe Hayes

#### GALLERY

Two members of the public  
Three members of staff

## 1 ACKNOWLEDGEMENT OF COUNTRY

*I respectfully acknowledge the traditional owners of the land on which we are meeting – the Larrakia People – and pay my respects to their elders, past, present and future.*

## 2 OPENING OF MEETING

The Chair declared the meeting open at 5.30pm.

## 3 APOLOGIES AND LEAVE OF ABSENCE

### 3.1 Apologies

Moved: Councillor Morrison  
Seconded: Councillor Fraser

THAT the apology received from Councillor Eveleigh for 15 February 2022 be received and noted.

CARRIED 10/196 – 15/02/2022

### 3.2 Leave of Absence Previously Granted

Nil

### 3.3 Leave of Absence Request

Moved: Councillor Hale  
Seconded: Deputy Mayor Henderson

THAT the leave of absence received from Councillor Hale for 4 March to 9 March 2022 inclusive be received and noted.

CARRIED 10/197 – 15/02/2022

## 4 REQUEST FOR AUDIO/AUDIOVISUAL CONFERENCING

Nil

## 5 DECLARATION OF INTEREST

### 5.1 Elected Members

Moved: Councillor Giesecke  
Seconded: Councillor Hale

THAT the Declaration of Interest received from Councillor Giesecke for Item 25.1.2 be received and noted.

CARRIED 10/198 – 15/02/2022

Initials: \_\_\_\_\_

5.2 Staff

Nil

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

Moved: Councillor Garden

Seconded: Councillor Fraser

THAT the Minutes of the Council Meeting held on 1 February 2022 pages 10638 to 10647 be confirmed.

CARRIED 10/199 – 15/02/2022

6.2 Business Arising from Previous Meeting

Nil

7 MAYORAL REPORT

Nil

8 DEPUTATIONS AND PRESENTATIONS

Nil

9 PUBLIC QUESTION TIME (WRITTEN SUBMISSIONS)

Nil

10 CONFIDENTIAL ITEMS

10.1 Moving Confidential Items into Open

25.1.2 SWELL Loan Approval

Moved: Deputy Mayor Henderson

Seconded: Councillor Hale

1. THAT Report entitled SWELL Loan Approval be received and noted.
2. THAT Council approves a loan of \$5 million drawn with the underlying conditions:
  - The proposed lender - National Australia Bank (NAB).
  - The purpose of the loan – SWELL Project.
  - The terms of the loan – 20 years.
  - Repayment – Quarterly.
  - Interest – Variable Rate.

Initials: \_\_\_\_\_

## COUNCIL MINUTES

3. THAT in accordance with Section 38(2) of the *Local Government Act 2019*, the Mayor and Chief Executive Officer be authorised to sign and seal loan documentation with National Australia Bank (NAB) in relation to the Swimming and Wellness, Events, Leisure, Lifestyle (SWELL) project for a variable loan of \$5 million over 20 years with quarterly repayments and the funds are to be drawn as required between June 2022 and June 2023.
4. THAT the Council Decisions relating to the Report entitled SWELL Loan Approval be moved to the Open Minutes of the 15 February 2022 Meeting.

CARRIED 10/215 - 15/02/2022

### 23.1 Deputy Police Commissioner NT Police, Fire & Emergency Services, Michael Murphy and CEO Ken Davies Department of Territory Families, Housing and Communities

Moved: Councillor Morrison  
Seconded: Deputy Mayor Henderson

1. THAT the confidential visitation from the Deputy Police Commissioner for NT Police, Fire & Emergency Services, Michael Murphy and Chief Executive Officer for the Department of Territory Families, Housing and Communities be received and noted.
2. THAT this decision be moved to the open section of the 15 February 2022 Council Meeting Minutes.

