

LITCHFIELD COUNCIL



Community effort is essential

Council Meeting BUSINESS PAPER WEDNESDAY 15/06/2016

Meeting to be held commencing 6:00pm
In Council Chambers at 7 Bees Creek Road, Freds Pass.

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

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NOTE: Attachments too large to include in the agenda can be found on Council's website at www.litchfield.nt.gov.au

Council Meeting Agenda

Wednesday 15 June 2016



1. Opening of Meeting

Audio Disclaimer

An Audio recording of this meeting is being made for minute taking purposes as authorised by the Chief Executive Officer.

Acknowledgement

The Mayor acknowledged that the meeting was held on the traditional country of the Larrakia people and paid her respects to the Elders past and present for their continuing custodianship of the land and the children of this land across generations.

2. Apologies and Leave of Absence

3. Confirmation of Minutes

- 3.1 THAT the minutes of the Council Meeting held Wednesday 18 May 2016, 13 pages are confirmed. (The Minutes have been provided under separate cover).

4. Business Arising from the Minutes

Attached for Council information is Action Sheet

Resolution	Resolution	Action Officer	Meeting Date	Completed	Comments
15/0032/02	12.4 QUESTIONNAIRE Council prepare a plan and budget for conducting a comprehensive, formal survey of residents regarding Council performance, service expectations and priorities, and regional planning, which will come back for Council consideration.	CEO	23/07/2015		
15/0052/03	12.5 BRIDGES RENEWAL PROGRAM ELIZABETH VALLEY ROAD 3. THAT Council approve allocating \$30,000 from infrastructure reserves to undertake a detailed bridge design, which is a requirement of the Bridge Renewal Program to allow consideration of the submission.	Director Planning & Infrastructure	20/08/2015		
15/0074/02	12.2 RISK MANAGEMENT AND INTERNAL AUDIT COMMITTEE MEETING 27.08.15 2. THAT the minutes of the Risk Management and Audit Committee meeting held on 27 August 2015 be received and noted and that Council adopts the recommendations made by the Committee and accordingly resolves as follows: THAT the 2014/2015 Annual Report provide a narrative analysis and discussion on the performance against the Municipal plan objectives, KPIs, budget and the financial statements. THAT Council develop the risk management process to a mature stage, allowing appropriate information to be available for oversight by the Committee and the development of a three year internal audit plan.	CEO	17/09/2015	Complete	
15/0175/02	12.09 Meeting Procedures By-Laws 2. THAT Council instruct the Acting Chief Executive Officer to begin negotiating with Parliamentary Counsel on the drafting of Meeting Procedures By-Laws for Litchfield Council.	CEO	19/11/2015		
15/0192/03	12.10 Nominations for Appointment to the Litchfield Development Consent Authority 3. THAT the CEO be directed to release an Expression of Interest for members of the community to nominate to be on the Litchfield Development Consent Authority	CEO	14/12/2015		To discuss with Mayor
16/0046/01	R2.08 Road Closing – Unnamed Road between Thorngate Road and Taylor Road, Holtze across Crown Land utilised by Defence 16/0046. THAT Council 1. approve proceeding with the road closure process of the Unnamed Road between Thorngate Road and Taylor Road, Holtze across Crown Land; and 2. authorises all appropriate documents are signed and the common seal is affixed by the Mayor and the Chief Executive Officer for the closure of the Unnamed Road between Thorngate Road and Taylor Road, Holtze across Crown Land; and 3. approve the Department of Lands Planning and the Environment acquiring the land (Unnamed Road between Thorngate Road and Taylor Road, Holtze across Crown Land) following creation of title, and at nil cost and pursuant to the Lands Acquisition Act.	Director Planning & Infrastructure	17/02/2016		In process now

16/0054	12.01 Litchfield Aquatic Leisure Facility Project THAT Council receives the Litchfield Aquatic Facility Planning Project report 16/0054; and resolves to proceed to complete Step 1 Assessment of Community Need at an estimated cost of \$30,000 commencing July 2016; and refers the project costs to the 2016/17 Budget development process.	CEO	16/03/2016	Complete
16/0067	12.06 Road realignment section 222, 223 road closing and opening THAT Council approve 1. the opening of a new section of road reserve within section 223 Hundred of Colton and closing of an existing section of road reserve that exists between Sections 222 and 223 Hundred of Colton, 2. the Mayor and CEO signing and sealing all documentation for the opening of a new section of road reserve within section 223 Hundred of Colton and closing of an existing section of road reserve that exists between Sections 222 and 223 Hundred of Colton, 3. gazettal of the opening of a new section of road reserve within section 223 Hundred of Colton and closing of an existing section of road reserve that exists between Sections 222 and 223 Hundred of Colton, pending no objections in accordance with the Local Government Act section 185.	Director Planning & Infrastructure	16/03/2016	In process now
16/0065	12.13 Special Purpose Rate, Ratepayer contribution to Sealing Roads THAT Council defer this item to facilitate further discussion, and receive a further report on this matter, no later than the May 2016 Council Meeting.	Director Planning & Infrastructure	16/03/2016	Complete
16/0053	13.01 Appointment and Term of Deputy Mayor 16/0053 THAT Council determines to provide each councillor with the opportunity to hold the position of deputy mayor for a period during this term of council. extends the appointment of Councillor Barden as Deputy Mayor for one month concluding 17 May 2016; appoints Councillor Hunt as Deputy Mayor for the five month period from 18 May 2016 until 18 October 2016; appoints Councillor Osborn as Deputy Mayor for the five month period from 19 October 2016 until 21 March 2017; appoints Councillor Wright as Deputy Mayor for the five month period from 22 March 2017 until the conclusion of Council's term in August 2017.	CEO	20/04/2016	Complete
16/0076	Palmerston and Rural Seniors Committee Inc. Sponsorship Funding 16/0076 THAT Council Enters into a three year sponsorship agreement with the Palmerston and Rural Seniors Committee Inc. for \$5,000 each year; and Allocates \$5,000 in the Budget 2016/17 and includes \$5,000 each 2017/18 and 2018/19 in Councils Long Term Financial Plan.	CEO	20/04/2016	
16/0061	13.05 Acquisition Application of Mira Square, at Section 0368 (24) Aldridge Street, Southport 16/0061 THAT Council Endorses the Acquisition Application of Mira Square, at Section 0368 (24) Aldridge Street, Southport Approves the allocation of a \$20,000 grant to the Southport Progress Association as seed funding for the financial year 2016/17; and Allocates \$10,000.00 annually, commencing in 2017/18 as an operating grant to the Southport Progress Association to manage Mira Square.	Director Planning & Infrastructure	20/04/2016	Complete

16/0089	<p>13.09 PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089 Amendment</p> <p>THAT Council writes to the Development Consent Authority indicating that it does not support the application PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089 in its current form, including drainage. water. roads and conservation issues.</p>	Director Planning & Infrastructure	20/04/2016	Revised letter with the amendment has been sent
16/0097	<p>Waste Transfer Station Audit</p> <p>THAT Council</p> <ol style="list-style-type: none"> undertakes the following works at the Berry Springs Waste Transfer Site to improve public and staff safety at the estimated costs outlined: Video surveillance\$10,000.00 Gate house\$30,000.00 Electricity supply\$15,000.00 Water tank\$3,000.00 400 metre new fencing and repairs\$20,000.00 Raise concrete pads – Berry Springs Raise concrete pads – Howard Springs (opportunity due to economies of scale)\$10,000.00 Installation of waste performance boards Berry Springs\$2,000.00 Total Estimated Cost\$90,000.00 fund the works from Council's Waste Management Reserve explores the staffing of the gatehouse as part of developing Council's 10 Year Waste Management Strategy. Undertakes a community awareness campaign to communicate the upgrade to residents 	Director Planning & Infrastructure	18/05/2016	In process now
16/0098	<p>Application for Rate Concession 10020931</p> <p>THAT Council</p> <ol style="list-style-type: none"> Grant a rate concession for assessment 10020931 for the remission of interest for the financial year 2015/2016 of \$31.99; and Write off legal costs of \$5,160.40 incurred in the process of recovering outstanding rates for assessment 10020931 	Director Community & Corporate	18/05/2016	In process now
16/0092	<p>Application for Rate Concession 10109122</p> <p>THAT Council approves a rate concession for assessment 10109122 a deferment in whole of rates, charges and interest for the financial year 2015/2016 rates.</p>	Director Community & Corporate	18/05/2016	In process now
16/0099	<p>NT Balanced Environment Strategy</p> <ol style="list-style-type: none"> THAT Council receive Report Number 16/0099 	Director Planning &	18/05/2016 Complete	

16/0100	<p>EMEL31233, an Extractive Mineral Exploration Licence Application at NT Portion 4477, PPL1147</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Support EMEL31233, an Extractive Mineral Exploration Licence Application 2. Endorse Councils Letter of Comment (Attachment B), for EMEL31233, an Extractive Mineral Exploration Licence Application at NT Portion 4477, PPL1147. <ol style="list-style-type: none"> a. Council has no comments in relation to the proposed EMEL, as Council infrastructure is not affected. <p>Reports 16/0100, 16/0101 and 16/0102 were dealt with as a block.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0101	<p>EML31232, an Extractive Mineral Lease Application at Section 1581, Hundred of Colton</p> <p>THAT Council:Support EML31232, an Extractive Mineral Lease Licence Applicationendorse Councils Letter of Comment (Attachment B), for EML31232, an Extractive Mineral Lease Application at Section 1581, Hundred of Colton.Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements.Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna.</p>	Director Planning & Infrastructure	Complete
16/0102	<p>EMP31231, an Extractive Mineral Permit Application at Section 1581, Hundred of Colton</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Support EMP31232, an Extractive Mineral Permit Application 2. endorse Councils Letter of Comment (Attachment B), for EMP31231, an Extractive Mineral Permit Application at Section 1581, Hundred of Colton. <ol style="list-style-type: none"> a. Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve. b. Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements. c. Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna. 	Director Planning & Infrastructure	18/05/2016 Complete

16/0101	<p>EML31232, an Extractive Mineral Lease Application at Section 1581, Hundred of Colton 16/0101</p> <p>THAT Council:Support EML31232, an Extractive Mineral Lease Licence Applicationendorse Councils Letter of Comment (Attachment B), for EMEL31232, an Extractive Mineral Lease Application at Section 1581, Hundred of Colton.Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements.Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna.</p> <p>Reports 16/0100, 16/0101 and 16/0102 were dealt with as a block</p>	Director Planning & Infrastructure	18/05/2016 Complete	
16/0103	<p>PA2016/0209, a Development Application for addition to existing caravan park of 3 demountable structures to provide accommodation for 11 people at Section 5369 (1807) Stuart Highway, Noonamah, Hundred of Strangways 16/0103</p> <p>THAT Council:endorse Attachment B, Council's Letter of Comment for PA2016/0209, a Development Application for addition to existing caravan park of 3 demountable structures to provide accommodation for 11 people at Section 5369 (1807) Stuart Highway, Noonamah, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete	
16/0104	<p>PA2016/0254, a Development Application for clearing of native vegetation at Section 222 and Section 223 (310 and 390) Acacia Gap Road, Manton, Hundred of Colton 16/0104</p> <p>THAT Council:</p> <ol style="list-style-type: none"> endorse Attachment B, Council's Letter of Comment for PA2016/0254, a Development Application for clearing of native vegetation at Section 222 and Section 223 (310 and 390) Acacia Gap Road, Manton, Hundred of Colton, the assessment of which is summarised above and reviewed in detail within the body of this report. 	Director Planning & Infrastructure	18/05/2016 Complete	
16/0105	<p>Amend Boundary of Holtze and Yarrawonga 16/0105</p> <p>THAT Council provide comments to the Place Names Committee indicating that Council supports the entirety of Lot 11976 be located solely in Yarrawonga, Town of Palmerston</p>	Director Planning & Infrastructure	18/05/2016 Complete	Sent letter

16/0106	<p>PA2015/0267, a Development Application for additions and alterations to existing barramundi farm (intensive animal husbandry) at Section 1624 (1125) Anzac Parade, Middle Point, Hundred of Guy 16/0106</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0267, a Development Application for additions and alterations to existing barramundi farm (intensive animal husbandry) at Section 1624 (1125) Anzac Parade, Middle Point, Hundred of Guy, the assessment of which is summarised above and reviewed in detail within the body of this report</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0107	<p>PA2015/0775, a Development Application for 5 x demountable structures in association with home based contracting at Section 4092 (61) Brandt Road, Knuckey Lagoon, Hundred of Bagot 16/0107</p> <p>THAT Council endorse Attachment B, Council's Letter of Comment for PA2015/0775, a Development Application for 5 x demountable structures in association with home based contracting at Section 4092 (61) Brandt Road, Knuckey Lagoon, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0108	<p>PA2016/0220, a Development Application for a shed addition to an existing single dwelling with reduced side setback at Lot 31 (35) Brewerton Road, McMinns Lagoon, Hundred of Strangways 16/0108</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0220, a Development Application for a shed addition to an existing single dwelling with reduced side setback at Lot 31 (35) Brewerton Road, McMinns Lagoon, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0109	<p>PA2016/0229, a Development Application for subdivision to create 3 lots at Section 5732 (139) Eucalyptus Road, Herbert, Hundred of Strangways 16/0109</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0229, a Development Application for subdivision to create 3 lots at Section 5732 (139) Eucalyptus Road, Herbert, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0110	<p>PA2016/0236, a Development Application for clearing of native vegetation at Section 2350 (545) Hopewell Road, Berry Springs, Hundred of Cavenagh 16/0110</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0236, a Development Application for clearing of native vegetation at Section 2350 (545) Hopewell Road, Berry Springs, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete

16/0111	<p>PA2016/0275, a Development Application for subdivision to create 3 lots at Section 2514 (525) Kentish Road, Livingstone, Hundred of Cavenagh 16/0111</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0275, a Development Application for subdivision to create 3 lots at Section 2514 (525) Kentish Road, Livingstone, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0113	<p>PA2016/0196, a Development Application for shop including a drive through liquor outlet in a single storey building and mezzanine function area at Section 4768, Section 5124, Section 5215, Section 5126, Section 5127, Section 5131, and Section 5132 (883 and 881) Stuart Highway and (2, 4, 6, 14, and 16) Mander Road, Holtze, Hundred of Bagot 16/0113</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0196, a Development Application for shop including a drive through liquor outlet in a single storey building and mezzanine function area at Section 4768, section 5124, Section 5215, Section 5126, Section 5127, Section 5131, and Section 5132 (883 and 881) Stuart Highway and (2, 4, 6, 14, and 16) Mander Road, Holtze, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0112	<p>PA2016/0247, a Development Application for changes to DP15/0504 to create an additional 28 lots at Section 1741 and Section 1747 (175 and 350) Lawton Road, Blackmore, Hundred of Cavenagh 16/0112</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0247, a Development Application for changes to DP15/0504 to create an additional 28 lots at Section 1741 and Section 1747 (175 and 350) Lawton Road, Blackmore, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0114	<p>PA2016/0197, a Development Application for a 60m high telecommunications tower with associated antennas and equipment in shelter at Section 2541 (430) Mira Road, Hundred of Cavenagh 16/0114</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0197, a Development Application for a 60m high telecommunications tower with associated antennas and equipment in shelter at Section 2541 (430) Mira Road, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete

16/0115	<p>PA2016/0208, a Development Application for animal boarding at Lot 22 (50) Pheasant Drive, McMinns Lagoon, Hundred of Strangways 16/0115</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0208, a Development Application for animal boarding at Lot 22 (50) Pheasant Drive, McMinns Lagoon, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0116	<p>PA2016/0244, a Development Application for subdivision to create 40 lots in 3 stages at Section 2747 and Section 2748 (45) Stockwell Road, Blackmore, Hundred of Cavenagh 16/0116</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0244, a Development Application for subdivision to create 40 lots in 3 stages at Section 2747 and Section 2748 (45) Stockwell Road, Blackmore, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete
16/0117	<p>PA2016/0213, a Development Application for subdivision to create four lots at Lot 18 (110) Trippe Road, Humpty Doo, Hundred of Strangways 16/0117</p> <p>THAT Council</p> <p>1. endorse Attachment B, Council's Letter of Comment for PA2016/0213, a Development Application for subdivision to create four lots at Lot 18 (110) Trippe Road, Humpty Doo, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.</p>	Director Planning & Infrastructure	18/05/2016 Complete

5. Conflict of Interest

6. Presentations

Council at its meeting held 18 May 2016 resolved

THAT Council

1. supports the United Nations awareness campaign to prevent abuse of older people and recognises that abuse is often emotional and financial, as well as physical;
2. acknowledges that preventing elder abuse is everyone's business;
3. encourages councillors and staff to wear purple on World Elder Abuse Awareness Day 15 June 2016 to raise awareness of elder abuse and other challenges older people face;
4. invites the Council of the Ageing (NT) to address, or recommend a guest speaker to address, Council at its 15 June 2016 Meeting on the matter of elder abuse and how Council and Communities can work together to end elder abuse.