CARRIED 10/217 - 15/02/2022

### 10.2 Moving Open Items into Confidential

Nil

### 10.3 Confidential Items

Moved: Councillor Garden  
Seconded: Deputy Mayor Henderson

THAT pursuant to Section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1) of the *Local Government (General) Regulations 2021* the meeting be closed to the public to consider the following confidential items:

Item	Confidential Category	Confidential Clause
23.1	External Presentation Request	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(e) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to information provided to the council on condition that it be kept confidential and would, if

Initials: \_\_\_\_\_

## COUNCIL MINUTES

		publicly disclosed, be likely to be contrary to the public interest.
25.1.1	Council Property Agreements and Contracts	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(b) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information about the personal circumstances of a resident or ratepayer.
25.1.2	Council Performance, Service Delivery and Budget Review	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(c)(i) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.
26.2.1	Review of Confidential Matters	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(c)(iv) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

CARRIED 10/200 – 15/02/2022

### 11 PETITIONS

Nil

### 12 NOTICES OF MOTION

Nil

### 13 OFFICER REPORTS

#### 13.1 Action Reports

##### 13.1.1 Council Policy Review Schedule

Moved: Councillor Morrison  
Seconded: Deputy Mayor Henderson

1. THAT Report entitled Council Policy Review Schedule be received and noted.

Initials: \_\_\_\_\_

2. THAT effective 16 February 2022 pursuant to Section 40 of the *Local Government Act 2019* Council hereby delegates to the Chief Executive Officer the power to make non-substantive administrative changes to Council Policies, that does not change the context of a policy.

CARRIED 10/201 – 15/02/2022

### 13.1.2 Bailey Circuit Laneway Storm Water Modelling

Moved: Councillor Hale  
Seconded: Deputy Mayor Henderson

1. THAT Report entitled Bailey Circuit Laneway Storm Water Modeling be received and noted.
2. THAT Council notes that further detailed stormwater assessments are underway for the Bailey Circuit stormwater catchment area and outcomes of the assessments will be reported to Council no later than December 2022 to ensure all information is available for the 12 month laneway night-time closure review.
3. THAT Council does not amend the night-time laneway closure times for the Bailey Circuit laneway and that they continue in accordance with the *Laneway Management Policy*.

CARRIED 10/202 – 15/02/2022

### 13.1.3 myPalmerston 2022

Moved: Councillor Morrison  
Seconded: Councillor Fraser

1. THAT Report entitled myPalmerston 2022 be received and noted.
2. THAT Council accepts the Northern Territory Government offer to partner in delivering myPalmerston 2022 as outlined in report entitled myPalmerston 2022, with the Northern Territory Government financial contribution being \$300,000 and City of Palmerston contribution being \$200,000, noting the possibility that the Northern Territory Government may increase its financial contribution.
3. THAT Council approves immediate funding of its contribution of \$200,000 towards myPalmerston 2022 being funded from 2021/2022 operational savings in wages and salaries (\$143,000) and Local Government Association of the Northern Territory membership fees (\$57,000).
4. THAT pursuant to Section 40(2)(a) of the *Local Government Act 2019* Council hereby delegated to the Chief Executive Officer the power to negotiate and finalise the agreement for the City of Palmerston myPalmerston Local Business Voucher Program for 2022 as outlined in Report entitled myPalmerston 2022.

CARRIED 10/203 – 15/02/2022

### 13.1.4 Second Quarter Budget Review 2021-22

Moved: Councillor Garden  
Seconded: Deputy Mayor Henderson

1. THAT Report entitled Second Quarter Budget Review 2021-22 be received and noted.
2. THAT Council adopts the Second Quarter Budget Review 2021/22, pursuant to Regulation 9 of the *Local Government (General) Regulations 2021* as presented as **Attachment 13.1.4.1** to Report entitled Second Quarter Budget Review 2021-22.
3. THAT Council adopts the movements for 2021/22 as per **Attachment 13.1.4.1** to Report entitled Second Quarter Budget Review 2021-22.
4. THAT Council notes the reserve movements for 2021/22 of a transfer of \$10,000 from waste management reserve to fund the Home Composting Rebate previously approved.