Since then Council has registered to commemorate World Elder Abuse Awareness Day

Graeme Bevis, CEO of Council of the Ageing (COTA) NT will be in attendance to present to Council on the work COTA NT is doing to raise awareness to prevent elder abuse.

7. Public Forum

8. Accepting or Declining Late Items

Nil

9. Notices of Motion

10. Mayors Report

11. Reports from Council appointed Representatives

Delegate	Committee
Mayor Bredhauer	Howard East Water Advisory Board
Cr Wright	Knuckey Lagoon Reserve Committee
Cr Barden	AACo Community Reference Group

12. Finance Report

Agenda Item Number:	12.1	Report Number:	16/0126
Report Title:	Financial Report May 2016 Council		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	2016 May Council Monthly Report		

Summary

The Financial report for the period up to and including May 2016 is attached for Council's review.

Recommendations

1. THAT Council receive the Litchfield Council monthly Financial Report for May 2016. Report Number 16/0126

Background

Council receives monthly financial reports in accordance with the *Local Government (Accounting) Regulations Part 8*.

The Financial Report for the period up to and including May 2016 is attached. The results to the end of May 2016 are

Links with Strategic Plan

5. Effective Council Management

Legislative and Policy Implications

Local Government (Accounting) Regulations

Risks

No risk identified

Financial Implications

No financial implications identified

Recommending Officer:	Stuart Totham – Director of Community and Corporate Services
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Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



Finance Report

For the period to May 2016

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- 2.5 Statement of Credit Card Transaction**
- 2.6 Financial Reserves Schedule**

Overview**Income**

Operational income is forecast to reach \$13,094,721. This is \$155,633 higher than previously reported in May due to the increase in fees raised from development plan approvals and interest received on property rates.

The forecast income of \$13,094,721 is \$552,511 above the original budget of \$12,542,210 due to:

- an increase in interest received on outstanding rates and waste charge (\$138,419)
- an increase in waste management fees collected (\$299,882)
- an increase in interest received from bank investments (\$35,740)
- additions in grants received in both Governance and Waste (\$72,000)

The total outstanding rates as at 31 May 2016 is \$2.28 million. Outstanding rates related to the 2015/16 period are \$847,483 and \$1.43 million related to prior years. Total rates collected in the month of May was \$233,927, being \$154,290 from current year rates and \$79,637 from prior years.

Capital income is forecast to reach \$7,291,449. This is \$138,892 higher than previously reported in May due to an additional grant received for the construction of Berry Springs Reserve Caretakers Dwelling offset by a reduction in expected Development Contribution Levy income. Capital income has been varied from the original budget of \$3,889,500 due to additional grant received (\$4,357,708) to support infrastructure development which was also offset by a significant reduction in the expected receipts from development contributions (\$933,340).

Expenditure

Operational expenditure is forecast to reach \$12,585,281. This is \$143,028 lower than previously forecasted \$12,728,309 in May due to small reductions across all areas of operations.

The forecast expenditure of \$12,585,281 is \$735,067 less than the original budget of \$13,320,348 due to:

- decrease in employee costs (\$491,351)
- increase in material costs (\$20,145)
- decrease in contractor costs (\$206,443)
- decrease in other costs (\$57,417)

Capital expenditure is forecast to reach \$10,342,142. This is \$167,466 lower than previously reported in May due mainly to a savings in roads resealed expenditure line. Capital expenditure has been varied from the original budget of \$4,864,749 due to expenditure related to additional infrastructure grants (\$4,476,053) received during the year.

Summary

The combined operating and capital deficit is forecast to be \$2,541,253 against the forecast deficit in May of \$3,146,272. The decrease of \$605,019 relates to a number of variances as explained above. The final result of a balance budget draws on \$2,541,253 from Council's financial reserves.

Summary						
	YTD actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Operational Income	12,913,227	12,542,210	12,685,407	13,094,721	552,511	Note 1
Capital Income	5,537,949	3,889,500	7,791,053	7,291,449	3,401,949	Note 2
TOTAL INCOME	18,451,176	16,431,710	20,476,460	20,386,170	3,954,460	
	YTD actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Operational Expenditure	11,478,281	13,320,348	13,506,799	12,585,281	735,067	Note 3
Capital Expenditure	6,072,620	5,644,859	10,711,668	10,342,142	(4,697,284)	Note 4
TOTAL EXPENDITURE	17,550,901	18,965,207	24,218,467	22,927,423	(3,962,217)	
TOTAL NET SURPLUS / (DEFICIT)	900,275	(2,533,498)	(3,742,007)	(2,541,253)	(7,757)	
Funded by:						
Transfers from Reserves		(4,129,998)	(5,441,210)	(3,502,941)		
Transfers to Reserves		1,596,500	1,699,203	961,688		
Total		(2,533,498)	(3,742,007)	(2,541,253)		

Note 1 - Additional income forecasted across divisions to 30 June 2016 (See detail at Section 2.1.b - Operational Income).

Note 2 - Reduction in Development Contributions no longer forecasted for 30 June 2016 (See detail at Section 2.1.b - Capital Income).

Note 3 - Reduction in operational expenditure forecasted across divisions to 30 June 2016 (See detail at Section 2.1.b - Operational Expenditure).

Note 4 - Reduction in capital expenditure forecasted across divisions for 30 June 2016 (See detail at Section 2.1.b - Capital Expenditure).

SECTION 2.1

Budget Summary Reports

2.1.a 2015/16 Budget versus actuals by expenditure type as at 31 May 2016

	2015/16 YTD Actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Original Budget & Forecast
Operational income					
Grants and Contributions	3,031,735	3,020,199	3,094,396	3,029,741	9,542
User Fees and Charges	824,039	517,005	517,005	829,244	312,239
Rates and Annual Charges	8,576,577	8,520,006	8,589,006	8,576,576	56,570
Rate Arrears Interest	223,420	85,000	85,000	223,419	138,419
Investment Interest	257,456	400,000	400,000	435,740	35,740
OPERATIONAL INCOME TOTAL	\$12,913,227	\$12,542,210	\$12,685,407	\$13,094,721	\$552,511
Capital income					
Proceeds Sale of Plant	36,363	45,000	45,000	69,363	24,363
Special Rate - WTS	417,818	401,500	401,500	417,818	16,318
Grants	4,885,208	2,248,000	6,149,553	6,605,708	4,357,708
Developer Contributions	198,560	1,195,000	1,195,000	198,560	(996,440)
CAPITAL INCOME TOTAL	\$5,537,949	\$3,889,500	\$7,791,053	\$7,291,449	\$3,401,949
TOTAL INCOME	\$18,451,176	\$16,431,710	\$20,476,460	\$20,386,170	\$3,954,460
Operational Expenditure					
Employee Costs	3,939,746	4,899,566	4,935,331	4,408,215	491,351
Materials	684,468	720,820	720,820	740,965	(20,145)
Contractors and Consultants	6,043,902	6,693,800	6,723,800	6,487,356	206,443
Other Expenses	810,164	1,006,163	1,126,849	948,746	57,417
OPERATIONAL EXPENDITURE TOTAL	\$11,478,281	\$13,320,348	\$13,506,799	\$12,585,281	\$735,067
Surplus (Deficit) on Council Operations	\$6,972,894	\$3,111,361	\$6,969,661	\$7,800,889	\$4,689,526
Capital expenditure					
Plant/Vehicle Purchases	334,215	330,000	420,160	379,216	(49,216)
Works Program	5,451,069	5,084,859	9,700,912	9,191,010	(4,106,151)
Property Program	287,336	230,000	590,595	771,916	(541,916)
CAPITAL EXPENDITURE TOTAL	\$6,072,620	\$5,644,859	\$10,711,668	\$10,342,142	(\$4,697,283)
Total surplus (Deficit) on capital and operating	\$900,275	(\$2,533,498)	(\$3,742,007)	(\$2,541,253)	(\$7,757)

SECTION 2.1

Budget Summary Reports

2.1.b 2015/16 Budget versus actuals by Program as at 31 May 2016

Operational Income

	YTD Actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Governance	55,818	-	50,000	55,818	5,818	
Administration	55,818	-	50,000	55,818	5,818	
Corporate Services	6,997,531	7,041,743	7,112,980	7,176,643	63,663	
Rates (includes general rates)	6,183,244	6,055,789	6,124,789	6,183,244	58,455	Note 1
Finance	802,940	949,554	951,791	981,399	29,608	
Information Services	11,348	36,400	36,400	12,000	(24,400)	
Infrastructure	2,608,073	2,666,745	2,666,705	2,608,073	(58,632)	
Planning	104,793	93,000	93,000	104,793	11,793	Note 2
Works - Roads	2,491,993	2,558,545	2,558,505	2,491,993	(66,512)	
Works - Administration	9,293	15,200	15,200	9,293	(5,907)	
Mobile Workforce	1,994	0	0	1,994	1,994	
Regulatory Services	56,371	25,500	25,500	56,407	30,907	
Animal Control	56,371	25,500	25,500	56,407	30,907	Note 3
Waste Management	3,194,293	2,807,221	2,829,221	3,196,640	367,419	
Waste - Administration	22,000	0	22,000	22,000	0	Note 4
Waste Charges	2,616,753	2,549,216	2,549,216	2,616,753	67,537	
Waste Transfer Stations	555,540	258,005	258,005	557,887	299,882	
Community	1,140	1,000	1,000	1,140	140	
Administration	1,140	1,000	1,000	1,140	140	Note 5
Total Operational Income	12,913,227	12,542,210	12,685,407	13,094,721	409,314	

Note 1 - Corporate Services Operational revenue forecast favourable (\$63,663)

\$58,455 - An increase in forecasted rates to be received by 30 June 2016.

\$29,608 - An increase in the investment interest expected to 30 June 2016.

\$24,400 - Reduction in income received from Information Manager contracting to other Councils.

Note 2 - Infrastructure Operational revenue forecast unfavourable (\$58,632)

\$11,793 - An increase in income to be received to 30 June 2016 for Planning division.

\$66,512 - Reduction in income compared to Budget for FAA Roads Grant.

\$5,907 - Reduction in income to be received to 30 June 2016 for Works division.

\$1,994 - Additional income from Mobile Workforce from works at Council's Reserves.

Note 3 - Regulatory Services Operational revenue forecast favourable (\$30,907)

Based on prior two months increase, an estimated forecast of \$56,407 is expected.

Note 4 - Waste Management Operational revenue forecast favourable (\$367,419)

\$67,537 - An expected 2% increase from original budget is forecasted.

\$299,882 - Increase in income received compared to budget at Waste Transfer Stations.

Note 5 - Community Operational revenue forecast favourable (\$140)

Additional \$100 was received from Australia Day grant. \$40 donation was received and passed on to RSPCA early January 2016.

SECTION 2.1

Budget Summary Reports

2.1.b 2015/16 Budget versus actuals by Program as at 31 May 2016

Operational Expenditure

	YTD Actuals	Committed	YTD Actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Governance	892,680	99,561	992,241	1,184,145	1,198,532	1,159,060	39,472	
Elected Members	285,496	22,899	308,396	311,991	392,348	386,813	5,535	Note 1
Public Relations	4,008	-	4,008	14,400	14,400	4,696	9,704	
Administration	603,175	76,662	679,837	857,754	791,784	767,551	24,233	
Corporate Services	2,823,134	41,895	2,865,030	2,966,624	2,980,278	3,046,309	(66,031)	
Administration	793,015	464	793,478	769,126	782,780	840,525	(57,745)	Note 2
Finance	701,890	14,420	716,310	790,399	790,399	808,495	(18,096)	
Information Services	401,667	24,167	425,834	456,099	456,099	460,220	(4,121)	
Recreation Reserve Management	926,563	2,844	929,408	951,000	951,000	937,070	13,930	
Infrastructure - Works	4,768,643	283,488	5,052,131	6,092,988	6,189,398	5,577,402	611,996	
Planning	556,744	1,886	558,630	967,038	1,007,038	663,507	343,531	Note 3
Works -Roads	2,704,136	256,640	2,960,777	3,096,500	3,093,500	3,093,500	-	
Works - Street Lighting	37,409	-	37,409	100,000	100,000	60,000	40,000	
Works - Administration	391,472	1,497	392,970	483,996	516,996	495,947	21,049	
Mobile Workforce	986,609	16,532	1,003,141	1,291,454	1,317,864	1,148,991	168,873	
Property Management	92,273	6,932	99,205	154,000	154,000	115,457	38,543	
Regulatory Services	316,660	1,190	317,849	377,781	377,781	359,017	18,764	
Animal Control	316,660	1,190	317,849	377,781	377,781	359,017	18,764	Note 4
Waste Management	1,955,451	228,854	2,184,305	2,650,810	2,672,810	2,363,768	309,042	
Waste Transfer Stations	1,063,818	226,280	1,290,097	1,591,400	1,596,800	1,345,026	251,774	Note 5
Administration	891,633	2,575	894,208	1,059,410	1,076,010	1,018,742	57,268	
Community Services	66,147	578	66,725	48,000	88,000	79,725	8,275	
Operations	66,147	578	66,725	48,000	88,000	79,725	8,275	Note 6
Total Operational Expenditure	10,822,715	655,566	11,478,281	13,320,348	13,506,799	12,585,281	921,518	

Note 1 - Governance Operational expenditure forecast favourable (\$39,472)

\$5,535 - An expected reduction in elected member expenditure, compared to budget.

\$9,704 - Reduction in the forecast of web maintenance and telephone charges, compared to budget.

\$24,233 - Reduction in the forecast of employee costs and courses, seminars and conferences, compared to budget.

Note 2 - Corporate Services Operational expenditure forecast unfavourable (\$66,031)

\$57,745 - An increase in forecast of employee costs and consultancy costs, compared to budget.

\$18,096 - An increase in forecasted employee costs and photocopying costs, compared to budget.

\$4,121 - An increase in forecasted software & licences expenditure, compared to budget.

\$13,930 - Reduction in the forecast of Southport Mira Square funding and \$3,930 moved to capital expenditure for Berry Springs Reserve.

Note 3 - Infrastructure Operational expenditure forecast favourable (\$611,996)

\$343,531 - Reduction in the forecasted consultants costs (Development Contribution Review no longer occurring in 2015/16), employee costs and motor vehicle fuel.

\$40,000 - Reduction in the forecast of Streetlight Maintenance expenditure (PAWA agreement still in progress).

\$21,049 - Reduction in forecasted works operational expenditure, compared to budget.

\$168,873 - Reduction in the forecast of employee costs and motor vehicle & plant operating expenses.

\$38,543 - Reduction in the forecast of cleaning and repairs and maintenance expenses for the Litchfield Council Office.

Note 4 - Regulatory Services Operational expenditure forecast favourable (\$18,764)

Reduction in the forecast of employee costs, advertising and plant & equipment expenditure.

Note 5 - Waste Management Operational expenditure forecast favourable (\$309,042)

\$251,774 - Reduction in the forecast of Waste Transfer to Shoal Bay expenditure, compared to budget.

\$57,268 - Reduction in the forecast of employee costs, compared to budget.

Note 6 - Community Operational expenditure forecast favourable (\$8,275)

Reduction in the forecast of education assistance, compared to budget.

SECTION 2.1

Budget Summary Reports

2.1.b 2015/16 Budget versus actuals by Program as at 31 May 2016

Capital Income								
	Year to date Actuals	Committed	YTD actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Corporate Services	264,955	-	264,955	-	55,500	264,955	209,455	
Recreation Reserves Management	264,955	-	264,955	-	55,500	264,955	209,455	Note 1
Infrastructure	4,833,358	-	4,833,358	3,470,000	7,316,053	6,572,858	(743,195)	
Planning	-	-	-	10,000	10,000	13,000	3,000	Note 2
Developer Contributions	198,560	-	198,560	1,195,000	1,195,000	198,560	(996,440)	
Works - Roads	4,620,253	-	4,620,253	2,248,000	6,094,053	6,340,753	246,700	
Works - Administration	14,545	-	14,545	17,000	17,000	20,545	3,545	
Regulatory Services	21,818	-	21,818	12,000	12,000	21,818	9,818	
Animal Control	21,818	-	21,818	12,000	12,000	21,818	9,818	Note 3
Waste Management	417,818	-	417,818	407,500	407,500	431,818	24,318	
Humpty Doo Transfer Station Levy	417,818	-	417,818	401,500	401,500	417,818	16,318	Note 4
Waste Transfer Stations	0	-	-	6,000	6,000	14,000	8,000	
Total Capital Income	5,537,949	-	5,537,949	3,889,500	7,791,053	7,291,449	(499,604)	

Note 1 - Corporate Services Capital revenue forecast favourable (\$209,455)

\$20,000 - Received additional NT Grant for Litchfield Reserve Pony Club, budget to be adjusted.

\$189,455 - Received an NT Grant for Berry Springs Caretakers Building Construction, budget to be adjusted.

Note 2 - Infrastructure Capital revenue forecast unfavourable (\$743,195)

\$3,000 - An increase in the proceeds to be received for motor vehicle disposal, compared to budget.

\$996,440 - A decrease in the Developer Contributions to be receipted into Reserves as at 30 June 2016, due to the timing of subdivision releases.

Note - The Developer Contributions are deposited directly into the Reserve Account.

\$246,700 - Additional funding received from Blackspot Grant, budget to be adjusted. \$1,300,000 is to be treated as Income in Advance for projects in 2016/17.

\$3,545 - An increase in the proceeds received from motor vehicle disposals, compared to budget.

Note 3 - Regulatory Services Capital revenue forecast favourable (\$9,818)

Increase in the proceeds received from a motor vehicle disposal compared to budget.

Note 4 - Waste Management Capital revenue forecast favourable (\$24,318)

\$16,318 - Additional levy revenue due to new subdivisions between 2015/16 budget estimate and current period.

\$8,000 - An increase in the proceeds to be received for plant disposal, compared to budget.

SECTION 2.1

Budget Summary Reports

2.1.b 2015/16 Budget versus actuals by Program as at 31 May 2016

Capital expenditure								
	Year to date Actuals	Committed	YTD actuals + Committed	Original Budget 2015/16	Revised Budget 2015/16	Forecast to 30 June 2016	Variance between Revised Budget & Forecast	Reason for Variance
Governance	83,904	-	83,904	-	90,160	83,904	6,256	
Elected Members	39,254	-	39,254	-	43,179	39,254	3,925	Note 1
Public Relations	44,650	-	44,650	-	46,981	44,650	2,331	
Corporate Services	151,439	17,960	169,400	160,000	440,595	653,980	(213,385)	
Recreation Reserve Management	151,439	17,960	169,400	160,000	440,595	653,980	(213,385)	Note 2
Infrastructure - Works	4,839,912	783,706	5,623,619	5,284,859	9,980,912	9,408,560	572,352	
Planning	-	-	-	50,000	50,000	45,000	5,000	Note 3
Works - Roads	4,669,453	781,615	5,451,069	5,084,859	9,700,912	9,191,010	509,902	
Mobile Workforce	54,614	-	54,614	80,000	80,000	54,614	25,386	
Property Administration	115,845	2,091	117,936	70,000	150,000	117,936	32,064	
Regulatory Services	45,698	-	45,698	50,000	50,000	45,698	4,302	
Animal Control	45,698	-	45,698	50,000	50,000	45,698	4,302	Note 4
Waste Management	150,000	-	150,000	150,000	150,000	150,000	-	
Waste Transfer Stations	150,000	-	150,000	150,000	150,000	150,000	-	
Total Capital Expenditure	5,270,954	801,667	6,072,620	5,644,859	10,711,667	10,342,142	369,525	

Note 1 - Governance Capital Expenditure forecast favourable (\$6,256)

Residual from the purchase of two motor vehicles for CEO and Mayor.

Note 2 - Corporate Services Capital Expenditure forecast unfavourable (\$213,385)

\$3,930 - Additional funding for Berry Springs Reserve carpark, transferred from Operational Income allocated.

\$209,455 - Grant expenditure for the construction of Berry Springs Reserve Caretakers Dwelling and Pony Club.

Note 3 - Infrastructure - Works Capital Expenditure forecast favourable (\$572,352)

\$5,000 - Reduction in funds needed in the purchase of Planning Vehicle Replacement

\$140,000 - Works no longer scheduled for 2015/16 - Hicks Road Corridor Link and Madsen Road seal and shoulders. \$369,902 - Savings in the Road Re-seal Program for 2015/16.

\$25,386 - Decrease in the purchase of plant for MWF, compared to budget.

\$32,064 - Decrease in capital expenditure for works completed at Council Office.

Note 4 - Regulatory Services Capital Expenditure forecast favourable (\$4,302)

\$4,302 - Decrease in the purchase of a motor vehicle, compared to budget.

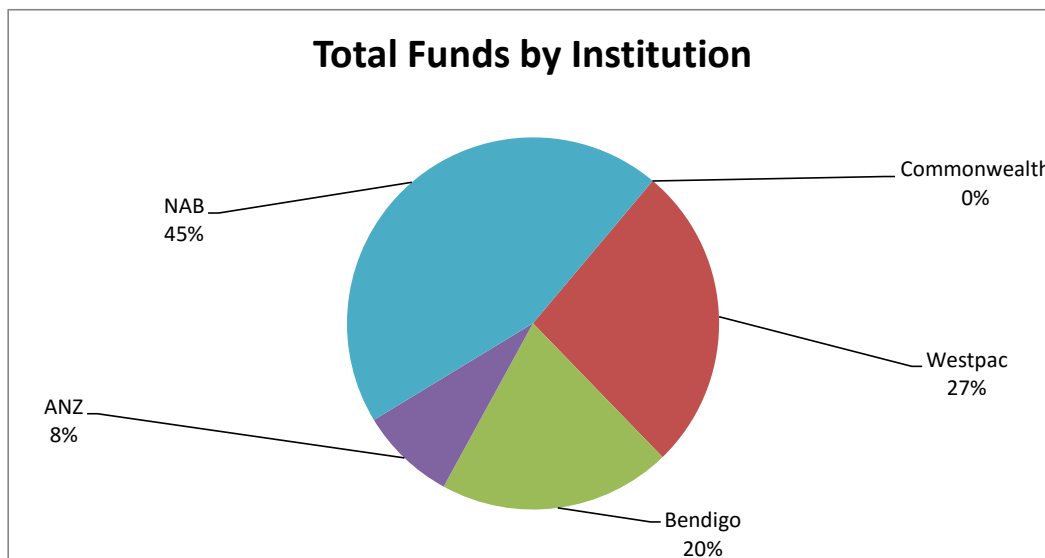
SECTION 2.2

Investment Management Report

Investment Schedule as at 31 May 2016

When money is held by Council that is in excess to immediate cash flow needs, these monies are invested. These investments do not represent financial reserves. For information on Council's financial reserves, refer to Section 2.6 of this report.

Date Invested	Invested Amount	Days Invested	Invested with	Interest rate	Due date	Expected return to Maturity Date
10/06/2015	214,068	365	NAB	3.00%	10/06/2016	6,422
23/07/2015	1,000,000	366	Bendigo	2.85%	23/07/2016	28,578
23/01/2016	1,522,320	186	ANZ	3.05%	29/07/2016	23,661
1/03/2016	1,000,000	182	NAB	3.03%	01/09/2016	15,108
1/03/2016	1,000,000		Westpac	2.95%	01/10/2016	16,973
1/04/2016	1,800,000	210	NAB	3.12%	28/10/2016	32,311
31/03/2016	1,500,000	214	Westpac	3.10%	31/10/2016	27,263
3/12/2015	1,191,565	365	Bendigo	2.90%	03/12/2016	34,555
14/12/2015	1,040,000	365	Westpac	3.20%	14/12/2016	33,280
23/01/2016	1,522,761	331	NAB	3.00%	19/12/2016	41,427
31/12/2015	1,023,097	365	NAB	3.00%	31/12/2016	30,693
19/02/2016	1,115,123	365	NAB	2.92%	18/02/2017	32,562
30/05/2016	1,500,000	304	NAB	2.90%	30/03/2017	36,230
20/05/2016	1,500,000	365	Bendigo	3.00%	20/05/2017	45,000
23/07/2015	10	366	Bendigo	0.00%	23/07/2016	Minimum balances in savings account to hold investments
23/07/2015	10	366	ANZ	0.00%	23/07/2016	
Total Investments	16,928,953					404,064
	214,068		Trust Monies			
	16,714,885		Litchfield Council Investment			
Investments Total	16,928,953					
	\$ 1,039,290		Business Max-I			
	\$ 282,321		General Operational			
Total of Funds	\$ 18,250,564					



For Comparison:

Previous Month - Investments Total	17,429,658	Variances are due to additional funds receipted into Council's bank account and reinvestment of term deposits.
Previous Month - Interest at Maturity	352,194.00	

SECTION 2.3

Debtor Control Accounts

Sundry debtor accounts as at 31 May 2016

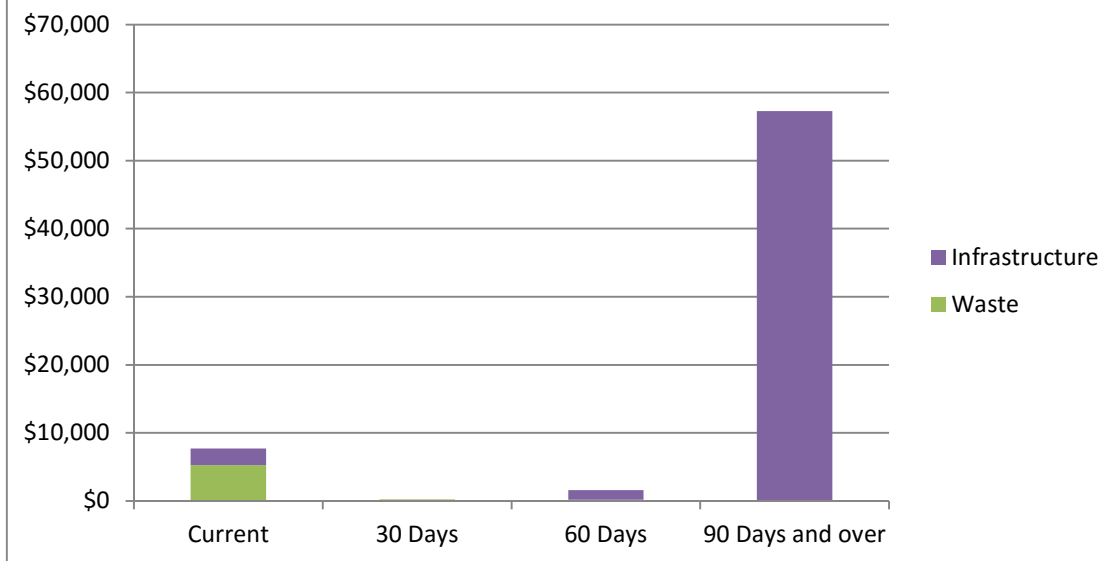
Sundry debtors exclude rate debtors and infringements.

90 Day Debtors Action

46,776.00	Highlighted in separate Council Report
5,907.00	Company under Administration, two months before advice on payment
2,302.00	Sent to Debt Collectors
1,417.00	Resent invoice / incorrect mailing address on system
770.00	Resent invoice / To be paid in June
100.00	Resent invoice / to follow up in June

Category	Current	30 Days	60 Days	90 Days and over	Balance
Waste	5,264	225	194	-	5,683
Infrastructure	2,421	-	1,381	57,271	61,073
Total	\$ 7,685	\$ 225	\$ 1,575	\$ 57,271	\$ 66,756

Aged Debtor Accounts as at 31 May 2016

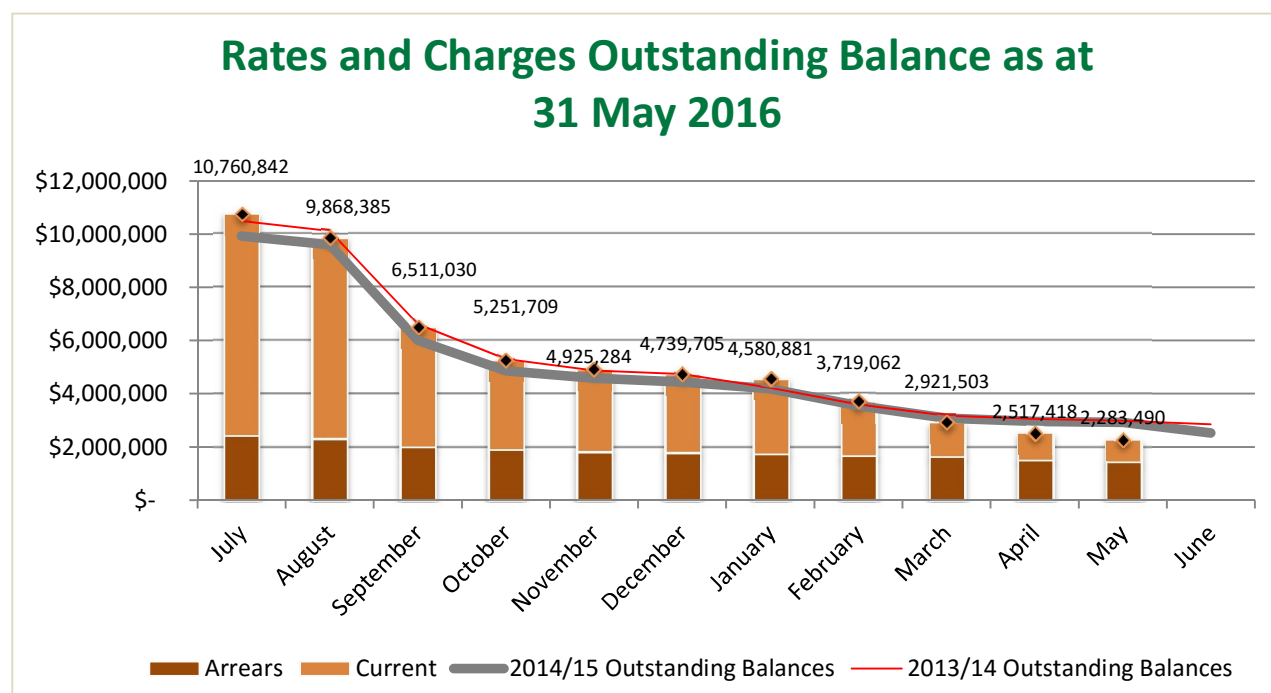


Infringement balance as at 31 May 2016

	Number	Amount
Paid Infringements from 1 July 2015 to 31 May 2016	27	8,217.00
Unpaid Infringements from 1 July 2015 to 31 May 2016	79	30,102.00
TOTAL Infringements year to date	106	38,319.00
<i>Previous Month - Unpaid Infringements</i>	68	26,394.00

Courtesy letters have been sent regularly. To date, 55 infringements have been sent to the Fines Recovery Unit (FRU). Please note, when a payment plan is set up, Council will not receive payment from FRU until the final payment is received.

Outstanding rates and charges balance as at 31 May 2016



Prepayments are payments made in advance for the 2016/17 rates and charges and are not included in the outstanding balance. As at 31 May 2016, the balance of prepayments is \$455,296.55

Summary of outstanding rates and charges as at 31/05/16:

2015/16 outstanding rates and charges
Prior years outstanding rates and charges

Prev Month	This Month
1,001,773	847,483
1,515,645	1,436,008
2,517,418	2,283,491

Since 1 July 2015, prior years outstanding rates have reduced by 41%. Of the 2015/16 levies, 90% has been collected. Therefore, 10% remains uncollected to date, the aim is to reduce current year rates uncollected to less than 5% by 30 June 2016.

Below are the residential properties that owe both 2015/16 rates and charges and prior years amounts.

Dollar amount outstanding per assessment	Number of assessments	Total outstanding
1,501-5,000	336	888,852
5,001-10,000	64	432,324
10,001-20,000	20	260,006
20,001-30,000	3	75,044
30,001-40,000	3	113,098
>40,000	1	41,725
	427	\$1,811,048
<i>Previous Month</i>	<i>471</i>	<i>\$2,109,431</i>

SECTION 2.4

Creditors Paid Report

Creditors paid for May 2016

EFT/Cheque	Date	Payee	Description	Amount
Payroll - 23	11/05/2016	LC - Staff	Payroll fortnight ending 11/05/2016	213,732.99
Payroll - 24	25/05/2016	LC - Staff	Payroll fortnight ending 25/05/2016	170,286.34
693.114-01	30/05/2016	National Australia Bank Ltd (NAB)	New Investment	1,500,000.00
690.273-01	19/05/2016	Bendigo Bank (Investments)	New Investment	1,500,000.00
685.60-01	06/05/2016	Freds Pass Sport & Recreation	4th Qtr. Operational and R&M Payment	175,780.00
685.1103-01	06/05/2016	Hasting Deering	Purchase new Backhoe for Waste	165,000.00
692.8-01	25/05/2016	DownerEDi Works Pty Ltd	Spray sealing of road	156,745.92
685.319-01	06/05/2016	Aldebaran Contracting Pty Ltd	Road Shoulder Work	98,684.00
687.319-01	11/05/2016	Aldebaran Contracting Pty Ltd	Road shoulder work	77,910.00
689.971-01	18/05/2016	Mugavin Contracting Pty Ltd	Install concrete plynth for guard rail	62,062.00
693.319-01	30/05/2016	Aldebaran Contracting Pty Ltd	Shoulder top up on Road	62,020.00
687.1086-01	11/05/2016	KCOM Constructions	Ablution works for Howard Springs Hall	53,096.00
685.280-01	06/05/2016	City of Darwin	March 16 - Shoal Bay Weigh Bridge Charges	50,066.94
691.280-01	23/05/2016	City of Darwin	April 16 - Shoal Bay Weigh Bridge Charges	47,053.38
692.930-01	25/05/2016	Coleman's Contracting & Earthmoving	Contract 119	45,595.00
693.409-01	30/05/2016	F & J Bitumen Services Pty Ltd	Contract 127	39,783.90
691.409-01	23/05/2016	F & J Bitumen Services Pty Ltd	Contract 127	37,351.60
689.268-01	18/05/2016	Byrne Design	Road upgrade design & documentation	35,602.60
685.409-01	06/05/2016	F & J Bitumen Services Pty Ltd	Contract 127	32,039.88
692.176-01	25/05/2016	ASAP Tree Service	Remove trees & grind stumps	31,790.00
689.87-01	18/05/2016	Top End Linemarkers Pty Ltd	Contract 126	29,273.74
689.409-01	18/05/2016	F & J Bitumen Services Pty Ltd	Contract 127	28,676.20
693.930-01	30/05/2016	Coleman's Contracting & Earthmoving	Contract 119	26,241.10
685.65-01	06/05/2016	Humpty Doo Village Green Management	4th Qtr. Operational and R&M Payments	23,375.00
685.87-01	06/05/2016	Top End Linemarkers Pty Ltd	Contract 126	22,238.04
DD82369B	04/05/2016	Statewide Superannuation Pty Ltd	Superannuation to 27/04/16 Ref 82369	21,792.53
693.827-01	30/05/2016	Litchfield Green Waste Recyclers	Mulch Green Waste and Mulch Wood Waste	21,631.50
687.930-01	11/05/2016	Coleman's Contracting & Earthmoving	Contract 119	21,274.00
692.409-01	25/05/2016	F & J Bitumen Services Pty Ltd	Contract 127	21,101.70
692.260-01	25/05/2016	Earl James & Associates	Road survey & plan lodgement	19,300.00
DD82369	04/05/2016	Statewide Superannuation Pty Ltd	Superannuation to 27/04/16 Ref 82369	19,012.24
689.374-01	18/05/2016	Australian Taxation Office (ATO)	April 2016 BAS	18,746.00
687.414-01	11/05/2016	Total Excavations	Road drain cleaning	17,600.00
685.64-01	06/05/2016	Howard Park Reserve	4th Qtr. Operational and R&M Payment	17,600.00
685.16-01	06/05/2016	Berry Springs Reserve	4th Qtr. Operational and R&M Payment	15,757.50
685.72-01	06/05/2016	Livingstone Reserve Management Boar	4th Qtr. Operational and R&M Payment	14,025.00
689.514-01	18/05/2016	Veolia Environmental Services	Contract 103	13,114.30
691.460-01	23/05/2016	H & K Earthmoving Pty Ltd	Install new box culvert	12,232.23
693.849-01	30/05/2016	WEX Australia (Puma Card)	April 16 - LC Fuel account	11,285.60
689.1099-01	18/05/2016	Dave's Mini Digga Hire	Repair hole in drive way & clean out culvert	10,312.50
693.414-01	30/05/2016	Total Excavations	Supply & spread gravel	9,273.00
687.87-01	11/05/2016	Top End Linemarkers Pty Ltd	Contract 126	8,967.22
691.1104-01	23/05/2016	Stuart Totham Consulting	Consultancy - Director of Corporate Services	8,695.50
687.1099-01	11/05/2016	Dave's Mini Digga Hire	Road drain cleaning	8,580.00
685.1065-01	06/05/2016	Mrs M H BREDHAUER	Apr 16 - Mayor Allowances	7,709.42
687.827-01	11/05/2016	Litchfield Green Waste Recyclers	Mulch green waste at HSWTS	7,043.52
685.176-01	06/05/2016	ASAP Tree Service	Remove vegetation from road edge & clean	6,908.00
692.1091-01	25/05/2016	HiQA Geotechnical	Conformance road base testing	6,819.35
689.596-01	18/05/2016	Area9 IT Solutions - HARDWARE	Apr 16 - IT support & assistance	6,716.77
685.1104-01	06/05/2016	Stuart Totham Consulting	Consultancy - Director of Corporate Services	6,649.50
691.187-01	23/05/2016	Norsign	Contract 125	6,532.31
692.414-01	25/05/2016	Total Excavations	Clean road Culvert	6,039.00
692.770-01	25/05/2016	Hays Specialist Recruitment (Aust)	Temp. Human Resources Officer W/E 15/5/16	6,033.45
691.414-01	23/05/2016	Total Excavations	Clean drains	5,808.00
692.971-01	25/05/2016	Mugavin Contracting Pty Ltd	Replace heavy duty pit lid & repair kerb	5,800.00
692.495-01	25/05/2016	The Exhibitionist	Panel prints for display at Freds Pass Show	5,640.25
688.183-01	17/05/2016	Chris's Backhoe Hire Pty Ltd	April 16 - Grave digging	5,544.00
685.770-01	06/05/2016	Hays Specialist Recruitment (Aust)	Temp Human Resources Officer W/E 24/4/16	5,205.71
693.1097-01	30/05/2016	Dunbar, Fiona	Week 7 - Advisory support to CEO	5,169.68
692.596-01	25/05/2016	Area9 IT Solutions - HARDWARE	May 16 - IT Service Agreement	4,945.77
687.1115-01	11/05/2016	PRIORITY MANAGEMENT AUSTRALIA	Training for 8 staff members MS Outlook	4,760.00
685.75-01	06/05/2016	McMinns Lagoon Reserve Association	4th Qtr. Operational and R&M Payment	4,675.00
687.596-01	11/05/2016	Area9 IT Solutions - HARDWARE	Lenovo PC	4,652.21
689.850-01	18/05/2016	Humpty Doo Developments Pty Ltd	May 16 - MWF Shed Lease	4,570.00
689.770-01	18/05/2016	Hays Specialist Recruitment (Aust)	Temp Human Resources Officer W/E 10/4/16	4,563.38

SECTION 2.4

Creditors Paid Report

Creditors paid for May 2016

EFT/Cheque	Date	Payee	Description	Amount
693.87-01	30/05/2016	Top End Linemarkers Pty Ltd	Contract 126	4,431.00
692.1097-01	25/05/2016	Dunbar, Fiona	Consultancy - Accommodation reimbursement	4,344.20
687.770-01	11/05/2016	Hays Specialist Recruitment (Aust)	Temp Human Resources Officer W/E 1/5/16	4,313.58
692.1023-01	25/05/2016	Ausline Engineering	Repairs to tractor/slasher attachment	4,180.00
691.770-01	23/05/2016	Hays Specialist Recruitment (Aust)	Temp Human Resources Officer W/E 8/5/16	3,762.28
693.85-01	30/05/2016	TELSTRA	May 16 - LC Phone account	3,560.84
691.926-01	23/05/2016	Jacana Energy	Apr 16 - LC Power account	3,491.73
691.249-01	23/05/2016	Territory Rural	20 x 20lt drums of roundup ultra max	3,432.00
693.268-01	30/05/2016	Byrne Design	Access Road Design	3,074.50
687.1082-01	11/05/2016	Michelle Read	Litchfield Aquatic Facility Report	2,970.00
691.596-01	23/05/2016	Area9 IT Solutions - HARDWARE	Apr 16 - IT Support & Assistance	2,937.22
691.87-01	23/05/2016	Top End Linemarkers Pty Ltd	Contract 126	2,785.80
687.528-01	11/05/2016	HSS NT Pty Ltd	Major repairs to 4 tractor tyres	2,728.00
685.1068-01	06/05/2016	Mr D S BARDEN	Apr 16 - Deputy Mayor Allowances	2,691.17
694.307-01	30/05/2016	Randflex Pty Ltd	Presentation Boxes & Ashes containers	2,581.70
685.1064-01	06/05/2016	Mrs C M OSBORN	Apr 16 - Councillor Allowances	2,549.59
685.806-01	06/05/2016	Zippy Cleaning & Maintenance Sve	April 16 - LC Office cleaning	2,489.25
694.144-01	30/05/2016	Origin	LP Gas Delivery	2,278.65
685.1073-01	06/05/2016	Schonel Enterprises Pty Ltd	Safety Audit - Waste Transfer Station	2,200.00
693.596-01	30/05/2016	Area9 IT Solutions - HARDWARE	2 X Lenovo PC	2,200.00
691.1053-01	23/05/2016	CSG Business Solutions Pty Ltd	Apr 16 - LC Copier Charges	2,164.60
691.384-01	23/05/2016	Ms C VERNON	Apr 16 - Authority consulting	2,100.00
685.1062-01	06/05/2016	Mrs L WRIGHT	Apr 16 - Councillor Allowances	1,959.59
692.824-01	25/05/2016	G Sullivan Electrical & Aircondition	Replace damaged electrical cable pit	1,886.00
689.414-01	18/05/2016	Total Excavations	Clean under driveway culvert	1,848.00
685.1063-01	06/05/2016	K J Hunt	Apr 16 - Councillor Allowances	1,791.67
685.1102-01	06/05/2016	Association of Sustainability in	2016 Conference Registration Ref # 78	1,780.00
689.612-01	18/05/2016	Cremasco Civil Pty Ltd	Supply and install 3 leg vehicle barrier	1,760.97
687.1097-01	11/05/2016	Dunbar, Fiona	Week 6 - Advisory support to the CEO	1,750.00
693.506-01	30/05/2016	Turbo's Tyres	Supply 2 mower tyre tubes	1,669.80
689.699-01	18/05/2016	Bushfire Risk Management Services	Revise Litchfield Fire Management Plan	1,658.55
687.1116-01	11/05/2016	Inspire Photography	Group and profile photos of CEO & Council	1,617.00
691.495-01	23/05/2016	The Exhibitionist	Hire equipment for 2016 Freds Pass Show	1,597.20
688.144-01	17/05/2016	Origin	LP Gas Delivery	1,590.75
691.132-01	23/05/2016	Airpower NT Pty Ltd	Discharge shute for mower	1,522.98
691.506-01	23/05/2016	Turbo's Tyres	Light truck tyres	1,511.40
689.282-01	18/05/2016	Top End Tyre Recycling	Disposal of tyres as per EPA grant	1,498.16
686.806-01	06/05/2016	Zippy Cleaning & Maintenance Sve	April 16 - Clean Thorak Office & Chapel	1,488.08
691.111-01	23/05/2016	Stickers and Stuff	500 Seed sticks	1,444.00
685.1097-01	06/05/2016	Dunbar, Fiona	Week 5 - Advisory Support to CEO	1,400.00
693.187-01	30/05/2016	Norsign	Contract 125	1,345.96
691.731-01	23/05/2016	AMCOM Pty Ltd	Jun 16 - Internet charges	1,329.41
DD310516	31/05/2016	Westpac Cards & Direct Debits	May 16 - LC Credit card purchases	1,278.21
692.90-01	25/05/2016	Industrial Power Sweeping	Road sweep & remove silt etc.	1,251.25
691.81-01	23/05/2016	RHO Surveys	Road survey	1,226.50
689.132-01	18/05/2016	Airpower NT Pty Ltd	Parts for the front deck mower	1,219.79
691.282-01	23/05/2016	Top End Tyre Recycling	Disposal of tyres as per EPA grant	1,169.44
687.980-01	11/05/2016	Practical Safety Australia	Rehydration blocks for WTS	1,131.35
688.926-01	17/05/2016	Jacana Energy	Apr 16 - Cemetery power account	1,090.53
692.801-01	25/05/2016	King Diesel & Maintenance Pty Ltd	250 hour service of Hyundai loader	1,080.35
687.612-01	11/05/2016	Cremasco Civil Pty Ltd	Supply and install grab rail	1,070.85
691.367-01	23/05/2016	Bunnings Group Limited	Apr 16 - LC Hardware	1,069.04
B-Pay 12	20/05/2016	Australian Taxation Office (ATO)	2015/16 FBT Payment	1,039.64
693.132-01	30/05/2016	Airpower NT Pty Ltd	Universal joint assembly for tractor	1,036.97
691.835-01	23/05/2016	Outback Auto Electrics	Replace wiring harness on ATV	979.95
687.599-01	11/05/2016	Welding & Maintenance Services NT	Welding repairs and replace roof	976.00
689.815-01	18/05/2016	Jeffress Advertising	Council and Thorak meeting ad	935.72
689.98-01	18/05/2016	All Rural Mechanical	Vehicle service & repairs	906.20
689.22-01	18/05/2016	Iron Mountain Australia Pty Ltd	Apr 16 - Record management	890.51
CC300516	30/05/2016	Westpac Cards & Direct Debits	May 16 - Cemetery Credit card expenses	852.24
694.849-01	30/05/2016	WEX Australia (Puma Card)	April 16 - Cemetery fuel account	847.78
693.835-01	30/05/2016	Outback Auto Electrics	Repair major electrical fault in JCB Backhoe	830.00
686.717-01	06/05/2016	Northern Stone Solutions	Guiding and Etching for Columbarium	819.50
685.39-01	06/05/2016	Danisam Pty Ltd	Locate & mark services	814.00
691.594-01	23/05/2016	All Aluminium (Wayne Street)	Fabricate 180lt water tank	800.00

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Creditors Paid Report

Creditors paid for May 2016

EFT/Cheque	Date	Payee	Description	Amount
685.90-01	06/05/2016	Industrial Power Sweeping	Sweeping of Footpath	783.75
687.801-01	11/05/2016	King Diesel & Maintenance Pty Ltd	Install new air-conditioner fan motor	770.00
693.37-01	30/05/2016	Shade Works Hire	Hire of Marquee for Freds Pass Rural Show	752.20
689.162-01	18/05/2016	Civica Pty Ltd	Managed Services and Support - January 2	739.75
685.599-01	06/05/2016	Welding & Maintenance Services NT	Welding repairs & replace roof sheets	720.00
687.971-01	11/05/2016	Mugavin Contracting Pty Ltd	Organise stabilized sand for road sink	700.00
687.51-01	11/05/2016	Southern Cross Protection	April 16 - Security services LC Office	698.85
685.639-01	06/05/2016	Captovate Pty Ltd	Website 5 Hour Support Pack	693.00
689.805-01	18/05/2016	Mrs L B MAVROMATIS	Rates Refund	680.00
693.78-01	30/05/2016	Power & Water Corporation	Apr 16 - HSWTS Water account	674.18
693.801-01	30/05/2016	King Diesel & Maintenance Pty Ltd	Fit new drive belt and service Bobcat	640.20
687.14-01	11/05/2016	Australia Post	Postage stamps & registered mail	626.50
691.599-01	23/05/2016	Welding & Maintenance Services NT	Welding repairs to compactor bins	620.00
689.39-01	18/05/2016	Danisam Pty Ltd	Locate & mark services	610.50
687.132-01	11/05/2016	Airpower NT Pty Ltd	Light assembly for tractor	608.49
691.56-01	23/05/2016	Colemans Printing Pty Ltd	Instructions to Contractor Books	594.00
693.98-01	30/05/2016	All Rural Mechanical	100,000km Vehicle service	568.75
692.522-01	25/05/2016	Farmworld NT Pty Ltd	Gas strut for ATV	554.95
691.98-01	23/05/2016	All Rural Mechanical	80,000km Vehicle service	527.50
685.41-01	06/05/2016	Arno's Tyre Service	New front tyre For JCB Backhoe	520.00
693.1124-01	30/05/2016	Australian Security Training Pty Lt	Firearms Training Course	515.70
686.97-01	06/05/2016	Cleanaway	Apr 16 - Clear cemetery waste bins	510.29
689.560-01	18/05/2016	Jobfit Health Group Pty Ltd	Pre Employment Medical	486.20
689.56-01	18/05/2016	Colemans Printing Pty Ltd	Business Cards	485.10
689.31-01	18/05/2016	Top End Sign Sales	Signage with anti graffiti clear coat	484.00
689.599-01	18/05/2016	Welding & Maintenance Services NT	Repair general Waste bins	480.00
693.599-01	30/05/2016	Welding & Maintenance Services NT	Welding repairs on waste bins	480.00
685.78-01	06/05/2016	Power & Water Corporation	LC Water account 19/3 to 15/4/16	468.65
686.85-01	06/05/2016	TELSTRA	April 16 - Cemetery phone account	456.91
B Pay128	10/05/2016	RTM Motor Vehicle Registry - MVR	Hilux Ute Rego - CA21GG	415.10
693.522-01	30/05/2016	Farmworld NT Pty Ltd	ATV wheel rim & gas strut	410.75
687.39-01	11/05/2016	Danisam Pty Ltd	Locate & mark services	407.00
693.39-01	30/05/2016	Danisam Pty Ltd	Locate & mark services	407.00
686.326-01	06/05/2016	Eyesight Security P/L	Apr 16 - Cemetery security patrols	384.78
689.776-01	18/05/2016	HME Airconditioning & Electrical	Service/Repair air con at HDWTS	380.96
693.924-01	30/05/2016	Outback Tree Service	Removal of rotting palm tree	380.00
693.36-01	30/05/2016	Bridge Toyota	Vehicle service	355.92
691.752-01	23/05/2016	Totally Workwear Palmerston	Ranger Equipment - Leatherman and torch	355.00
693.3-01	30/05/2016	Comm8 (Combined Communications	Investigate Internet & phone outage	347.05
685.98-01	06/05/2016	All Rural Mechanical	Repair air-conditioner on ute	345.15
685.1119-01	06/05/2016	Mr P REEVE	Reimbursement of airfare	338.66
689.1031-01	18/05/2016	LP Airconditioning Pty Ltd	Rewire light fittings & replace tubes	337.50
692.807-01	25/05/2016	Totalweld Sales & Service P/L	Inverter welder	337.00
00412942	19/05/2016	Litchfield Council Petty Cash	P/Cash	331.65
689.980-01	18/05/2016	Practical Safety Australia	Safety clothes for waste staff	330.42
685.855-01	06/05/2016	TenderLink	Public Tender Advertising	330.00
692.928-01	25/05/2016	RSEA Pty Ltd	Uniforms/protective clothing	301.23
692.99-01	25/05/2016	SBA Office National	HP ink cartridge	292.00
693.90-01	30/05/2016	Industrial Power Sweeping	Sweep Footpath	288.75
691.1040-01	23/05/2016	Super Cheap Auto	Quadbike ramps & snatch straps	283.47
685.1118-01	06/05/2016	One Plus One Solutions Pty Ltd	Easy FBT 2016 Express - Order 100000414	273.90
685.414-01	06/05/2016	Total Excavations	Clean under road pipe outlet	264.00
DD230516	24/05/2016	SE Rentals PTY Ltd	May 16 - Cemetery copier lease	260.79
688.717-01	17/05/2016	Northern Stone Solutions	Memorial Etching on Columbarium Niche	260.70
689.671-01	18/05/2016	Burson Automotive Pty Ltd (Coolalinga)	Oil and grease items for Humpty Doo WTS	258.50
691.3-01	23/05/2016	Comm8 (Combined Communications	May 16 - Tracking system data access	255.20
693.371-01	30/05/2016	Aardvark Crane & Tilt	Transport abandoned vehicles	242.00
693.690-01	30/05/2016	Total Hydraulic Connections (NT) PL	Repair hydraulic hoses on tractor	241.25
687.61-01	11/05/2016	Greenthemes Indoor Plant & Hire	Apr 16 - Indoor plant hire	233.50
692.828-01	25/05/2016	Howard Springs Veterinary Clinic	Euthanasia of 2 x pound dogs	230.00
689.129-01	18/05/2016	Vanderfield Northwest Pty Ltd	Seat cover for crew truck	227.70
691.99-01	23/05/2016	SBA Office National	Stationery Supplies	219.80
689.411-01	18/05/2016	Kennards Hire Pty Ltd	Mobile Air-conditioning Units Hire	210.00
692.56-01	25/05/2016	Colemans Printing Pty Ltd	500 Business Cards	204.60
691.39-01	23/05/2016	Danisam Pty Ltd	Locate & mark services	203.50

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Creditors Paid Report

Creditors paid for May 2016

EFT/Cheque	Date	Payee	Description	Amount
692.39-01	25/05/2016	Danisam Pty Ltd	Locate & mark services	203.50
693.56-01	30/05/2016	Colemans Printing Pty Ltd	Business Cards	198.00
689.1013-01	18/05/2016	BTC Parts & Accessories Pty Ltd	12volt water pump	195.00
693.671-01	30/05/2016	Burson Automotive Pty Ltd (Coolalinga)	Grease gun & degreaser	189.72
694.85-01	30/05/2016	TELSTRA	May 16 - Cemetery phone account	185.06
687.99-01	11/05/2016	SBA Office National	Stationery Supplies	181.05
685.132-01	06/05/2016	Airpower NT Pty Ltd	Door seal for Bobcat	173.79
692.652-01	25/05/2016	Animal Care Equip. & Services (Aust)	Spray Shield Holster	167.00
693.855-01	30/05/2016	TenderLink	Public Tender Advertising	165.00
689.512-01	18/05/2016	Selter Shaw Plumbing Pty Ltd	Fix leaking toilet	158.95
689.151-01	18/05/2016	Harvey Norman Computers/Electrical	1TB hard drives	156.00
685.100-01	06/05/2016	NT Pest & Weed Control	Termite Report - Scouts	154.00
687.1110-01	11/05/2016	Barcode Print Pty Ltd	Thermal transfer ribbon	151.80
00412936	05/05/2016	People's Choice Credit Union	Consent fee for road opening - CT 661/5	150.00
00412937	05/05/2016	People's Choice Credit Union	Consent fee for road opening - CT 703/71	150.00
693.387-01	30/05/2016	Saddle World NT (NT Grain)	22kgs Dry Dog Food	142.00
694.941-01	30/05/2016	Everlon Bronze	Memorial Plaque	141.90
691.886-01	23/05/2016	Mr R J FREEMAN	Make gas bottles safe for recycling	140.00
687.776-01	11/05/2016	HME Airconditioning & Electrical	Service air-con at HSWTS	140.00
692.189-01	25/05/2016	HD Enterprises P/L (HD Pump Sales)	Trowel & spray nozzle	134.02
685.1023-01	06/05/2016	Ausline Engineering	Repair steering arm on ATV	132.00
694.522-01	30/05/2016	Farmworld NT Pty Ltd	Mower belt	130.70
693.928-01	30/05/2016	RSEA Pty Ltd	Protective clothing	125.90
693.58-01	30/05/2016	Staples Australia Pty Ltd (Corp)	Stationery Supplies	123.00
693.753-01	30/05/2016	National Flags	1 x Indigenous Flag	120.00
691.1121-01	23/05/2016	Australian Local Government Womens	Membership / Subscription	120.00
691.1117-01	23/05/2016	A1 Mobile Car Detailing Services	Vehicle detail	120.00
685.1089-01	06/05/2016	Kings Wholesome Caterer	Mixed sandwiches for Briefing Session	110.00
693.1089-01	30/05/2016	Kings Wholesome Caterer	Catering - Council Briefing	110.00
B-Pay128	10/05/2016	Sensis Pty Ltd	April 16 - Sensis advertising	101.47
691.515-01	23/05/2016	JC Electronic Security Pty Ltd	Call out - CCTV Camera not working	99.00
689.513-01	18/05/2016	GNK Boss Solutions	Apr 16 - Cleaning of Kennels	99.00
688.22-01	17/05/2016	Iron Mountain Australia Pty Ltd	Apr 16 - Cemetery record management	88.00
689.876-01	18/05/2016	NT Ice	30 bags of ice	82.50
693.876-01	30/05/2016	NT Ice	30 bags of ice	82.50
688.820-01	17/05/2016	Consolidated Bearing Company (CBC	V Belts for mower	82.13
688.300-01	17/05/2016	Darwin Office Technology P/L	Apr 16 - Cemetery copier charges	82.00
687.1018-01	11/05/2016	Tyreplus Coolalinga	Mower tyre	80.00
689.659-01	18/05/2016	Litchfield Springs Water Pty Ltd	7 bottles of water for foyer	70.00
692.132-01	25/05/2016	Airpower NT Pty Ltd	Axle bolts for mower	67.47
686.715-01	06/05/2016	Palmerston Computerized Embroidery	Embroider logos to shirts	59.40
693.565-01	30/05/2016	Curby's (NT) Pty Ltd	Name Badges	59.40
693.189-01	30/05/2016	HD Enterprises P/L (HD Pump Sales)	Garden hose, Syphon pump & Tyre patch so	58.95
691.78-01	23/05/2016	Power & Water Corporation	Water - MWF Swipe Card	58.54
687.25-01	11/05/2016	RTM Integrated Land Information	April 14 - Land Search	54.80
689.1125-01	18/05/2016	Ms S MCTAGGART	Reimbursement - National Crime Check	50.24
685.659-01	06/05/2016	Litchfield Springs Water Pty Ltd	Five bottles of water for reception	50.00
687.58-01	11/05/2016	Staples Australia Pty Ltd (Corp)	Stationery Supplies	48.72
694.30-01	30/05/2016	Territory Springwater Pty Ltd	4 x 15 litre bottle water	42.00
691.659-01	23/05/2016	Litchfield Springs Water Pty Ltd	4 bottles of water for reception	40.00
685.928-01	06/05/2016	RSEA Pty Ltd	Protective clothing/pants	29.98
687.189-01	11/05/2016	HD Enterprises P/L (HD Pump Sales)	Diaphragm	18.40
691.189-01	23/05/2016	HD Enterprises P/L (HD Pump Sales)	Hose fittings	16.78
Total				\$ 5,253,806.19

SECTION 2.5

Statement of Credit Card Transactions

Credit card transactions for May 2016

STAFF MEMBER	COST CODES	DETAILS	GROSS	GST
Kaylene Conrick CEO	3020.330.620	Councillor Bus Tour Supplies	168.00	15.27
	3140.350.515	Long Term Staff Member Farewell Gift	200.00	18.18
Aisla Connolly Executive Assistant	3020.340.672	Citizenship Ceremony Supplies	111.49	9.77
	3020.330.645	Accomodation for Mayor	142.10	12.92
Diane Chellingworth Business & Economic	3121.355.638	Microsoft Software	86.68	7.88
Justin Dunning MWF Manager	3020.340.673	Councillor Bus Tour Supplies	12.00	1.09
	W4161.30	Gas bottle exchange for office	39.95	3.63
	3020.330.645	Councillor Bus Tour Fuel	31.07	2.82
	3020.330.645	Councillor Bus Tour Hire	276.44	25.13
	3800.350.515	Staff Amenties	30.00	2.73
	3050.300.316	Credit - National Crime Check	50.24	4.57
Glen Byrnes Waste Manager	3410.350.515	Staff Amenities - Kitchen Products	9.16	0.83
		Fuel - Waste Management Conference	57.13	5.19
	W4088.302	Fuel - Waste Management Conference	48.69	4.43
	3410.350.515	Staff Amenities - Coffee	9.18	-
	3410.350.515	Staff Amenities - Cleaning Items	11.97	1.09
	W4088.302	Toll Fees - Waste Management Conference	41.21	3.75
	3410.350.515	Staff Amenities - Kettle & Cleaning Items	23.38	2.13
Total		\$	1,248.21	\$ 112.27

SECTION 2.6

Financial Reserves Schedule

Financial reserves schedule

	Balance as at 1/7/15	TO RESERVES				FROM RESERVES				Balance as at 30/6/16
		Original Budget	1st Review Sept 2015	2nd Review Dec 2015	Revised Budget	Original Budget	1st Review Sept 2015	2nd Review Dec 2015	Revised Budget	
Property Reserve	531,630		1,709		1,709	40,000			40,000	493,339
Plant and Equipment Reserve	313,431		427		427	120,000		90,160	210,160	103,698
Infrastructure Reserve	3,439,401		6,407		6,407	2,275,053			2,275,053	1,170,755
Developer Contribution Reserve*	1,430,659	1,195,000			1,195,000	780,806			780,806	1,844,853
Waste Management Reserve	2,243,999	401,500			401,500				-	2,645,499
Election Reserve	81,000		19,000	45,160	64,160			75,957	75,957	69,203
Disaster Recovery Reserve	790,388				-				-	790,388
Strategic Initiatives Reserves	1,414,139		30,000		30,000	914,139	30,000	40,000	984,139	460,000
Unexpended Capital Works Reserve	850,000		-		-		850,000		850,000	-
Unexpended Grants and Contributions	225,095				-		225,095		225,095	-
	\$ 11,319,742	\$ 1,596,500	\$ 57,543	\$ 45,160	\$ 1,699,203	\$ 4,129,998	\$ 1,105,095	\$ 206,117	\$ 5,441,210	\$ 7,577,735

Please note, the Waste Management Reserve balance as at 1/7/15 has changed from previous months. The Reserve balance previously report was \$2,254,953 and has been updated to agree with 2014/15 Audited Financial Statements.

* Externally restricted reserve

<u>In Summary</u>	<u>To</u>	<u>From</u>	<u>Total</u>
Original Budget	\$ 1,596,500	-\$ 4,129,998	-\$ 2,533,498
Sept Review	\$ 57,543	-\$ 1,105,095	-\$ 1,047,552
Dec Review	\$ 45,160	-\$ 206,117	-\$ 160,957
			<u>-\$ 3,742,007</u>

Council Meeting Agenda

Wednesday 15 June 2016



13. Officers Reports

Agenda Item Number:	13.1	Report Number:	16/0127
Report Title:	Budget 2015/2016 Review		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A – May Budget Review Table		

Summary

This report outlines the budget adjustments for Council's consideration following a review of the financial results to the end of May 2016.

Recommendations

1. THAT Council adopts the budget adjustments in the attached Table A of this report.

Background

In accordance with the Local Government Act, Part 10.5, Section 128 Council adopted its Original Budget for 2015/16 financial year in July 2015 as part of the Municipal Plan. The budget was largely based on high level assumptions. Throughout the financial year Council has the opportunity to review and amend the original budget as programs and priorities change.

A review of Council's budget against actual to May 2016 has been undertaken and the requested budget adjustments are listed in the attached Table A.

The operational revenue has increase by \$99,776 compared to December 2015 Budget Review mainly due to the receipt of Council's Carbon Tax Refund totalling \$345,310 offset by Thorak Cemetery's decline in revenue forecasted at \$309,539 below original budget.

The operational expenditure has decreased by \$960,504 compared to December 2015 Budget Review as a result of savings in all operational costs across all divisions.

Capital revenue has decreased by \$748,059 compared to December 2015 Budget Review mainly due to the reverse of an overstated budget for Developer Contribution income totalling \$996,440.

Capital expenditure has decreased by \$323,703 compared to December 2015 Budget Review mainly due to the savings in road reseals expenditure of \$399,902.

In summary, the total net movement equates to additional funds of \$635,924 being transferred back to Financial Reserves.

Links with Strategic Plan

5. Effective Council Management

Legislative and Policy Implications

Local Government (Accounting) Regulations

Risks

No risk identified

Financial Implications

There has been \$635,924 improvement in the financial results since the budget was revised in December 2015.

Recommending Officer: Stuart Totham – Director of Community and Corporate Services

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

May Budget Review

Budget Line

<u>Operating Revenue</u>		<u>Change</u>	<u>Comment</u>
Governance	Other Sundry Income	5,818.00	Recognise additional income
Corporate	Rates	58,455.00	Recognise additional revenue
Corporate	User Fees and Charges	29,608.00	Recognise additional revenue
Community	Operations	140.00	Recognise additional revenue
Regulatory	Pound fees + dog attacks	30,907.00	Recognise additional revenue
Works	NT Grants - FAA	- 66,512.00	Revenue less than original budget estimates
Works	Other Sundry Income	- 5,907.00	Revenue less than original budget estimates
Waste	Carbon Tax Refund - CoD	345,310.00	Carbon Tax Refund
Waste	User Fees & Charges	- 45,428.00	Revenue less than original budget estimates
Waste	Rates	67,537.00	Recognise additional rates revenue and interest
Mobile Workforce	Other Sundry Income	1,994.00	Recognise additional income
Planning	Development plan approval	11,793.00	Recognise additional income
Info Services	Other Sundry Income	- 24,400.00	Revenue less than original budget estimates
Thorak	User Fees and Charges	- 309,539.00	Revenue less than original budget estimates
		99,776.00	

<u>Operating Expenditure</u>		<u>Change</u>	<u>Comment</u>
Governance	Operational costs	39,472.00	Recognise savings
Corporate	Employee Costs + Consultant	- 57,745.00	Additional employee and consultancy costs
Corporate	Employee Costs + Photocopy Fees	- 18,096.00	Additional employee and photocopy costs
Corporate	Recreational Reserve	13,930.00	Transferred to Capital improvements
Community	Operational costs	8,275.00	Recognise savings
Regulatory Servies	Operational costs	18,764.00	Recognise savings
Waste	Shoal Bay + transfer fees	251,774.00	Recognise savings
Waste	Employee Costs	57,268.00	Recognise savings
Property	Operational costs	38,543.00	Recognise savings
Works	Street Lighting	40,000.00	Recognise savings
Works	Operational costs	21,049.00	Recognise savings
Planning	Operational costs	343,531.00	Recognise savings
Mobile Workforce	Operational costs	168,873.00	Recognise savings
Info Services	Operational costs	- 4,121.00	Additional IT costs.
Thorak	Operational costs	38,987.00	Recognise savings
		960,504.00	

<u>Capital Income</u>		<u>Change</u>	<u>Comment</u>
Corporate	Grants Revenue	209,455.00	Additional NT Grants for Berry Springs Reserve
Regulatory	Motor Vehicle disposal	9,818.00	Recognise additional income from vehicle disposal
Works	Motor Vehicle disposal	3,545.00	Recognise additional income from vehicle disposal
Works	Refund of Local Road Contribution	- 3,300.00	Refund of Rates on Rate Payer Contribution
Waste	Backhoe disposal	8,000.00	Recognise additional income from plant disposal
Waste	Rates - HDWTS Levy	16,318.00	Recognise additional income
Planning	Development Contribution Levy	- 996,440.00	Reverse overstated budget for DCP
Planning	Motor Vehicle disposal	3,000.00	Recognise additional income from vehicle disposal
Thorak	Plant disposal	1,545.00	Recognise additional income from plant disposal
		- 748,059.00	*

<u>Capital Expenditure</u>		<u>Change</u>	<u>Comment</u>
Governance	Motor Vehicle Purchase	6,256.00	Recognise saving in vehicles purchase
Corporate	Grants Expenditure	- 213,385.00	Additional NT Grants expenditure for Berry Springs Reserve
Regulatory	Motor Vehicle Purchase	4,301.00	Recognise saving in vehicle purchase
Works	Madsen Road	100,000.00	Reverse Budget - Did not commence
Works	Bridge Capital Works	- 30,000.00	Bridge Renewal - Elizabeth Valley Road
Works	Hicks Road - Corridor Link	40,000.00	Reverse Budget - Did not commence
Works	Reseals	399,902.00	Recognise savings in road reseals
Property Management	Council Improvements	32,064.00	Recognised savings in Council Improvements
Mobile Workforce	Motor Vehicle Purchase	25,385.00	Recognise saving in plant purchase
Planning	Motor Vehicle Purchase	5,000.00	Recognise saving in vehicle purchase
Thorak Cemetery	Plant Purchases	16,102.00	Recognise saving in plant purchase
Thorak Cemetery	Improvement Program	- 61,922.00	Recognise the Works stopped due to insufficient funds.
		323,703.00	

* - Note - Variance of \$250,000 relates to Blackspot Income received for Girraween Roundabout budgeted LY.

Net Operational Movement (Surplus)/Deficit	1,060,280.00
Net Capital Movement (Surplus)/Deficit	- 424,356.00
Net Movement (Surplus)/Deficit	<u>635,924.00</u>

Agenda Item Number:	13.2	Report Number:	16/0128
Report Title:	EMP31266 and EMP31267, an Extractive Mineral Permit Application at Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton		
Meeting Date:	15/06/2016	Record Number:	
Attachments:	Attachment A: Extractive Mineral Permit Application EMP31266 and EMP31267. Attachment B: Council's letter of comment for EMP31266 and EMP31267, an Extractive Mineral Permit Application at Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton.		

Summary

The purpose of this report is to refer to Council for comment EMP31266 and EMP31267, an Extractive Mineral Permit Application at Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton, included as Attachment A, pursuant to Section 78 of the Mineral Titles Act.

This report recommends that Council support the application.

The report also presents for Council endorsement the *Letter of Comment* provided to the Department of Mines and Energy dated 21 March 2016.

Recommendations

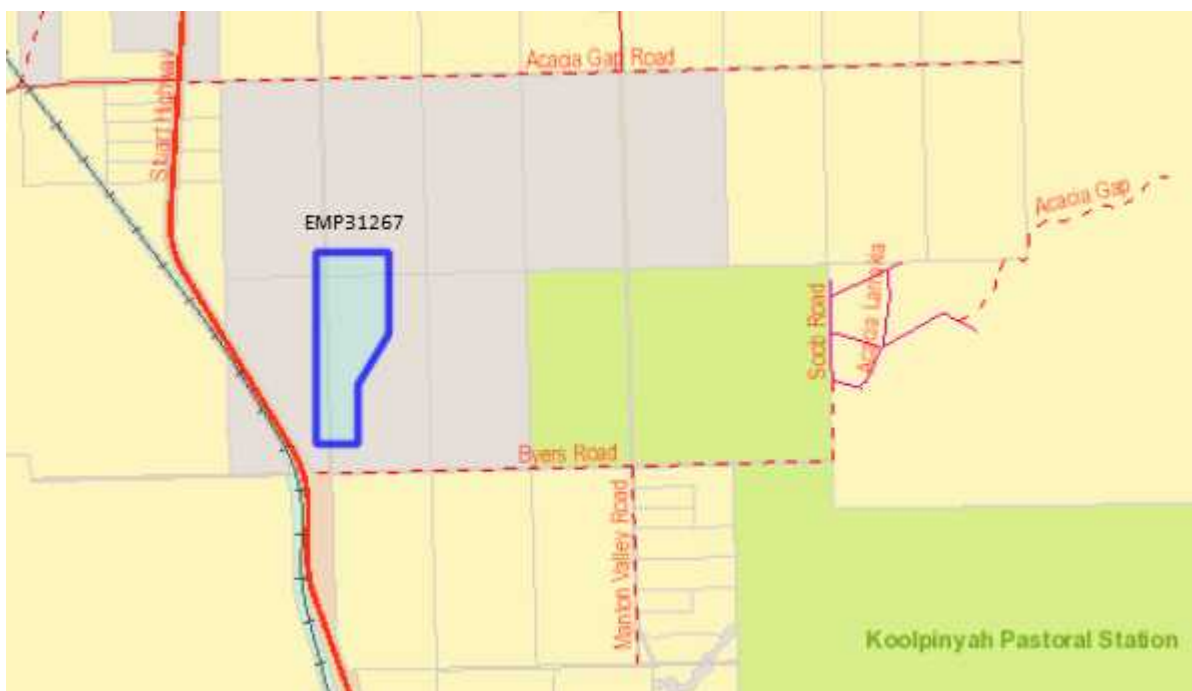
THAT Council:

1. support EMP31266 and EMP31267, an Extractive Mineral Permit Application
2. endorse Council's Letter of Comment (Attachment B), for EMP31266 and EMP31267, an Extractive Mineral Permit Application at Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton.
 - a. Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.
 - b. Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements.
 - c. Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna.

Background

Site and Surrounds

The subject site is Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton, as shown in the map(s) below and included in Attachment A.



The EMP applications are situated over 4 block in total that belong to Crown Land. The blocks run off the Stuart Highway and Byers Road, and at this stage the access points remain unclear in the application. This block is zoned Rural (R) as are the surrounding lots.

Current Proposal

The application proposes for sand, type 2 and 3 gravel and fill.

Application Assessment

It is uncertain whether the current application proposes to take access from or utilise any Council roads as part of the standard haulage route.

To protect Council's road network infrastructure, Council should request that the following items be adequately addressed.

- Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.
- Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements.
- Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna.

Conclusion

It is recommended that Council support the application, subject to conditions as detailed in the above section.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil

Risks

Nil

Financial Implications

Nil

Recommending Peter Reeve, Acting Director Planning and Infrastructure Officer

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

Natasha McAlister

From: Damian Hokin <Damian.Hokin@nt.gov.au>
Sent: Monday, 18 April 2016 10:44 AM
To: Planning Coordinator; Council; PWCDMReferrals@powerwater.com.au; Gary Smethurst; Parkplanning PWCNT; Dev TIPD; DevelopmentAssessment DLRM
Subject: Doc 286379 Doc 277372 Doc 276914 Request for Comments EMP31266 EMP31267
Attachments: EMP31266, EMP31267 map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Action

Good Morning,

The following proposed applications have been received. Maps are attached for your reference.

Please provide your comments, if any, within 28 days of this email.

EMP: 31266, 31267
Titleholder: Aldebaran Contracting Pty Ltd
To Extract: sand, type 2 & 3 gravel and fill.
Land Tenure: Sec. 5, 70, 219, 220, 1003, 1004, 1579 HD of Colton
Location: Noonamah
Map: 8/5
Area: 39 & 76 Hectares
Term: 5 years
Contact: capex@bigpond.net.au

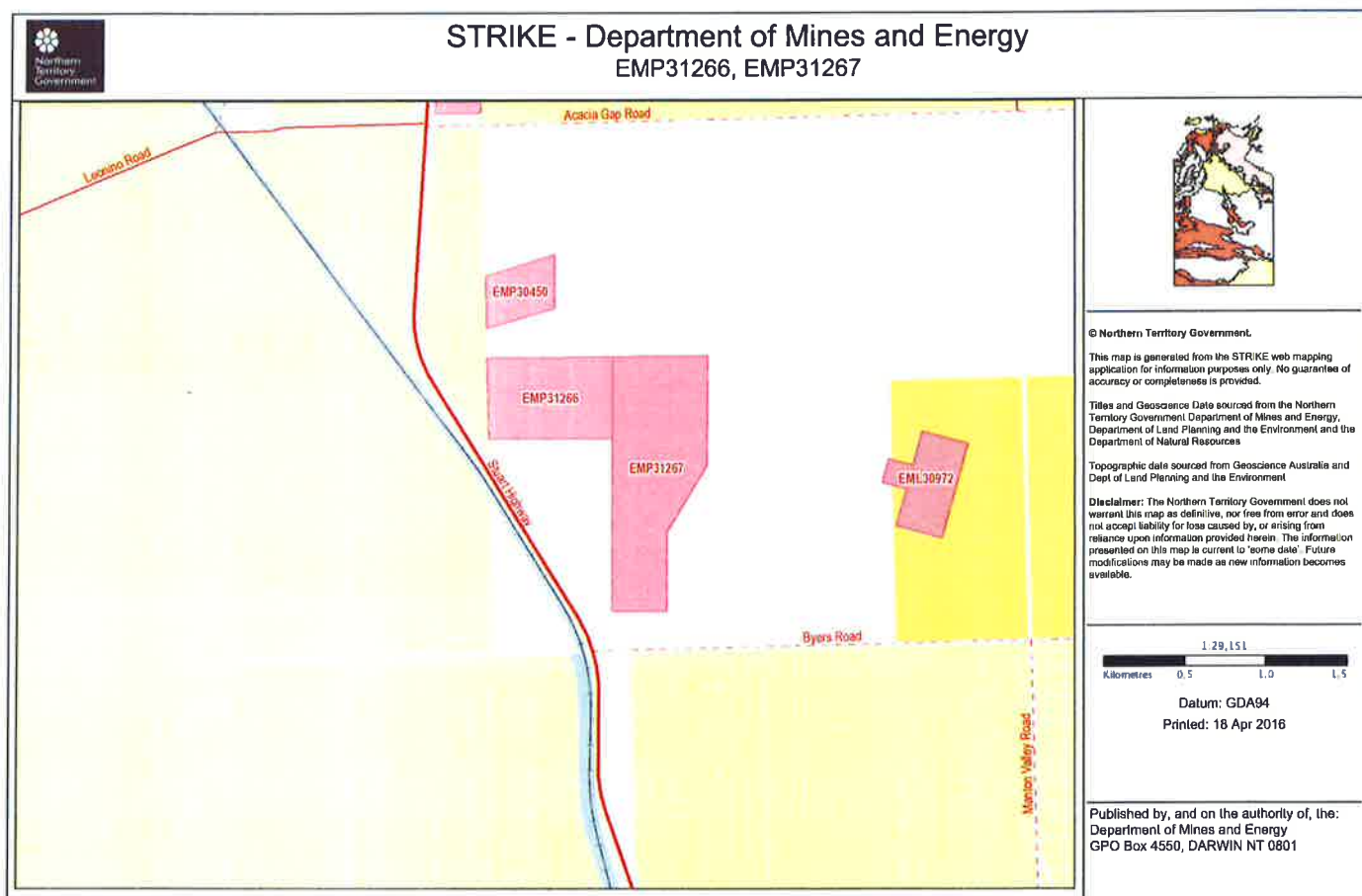
Should you have any queries please contact me.

Kind regards

Damian Hokin | Titles Officer | Titles Management Team | Customer Service | Mineral Titles Division
Department of Mines and Energy
Northern Territory Government
L5 Centrepont Building, 48-50 Smith Street, Darwin
GPO Box 4550, Darwin, NT 0801
ABN: 84 085 734 992
T +61 8 8999 5322 | F +61 8 8981 7106 | E titles.info@nt.gov.au | W <http://www.minerals.nt.gov.au>

Our Vision: Creating a public sector that provides the highest quality service to Territorians
Our Values: **Commitment to Service** | **Ethical Practice** | **Respect** | **Accountability** | **Impartiality** | **Diversity**

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16 May 2016

Damian Hokin
Department of Mines and Energy
GPO Box 4550
Darwin NT 0801

Dear Damian

**EMP31266 and EMP31267
Section 5, 70, 219, 220, 1003, 1004, 1579, Hundred of Colton**

Thank you for the Extractive Mineral Permit Application referred to this office on 18 April 2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of an EMP provided the following issues are adequately addressed:

- a) Should any access be proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.
- b) Should there be any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council may require the upgrading of the subject road(s) to Council's requirements.
- c) Council requires an Environmental Management Plan, to Council's satisfaction. The plan should address, but may not be limited to: dust, noise, stormwater runoff, containment of contaminants, flora and fauna.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting Director of Operations and Planning

Agenda Item Number:	13.3	Report Number:	16/0129
Report Title:	Road Closing – Road Reserve adjacent Stuart Highway Between Thorak Road and McMillans Road, Knuckey Lagoon		
Meeting Date:	15/06/2016	Record Number:	
Attachments:	A – Plan showing section of road to be closed		

Summary

A request has been received from the owner of 10 Thorak Road, Knuckey Lagoon to purchase an adjoining unused section of road reserve adjacent to the Stuart Highway near the intersection of Thorak Road.

Recommendations

THAT Council:

1. support the proposed road closure of that section of unformed road adjacent to the Stuart Highway between Thorak Road and McMillan Road, Knuckey Lagoon.
2. Advise the public of this proposal and invite submissions in accordance with the procedures required by Section 187 of the Local Government Act

Background

A request was received from the owner of 10 Thorak Road, Knuckey Lagoon to purchase an adjoining section of road reserve adjacent to the Stuart Highway near the intersection of Thorak Road.

A letter was sent to the owner which clearly outlines his obligations and the costs to be met by him if this is to proceed. He has since responded in writing indicating that he is willing to meet all the costs involved and request that Council commence the process to close the road.

The Director of Transport Infrastructure management with the Department of Transport NT Government has given their approval to its closure subject to the following requirement:

- “1. No direct access from the Stuart Highway road reserve shall be permitted by this Department. All access granted shall be from the Thorak Road road reserve.”

These are two procedures that the Council must follow under the Local Government Act to achieve the possible sale of this land.

1. Road Closure – Section 187 LGA
2. Power to deal with and dispose of property – Section 182 LGA

This report outlines the procedure to permanently close the road. If this happens a further report will outline the procedure necessary for council to dispose of the property.

1. Road Closure

Section 187 LGA gives the Council power to close a road.

The procedure that needs to be undertaken is outlined in Section 19 of the LGA and is as follows:

- (1) Before a council submits for the Ministers consent a proposal to close a road in its area on a permanent basis, it must give public notice of the proposal.
- (2) The proposal (which must include a plan delineating the road to be closed with reasonable accuracy and detail) must be accessible on the councils website.
- (3) The notice must include an invitation to any person who may object to the proposal to lodge a written objection to the proposal within a reasonable period (at least 28 days) stated in the notice.
- (4) The council must consider any objections lodged in accordance with the invitation.
- (5) If, after publishing a notice, the council substantially modifies its proposal, the council must publish a fresh notice under the Regulation for the modified proposal.
- (6) When the council submits a proposal for permanent closure to the Minister for consent, the proposal must be accompanied by:
 - (a) a report setting out the steps taken by the council to comply with this regulation; and
 - (b) copies of written objections (if any) received by the council to its proposal.
- (7) The Minister will then advise the council if he / she agrees with the road closing proposal.
- (8) The council shall then publish a notice on its website, and/or local newspaper advising that the subject portion of road reserve has been closed.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

- Local Government Act Section 187 Closing of Roads

Risks

There is minimal risk associated with this proposal.

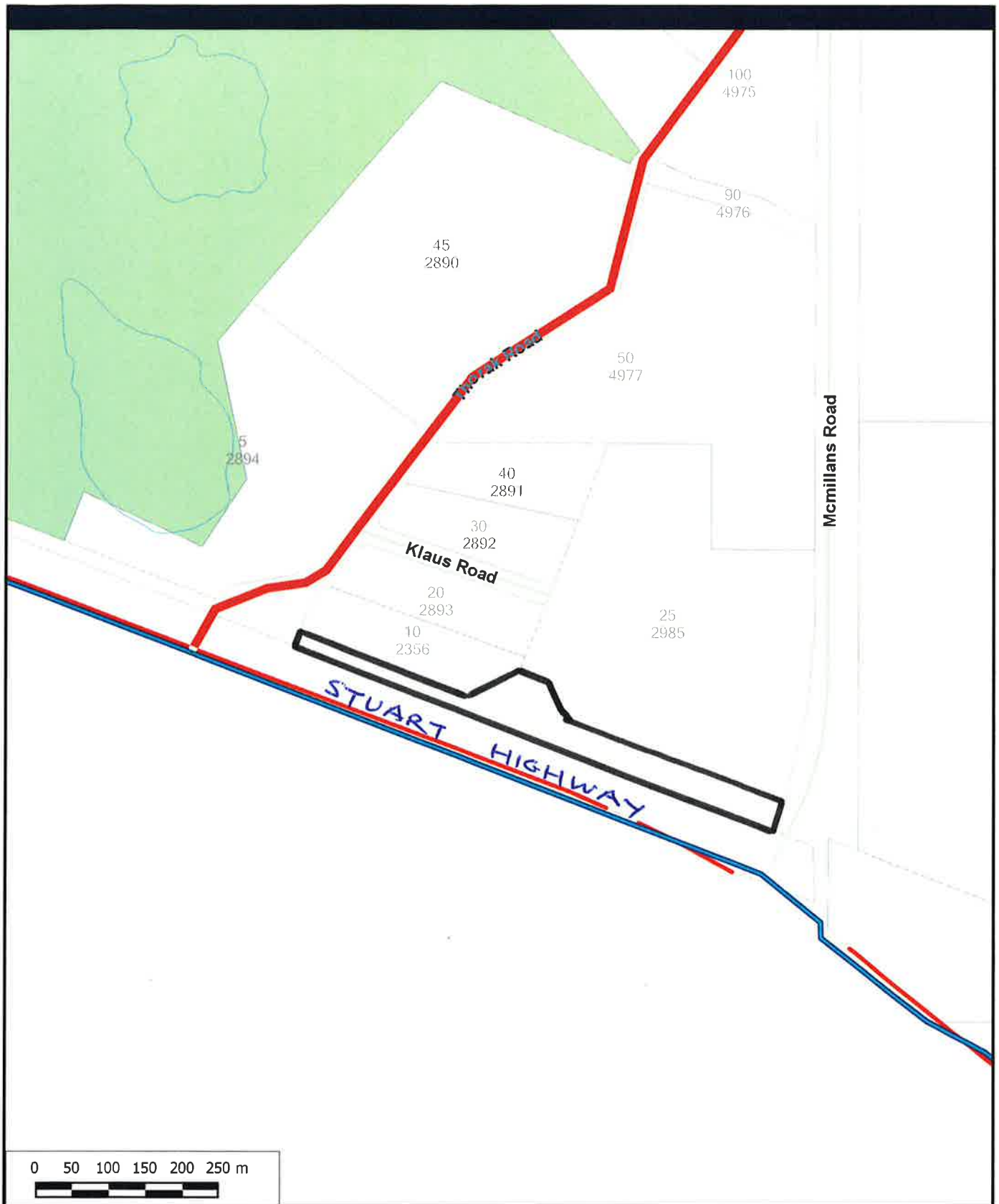
Financial Implications

The owner of the abutting property has agreed in writing to meet all of the costs associated with the closure. If this occurs the land may be sold to the abutting owner at an agreed value.

Recommending Officer: Peter Reeve, Acting Director of Operations and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



Contact Details



Ph: (08) 8983 0600
 Fax: (08) 8983 1165
 Email: council@lsc.nt.gov.au
 7 Bees Creek Road
 Freds Pass Northern Territory
 PO Box 446
 Humpty Doo NT 0836

Disclaimer

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

Data Acknowledgement:
 Property, Road & Administrative Boundaries: DLP&E
 Vegetation, Soil, Flora & Fauna: DLRM
 Imagery is copyright DLP&E



Visit Council Website: www.litchfield.nt.gov.au

Agenda Item Number:	13.4	Report Number:	16/0130
Report Title:	Imposition of Charges for street light repairs, maintenance and capital charges in the NT		
Meeting Date:	15/06/2016	Record Number:	
Attachments:			

Summary

In October 2012, the Power Water Corporation advised of its intention to introduce a charge for repairs and maintenance of street lighting within the Alice Springs Town Council.

LGANT became involved on behalf of the Territories local government councils and much correspondence between the PWC, the NT Government and LGANT has occurred over this issue.

A legal opinion has been obtained by LGANT which indicates that street lighting assets will become the responsibility of councils because of legislation passed by the NT Government.

LGANT has negotiated with the NT Government and succeeded in having this transfer of assets deferred until 1 January 2018 subject to councils agreeing to this transfer by resolution of Council before 1 July 2016.

Recommendations

THAT Council:

1. Agrees to the Northern Territory Government's offer on street lighting that will see:
 - Repairs and maintenance charges not commencing until 2018
 - Council deciding and establishing arrangements before 2018 on the manner in which it will deal with street light repairs and maintenance
 - Council taking ownership of street light infrastructure from 1 January 2018
2. Approves the signing and use of the Council seal on the "Deed – Streetlight Ownership" between the Litchfield Council and Power and Water Corporation negotiated on councils behalf by the Local Government Association of the Northern Territory's working group, for the transfer of street light assets from Power and Water Corporation to Litchfield Council.

Background

In October 2012 the Power Water Corporation (PWC) purported to introduce a charge for repairs and maintenance of street lighting within the Alice Springs Town Council boundaries.

The PWC asserted that in 2011 "the Utilities Commission approved an annual street light and maintenance street light service charge in accordance with the Electricity Networks Code".

LGANT became involved on behalf of the Territories local government councils and in December 2012 wrote to the Chief Minister in relation to these charges including PWC's position in relation to ownership of street lights.

"... they have never been on the asset registers of councils, and if they were, councils would

be charging depreciation for them...”

Much correspondence took place between LGANT and PWC without a definite reason being provided as to why this charge was being levied on councils.

In March 2014 PWC advised of the introduction of repair and maintenance charges for the streetlights effective 1 July 2015 and requested the development of a Service Level Agreement with individual councils.

Correspondence between LGANT, the Chief Minister and PWC continued on this matter.

In February 2015, the Alice Springs Town Council were advised that they would receive quarterly invoices for street light repairs and maintenance.

Further meetings took place between LGANT and PWC and on 1 October 2015 LGANT issued the following media release:

“...Municipal councils in the Northern Territory met today and decided that they would not be making payment on any of the Power and Water Corporations operating repairs and maintenance for street lights nor any of its capital charges until all the legal issues associated with their imposition are examined...”

LGANT were also of the position that it appeared that throughout this process PWC has sought to impose these charges without undertaking any legal analysis on the ownership of street lights within the council areas in the NT.

A working group was formed by LGANT to further investigate this whole issue. They have sought and received legal opinion based on the obligations of councils and PWC under the Local Government Act, Electricity Reform Act and the Control of Roads Act in order to clarify whether the actions of the PWC were correct.

This advice has been received and advises that under the Local Government Act ownership of any street lighting infrastructure must be by a statutory authority.

The Territory Government passed legislation which established that PWC is a government owned corporation, is not “shielded” by the crown, doesn’t represent the Territory and cannot render the Territory liable for debts, liabilities or obligations.

This means that PWC is not currently a statutory authority and therefore cannot own the street lights.

For this reason the councils for the local government areas in which the street lighting is situated became the owners of these assets.

A draft Deed of Agreement between PWC and councils has been prepared by PWC and has been scrutinised by LGANT’s working group.

LGANT has been able to negotiate with the NT Government that the responsibility and annual charges for street lights be deferred until 1 January 2018 subject to councils agreeing to accept these assets by 1 July 2016.

This position was put to a meeting held by LGANT and attended by representatives of local government authorities earlier this year.

Unfortunately there is no other option available to councils but to accept this imposition of charges.

The deferral of these charges until 1 January 2018 will allow councils to incorporate these additional costs into their financial plans.

Litchfield Council's position

Litchfield Council has been receiving accounts for the street light repairs, maintenance and capital charges from Power Water since 2014 but has refused to pay these accounts until its legal position was made clear.

There are currently 233 street lights within the Litchfield Municipality and the estimated annual cost to Council for 2016/2017 provided by Power Water is as follows:

Maintenance Charge	\$50,301.68
Capital Charge	<u>\$79,805.44</u>
Total Charge / annum	<u>\$130,107.12</u>

Links with Strategic Plan

1. Vibrant Local Community
2. Efficient Service Delivery

Legislative and Policy Implications

Local Government Act

Part 12.3 Roads and Section 186 Care control and management of roads

- (1) Subject to this section, all roads within an area are under the care, control and management of the council
- (5) While a road remains under the care, control and management of a council, the following belongs to the council:
 - (a) all vegetation growing on the road;
 - (b) anything erected on, or affixed to, the road except infrastructure or equipment belonging to the Commonwealth or the Territory or a statutory authority of the Commonwealth or the Territory.

Risks

The risk to Council is if it does not agree to the NT Government's Offer and sign the Deed Council will be immediately liable for all costs associated with the street light repairs, maintenance and capital costs.

If Council does accept the NT Government's Offer and signs the Deed prior to 1 July 2016, no charges will be imposed until 1 January 2018.

From 1 January 2018 Council will be responsible for the street light repairs, maintenance and capital charges.

Financial Implications

From 1 January 2018 there will be an annual cost of at least \$130,107.12 to the Litchfield Council.

Recommending Peter Reeve, Acting Director of Operations and Planning
Officer:

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

Agenda Item Number:	13.5	Report Number:	16/0131
Report Title:	PA2016/0087, a Development Application for Subdivision to Create 28 Lots for the Purpose of Leases in Excess of 12 Years at Section 1508 (420) Byers Road, Manton, Hundred of Colton		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Development Application PA2016/0087. Attachment B: Council's letter of comment for PA2016/0087, a Development Application for Subdivision to Create 28 Lots for the Purpose of Leases in Excess of 12 Years at Section 1508 (420) Byers Road, Manton, Hundred of Colton.		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0087, a Development Application for Subdivision to Create 28 Lots for the Purpose of Leases in Excess of 12 Years at Section 1508 (420) Byers Road, Manton, Hundred of Colton, included as Attachment A.

As the application is for a subdivision for 28 lots, a development permit is required.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0087 provided to the consent authority on 02/06/2016, included as Attachment B.

This report concludes that Council should support the application based on all internal subdivided lots being accessed through a private road system that ultimately gains access from the end of Byers Road and the premise that there will be no dedicated public roads to Litchfield Council within the subdivision.

Recommendations

THAT Council:

1. endorse Attachment B, Council's Letter of Comment for PA2016/0087, a Development Application for Subdivision to Create 28 Lots for the Purpose of Leases in Excess of 12 Years at Section 1508 (420) Byers Road, Manton, Hundred of Colton, the assessment of which is summarised above and reviewed in detail within the body of this report.

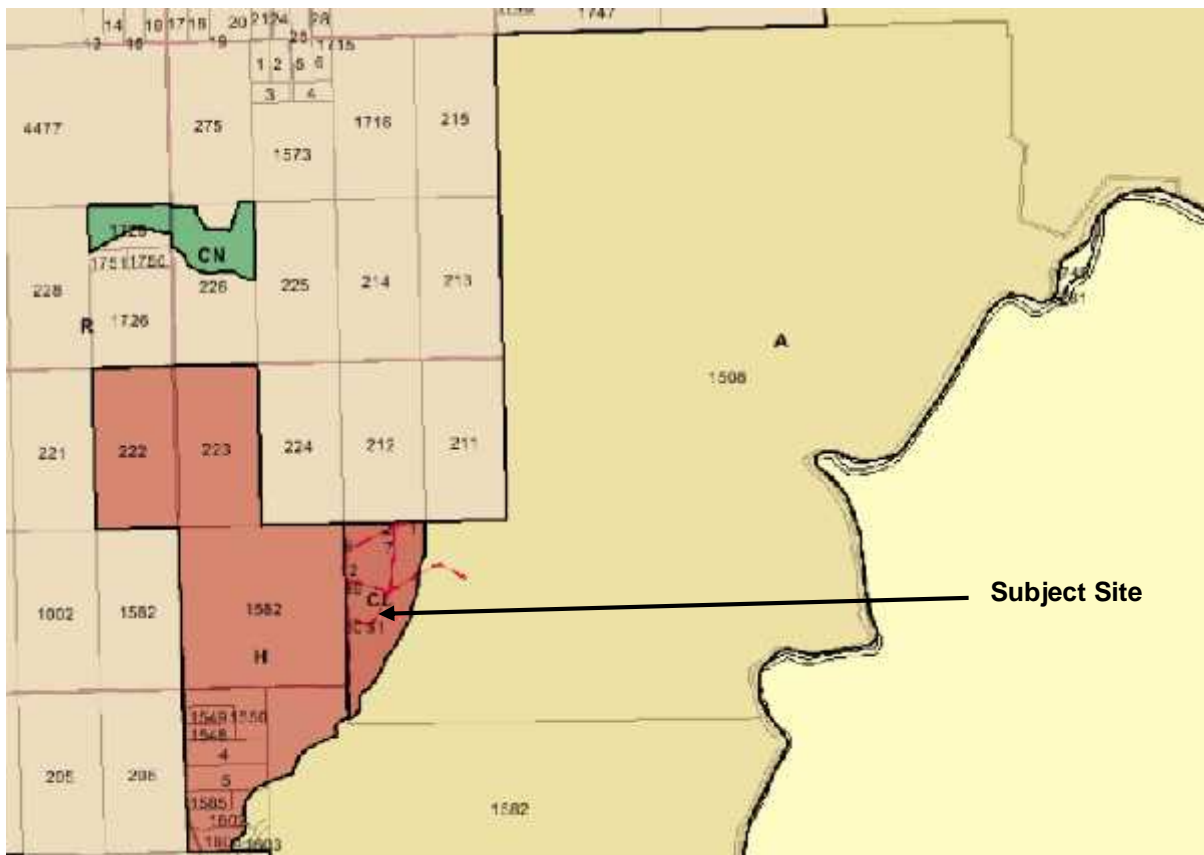
Background

Site and Surrounds

The subject site 420 Byers Road, Manton. It is an irregularly shaped lot with an area of 3,359ha. The site is owned by the Delissavile/Wagait/Larrakia Aboriginal Land Trust.

The subject site is bordered to the north by lots in Zone RL (Rural Living), to the east and south by land in Zone A (Agriculture), and to the west by land in Zone H (Horticulture).

The site is currently developed with the Acacia Larrakia community, with established private roads and existing homes and other buildings. The majority of the surrounding land is undeveloped.



Source: NT Atlas and Spatial Directory

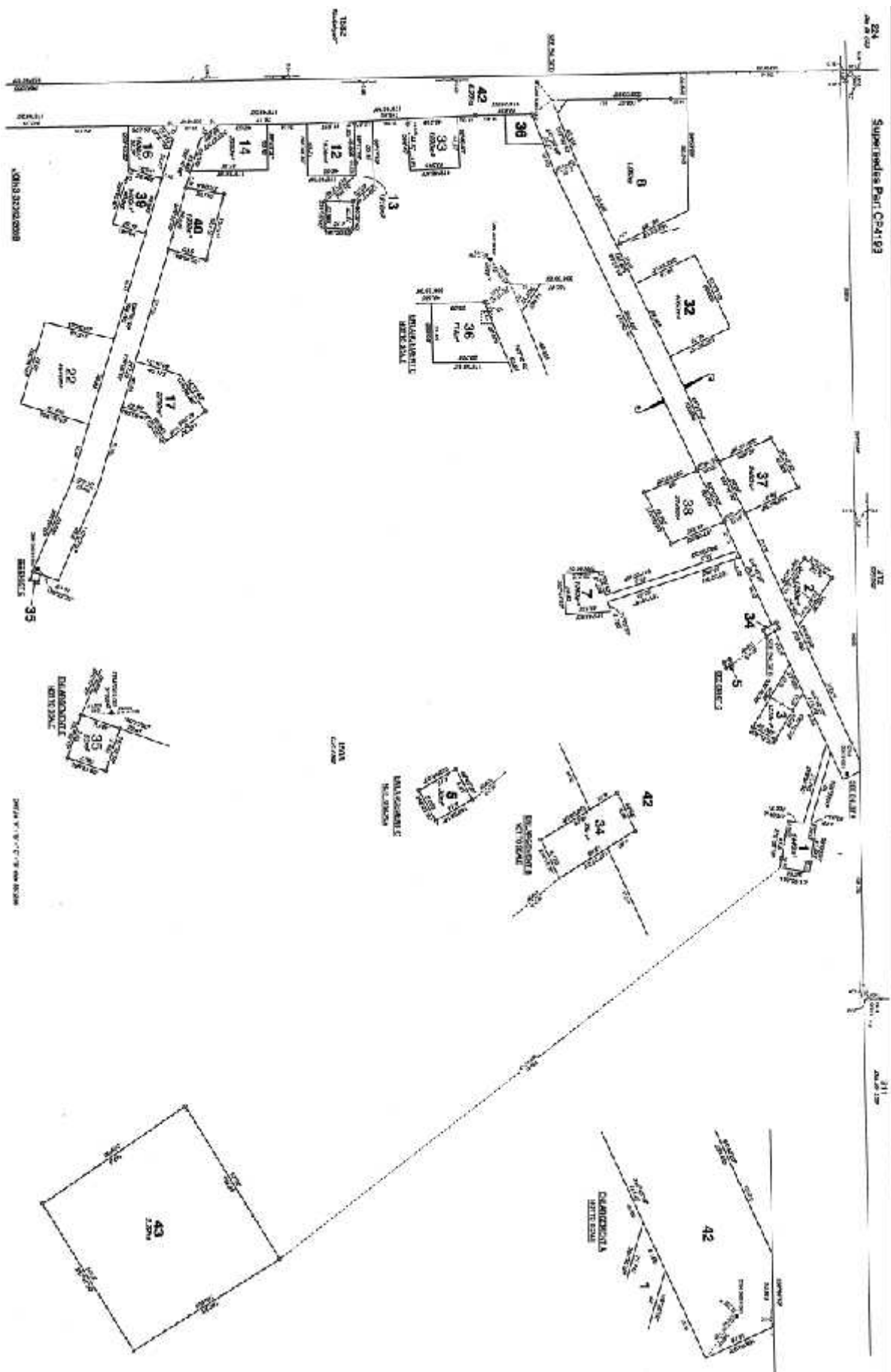
Site Development History

The subject land was approved to rezone from Rural to Community Living in 2008. Two Development Permits have been issued for demountable structures for use as an office and medical consulting rooms.

Current Proposal

It is proposed to subdivide the portion of the site in Zone CL (Community Living) to create 28 lots for the purpose of leases in excess of 12 years. In the NT, the granting of a lease in excess of 12 years requires a subdivision application. There are 27 new lots proposed and one remainder parcel for the site.

Lots are shown below on the survey plan and are based on existing land uses and built form. The proposed allotments define individual lots within the community, including one allotment for the existing private road reserves.



Source:

PA2016/0087

Page 56 of 238

Application Assessment

The application appears to comply with the NT Planning Scheme requirements for subdivision for a lease in excess of 12 years for a whole of township rezoning.

It is understood that the applicant intends to continue the system of private roads servicing the community, provided as Lot 42 within the subdivision. As such, it is understood that the applicant is not proposing to hand over any infrastructure to Council except for the lot access from the end of Byers Road. This access is in compliance with Council's standards. There are no stormwater concerns with the subject site.

Given that there is no Council infrastructure within the subdivision and the access meets Council's standards, Council can support the application.

Conclusion

It is recommended that Council support the application based on all internal subdivided lots being accessed through a private road system that ultimately gains access from the end of Byers Road and the premise that there will be no dedicated public roads to Litchfield Council within the subdivision.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

STATEMENT OF EFFECT

SUBDIVISION TO CREATE 28 ALLOTMENTS

AT: INDIGENOUS COMMUNITY OF ACACIA LARRAKIA, LITCHFIELD MUNICIPALITY
(SECTION 1508, HUNDRED OF COLTON)

FOR: DELINEATION OF ALLOTMENTS WITHIN ACACIA LARRAKIA FOR THE BENEFIT OF THE
COMMUNITY

1.0 INTRODUCTION

This is an application for a Development Permit to subdivide 28 surveyed allotments in Zone CL (Community Living). The land is identified as Section 1508, Hundred of Colton, within the community of Acacia Larrakia. These allotments will follow existing land uses and built form.

As the proposed development involves the subdivision of land, it requires a Development Permit in accordance with Part 5 of the *Planning Act* ("the Act").

Included in this Development Application package is the Statement of Effect, title documentation, Survey Plans and other necessary documentation relating to the proposed subdivision.

2.0 DESCRIPTION OF SUBJECT LAND AND LOCALITY

Acacia Larrakia is located within the central portion of the Litchfield Municipality, approximately 60 kilometres southeast of Darwin, and approximately 5 kilometres west of the Acacia Hills village centre.

The statistical area of Acacia Hills incorporates both the Indigenous community of Acacia Larrakia and the general population the suburbs of Acacia Hills and Manton. In this statistical area, there is a total population of 638 people, of which 90 persons are identified as Indigenous (2011 ABS data). It can be assumed that the majority of these people reside in the community of Acacia Larrakia. NT Treasury population projections include the subject locality within the Greater Darwin region statistical area, which is noted as having an average annual growth rate of between 2.4% and 2.6% for the years 2011 to 2026.

The subject land comprises predominantly developed land within the community, with woodlands surrounding the community.

The current pattern of development mainly consists of medium to large sized residential allotments connected along a central spine road. The proximity of the community to the urban areas including, Noonamah, Coolalinga and Palmerston mean that many of the services required by the residents are readily accessible in these centres. The nearest store is located

just 5 kilometres away at Acacia Hills, the nearest school is located at Berry Springs some 25 kilometres away, and the nearest health facility is located at Humpty Doo some kilometres away 30 Kilometres away.

The subject land is accessible by road via Byers Road off the Stuart Highway.

Existing essential service provision to the community comprises power, water and sewerage services. The power is supplied by the Darwin power network. Bores are located approximately 50m west of Soob Road at three point, north, central and south, within the community. Sewerage ponds are located approximately 800 metres east of the community.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is the subdivision of part Section 1508, Hundred of Colton to create 27 allotments.

The proposed 27 allotments are shown on the survey plan for the Townsite of Acacia Larrakia (**Attachment A**) and are based on existing land uses and built form. The proposed allotments define individual lots within the community, including one allotment for the existing road reserve.

The residential portion of allotments comprise land areas averaging approximately 2,330 square metres, with the smallest residential allotment comprising approximately 714 square metres and the largest comprising approximately 7,210 square metres. The largest allotment within the community is for the road reserve which comprises an area of approximately 8.06 hectares.

Given that the proposed allotments are based on existing land uses and built form within Acacia Larrakia, service provision and access arrangements will not be altered.

4.0 CONSIDERATION OF PART 5 OF THE NORTHERN TERRITORY PLANNING ACT

As the proposed development comprises the subdivision of land, a Development Permit is required in accordance with section 44(b) of Part 5 of the Act. The contents of the development application required by section 46(3) of the Act are addressed below.

4.1 Northern Territory Planning Scheme

Pursuant to Clause 1.3 (Exemptions) of the NT Planning Scheme, the subdivision the subject of the application is exempt from a number of Part 5 provisions, but must address the following:

- i. **Clause 11.1.1** (Minimum Lot Sizes and Requirements);
- ii. **Clause 11.1.3** (Subdivision of Land Zoned FD);
- iii. **Clause 11.1.4** (Subdivision for the Purposes of a Unit Title Scheme);
- iv. **Clause 11.2.2** (Infrastructure and Community Facilities in Residential Subdivisions);

- v. **Clause 11.2.3** (Lot Size and Configuration in Residential Subdivisions);
- vi. **Clause 11.3.2** (Infrastructure in Industrial Subdivisions);
- vii. **Clause 11.3.3** (Lot Size and Configuration in Industrial Subdivisions);
- viii. **Clause 11.4.1** (Site Characteristics of Subdivisions of Rural and Unzoned Land) sub-clauses 1 and 9; and
- ix. **Clause 11.4.2** (Infrastructure in Subdivisions of Rural and Unzoned Land) sub-clauses 1, 2 and 3(a).

Clause 11.1.1 (Minimum Lot Sizes and Requirements)

The Townsite of Acacia Larrakia is zoned CL (Community Living) and is situated within the broader Section 1508, Hundred of Colton. As existing land uses and built form have provided the basis for the survey plan and this application is simply seeking to formalise the survey plan, the proposed subdivision is considered warranted. This is despite the NT Planning Scheme not specifying minimum lot sizes for the subdivision of land within the CL zone. In any case, it is considered that the residential lot size range between 714 square metres and 7,210 square metres are more than sufficient for their purpose.

Clause 11.1.3 (Subdivision of Land Zoned FD)

Not applicable to this application.

Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme)

Not applicable to this application.

Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions)

Acacia Larrakia is a community integrated with existing infrastructure, community services and facilities. These include power, sewer and water services, and an office, workshop and cemetery.

The layout of the community provides for a high level of internal accessibility and external connection for all modes of transport, via Byers Road, to the Stuart Highway. This same external connection also links schools, commercial facilities and public transport services, either along the Stuart Highway, or in nearby Acacia, Batchelor, Fred's Pass or Humpty Doo.

With regard to traffic management, through-traffic is deterred largely due to the single vehicular access road into the community – Byers Road – and relatively perpendicular internal roads.

The Stuart Highway is located approximately 4.2km west of the community. Along this major road and just north of the Byers Road turn-off, there are public transport links including a school bus service direct to Berry Springs Primary School, and via the Cox Peninsula Interchange to a number of schools in Humpty Doo.

With regard to the provision of public open space, while there are no 'formal' areas per se, within and immediately surrounding the community are wide, vegetated open space areas comprising both perennial and intermittent water channels and located to the west of the Manton River. These wide open spaces area allow for both active and passive recreation.

Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions)

Lots within the community are comprised of a size, configuration and orientation considered suitable for residential purposes. In this regard, all residential lots are either square or rectangular with an average area of 2,330 square metres and no battleaxe lots. This allows sufficient space for a dwelling, vehicle access, parking and any outbuildings.

Given that lots are either square or rectangular and there is ample space between either adjoining lots or adjacent dwellings on separate lots, this allows for prevailing breezes and sunlight to permeate each lot. This space between each dwelling or lot and existence of vegetation also assists in minimising any potential land use conflicts in relation to visual and acoustic privacy

As noted in an earlier section of this Statement of Effect, all lots are connected to reticulated services.

Clause 11.3.2 (Infrastructure in Industrial Subdivisions)

Acacia Larrakia contains one lot (Lot 8) which could be regarded as 'light industrial' – the workshop in the north-westernmost lot. Access to the lot is along Soob Road, which is the continuation of Byers Road. The lot is located at the northern end of Soob Road.

All reticulated services are connected to the lot.

Clause 11.3.3 (Lot Size and Configuration in Industrial Subdivisions)

The workshop is located on a lot which also contains an office and comprises an area of 1.06 hectares. Space and accessibility within and around the lot is considered suitable for the current purpose as a workshop/office, while approximately half the lot is potentially capable of accommodating future expansion of this use.

Appropriate buffers exist to nearby lots by virtue of roadways and a drainage channel.

Entry/exit to the site is currently via two separate access points to Soob Road.

Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) – sub clauses 1 and 9

The proposed development encompasses land that is suitable for development in that it avoids excessive slope particularly in residential areas, avoids land subject to seasonal inundation and avoids the incorporation of natural drainage lines.

The proposed development will enable the retention and protection of natural and cultural features given that the individual allotments follow the existing pattern of development and inherently avoid cultural exclusion areas.

The proposed development does not contain areas of high conservation significance nor is it located within a drainage protection area, according to the Department of Land Resource Management.

Acacia Larrakia is located within the Lower Adelaide River Catchment at River mouth however is situated outside the 1 in 100 year flood area associated with the Adelaide River as per Department of Land Resource Management mapping.

The proposed development does not involve physical development of the site and so does not alter natural drainage systems, cause disturbance to watercourses, or alter the risk of local flooding.

Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) - sub-clauses 1, 2 and 3(a)

The proposed development comprises existing land uses and built form thus earthworks are not applicable to the proposal.

The proposed development currently has direct access to reticulated services including power, water and sewer.

The proposed development includes an existing and functional road network that encompasses a hierarchy of roads and responds to the physical characteristics of the land.

Sealed roads are adjacent to proposed residential allotments within the Acacia Larrakia community however some minor access roads and laneways are unsealed.

The proposed development is not adverse to the relevant provisions of the NT Planning Scheme and is considered satisfactory for the purposes of a whole-of-town subdivision based on existing land uses, infrastructure and built form.

4.2 Interim Development Control Order

There are no Interim Development Control Orders applicable to the subject land.

4.3 Public Environmental Report / Environmental Impact Statement

A Public Environmental Report and Environmental Impact Statement have not been prepared nor are deemed as being required given that the proposed subdivision comprises the delineation of allotments based on existing land uses and built form.

4.4 Merits of Proposed Development

The merits of the proposed development are that:

- it enables residents, service providers and community organisations within Acacia Larrakia to negotiate long term leases from the Land Trust through a land holding entity.
- it provides appropriate direction for future land tenure by individuals, family groups and businesses;
- it gives additional certainty to service providers and community organisations with regard to lot delineation and assists administrative processing and service delivery;
- it is not adverse to the Northern Territory Planning Scheme provisions;
- the location of the proposed subdivision minimises environmental, cultural and social impacts as surveyed lot boundaries are based on existing land uses and built form.

4.5 Physical Characteristics of the Land - Suitability and Capability

A description of the subject land and locality is provided within section 2 of this Statement of Effect.

The subdivision itself does not involve the physical development of land. Future development on the subject allotments and any new areas identified for the development will need to be assessed on a case by case basis to ensure development is topographically, socially, culturally and environmentally appropriate.

4.6 Public Facilities / Public Open Space Availability

Acacia Larrakia contains an office and associated workshop to serve the needs of the residents of the community. The community is surrounded by naturally vegetated open space accessible to all residents. Supporting public facilities are available in the nearby centres of Acacia Hills, Berry Springs, Humpty Doo, Coolalinga, Palmerston and Darwin.

4.7 Public Utilities / Infrastructure Availability

As noted in section 2 of this Statement of Effect, existing essential service provision to the community comprises power, water and reticulated sewer. Existing development is connected to these essential services.

4.8 Potential Amenity Impacts of Proposed Development

Any potential amenity impacts of the proposed development are nullified given that surveyed lot boundaries are based on existing land uses and built form and are not proposing any additional development at this time.

4.9 Benefit / Detriment to the Public Interest

There is no apparent detriment to the public interest with regard to the proposed development. There is however inherent benefit to the community and service providers in the proposed subdivision given the points raised in section 4.4 above.

4.10 Retention of Built Form – Compliance with Building Act

The subject land is not located within a Building Control Area and as such the *Building Act* is not applicable. Therefore, although it is intended to retain existing built form within Acacia Larrakia, a Building Certifier's report stating that existing buildings comply with the *Building Act* is not required.

5.0 CONCLUSION

The proposed development consists of the delineation of 28 allotments within the community of Acacia Larrakia in the Litchfield Municipality.

The proposed 28 allotments accord with the survey plan prepared for the Townsite of Acacia Larrakia and are based on the existing land uses and built form.

The proposed development will:

- enable residents, service providers and community organisations within Acacia Larrakia to negotiate long term leases from the Land Trust through a land holding entity.
- provide appropriate direction for future land tenure by individuals, family groups and businesses;
- give additional certainty to service providers and community organisations with regard to lot delineation and assists administrative processing and service delivery; and
- minimise environmental, cultural and social impacts as surveyed lot boundaries are based on existing land uses and built form.

The community is connected to essential service infrastructure including power, water and reticulated sewer. Existing development is connected to these essential services.

The proposed development is not adverse to the Northern Territory Planning Scheme provisions. Given the social and economic benefits of allotment delineation, the application for subdivision is considered warranted.