CARRIED 10/204 – 15/02/2022

### 13.1.5 Zuccoli Community Hub Community Consultation

Moved: Councillor Morrison  
Seconded: Councillor Fraser

1. THAT Report entitled Zuccoli Community Hub Community Consultation be received and noted.
2. THAT Council approve the final Zuccoli Community Hub Master Plan as provided as **Attachment 13.1.5.1** to Report entitled Zuccoli Community Hub Community Consultation that has been amended in response to feedback gained through community consultation as outlined in this report.
3. THAT the Mayor write to the Northern Territory Government, Minister for Infrastructure, Planning and Logistics presenting the final Zuccoli Community Hub Master Plan for approval as per the conditions of the sites Crown Term Lease.
4. THAT Council notes the submitted City of Palmerston Building Better Regions Fund Round Six submission for Zuccoli Community Hub was amended to a funding request of \$3,175,000 to ensure compliance to the funding conditions of this round.
5. THAT Council write to all the community members and stakeholders who submitted feedback as part of the consultation process, thanking them for their contribution and advise them of the outcome and project progress.

CARRIED 10/205 – 15/02/2022

### 13.1.6 Draft Disability Inclusion and Access Plan

Moved: Councillor Fraser  
Seconded: Deputy Mayor Henderson

1. THAT Report entitled Draft Disability Inclusion and Access Plan be received and noted.

Initials: \_\_\_\_\_



2. THAT Council approves public consultation for a period of 60 days on the draft City of Palmerston Disability Inclusion and Access Plan as presented as **Attachment 13.1.6.1** to Report entitled Draft Disability Inclusion and Access Plan before presentation of a final version of the plan with incorporated feedback from the community consultation to be presented to Council for adoption at the conclusion of the consultation period.

CARRIED 10/206 – 15/02/2022

### 13.2 Receive and Note Reports

#### 13.2.1 NT Strategic Water Plan

Moved: Councillor Fraser  
Seconded: Councillor Garden

THAT Report entitled NT Strategic Water Plan - Direction Paper be received and noted.

CARRIED 10/207 – 15/02/2022

#### 13.2.2 Financial Report for the Month of January 2022

Moved: Councillor Giesecke  
Seconded: Councillor Morrison

THAT Report entitled Financial Report for the Month of January 2022 be received and noted.

CARRIED 10/208 – 15/02/2022

#### 13.2.3 City of Palmerston - Community Benefit Scheme - February Update

Moved: Councillor Morrison  
Seconded: Deputy Mayor Henderson

THAT Report entitled City of Palmerston - Community Benefit Scheme - February Update be received and noted.

CARRIED 10/209 – 15/02/2022

## 14 INFORMATION AND CORRESPONDENCE

### 14.1 Information

Nil

### 14.2 Correspondence

Nil

## COUNCIL MINUTES

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15 REPORT OF DELEGATES

Nil

16 QUESTIONS BY MEMBERS

Nil

17 GENERAL BUSINESS

Nil

18 NEXT ORDINARY COUNCIL MEETING

Moved: Councillor Garden

Seconded: Councillor Fraser

THAT the next Ordinary Meeting of Council be held on Tuesday, 1 March 2022 at 5:30pm in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston.

CARRIED 10/210 – 15/02/2022

19 CLOSURE OF MEETING TO PUBLIC

Moved: Councillor Garden

Seconded: Councillor Fraser

THAT pursuant to *section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021* the meeting be closed to the public to consider the Confidential items of the Agenda.

CARRIED 10/211 – 15/02/2022

20 ADJOURNMENT OF MEETING AND MEDIA LIAISON

Nil

The open section of the meeting closed at 5.55pm for the discussion of confidential matters.

The Chair declared the meeting closed at 7:48pm.

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Chair

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Print Name

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Date

Initials: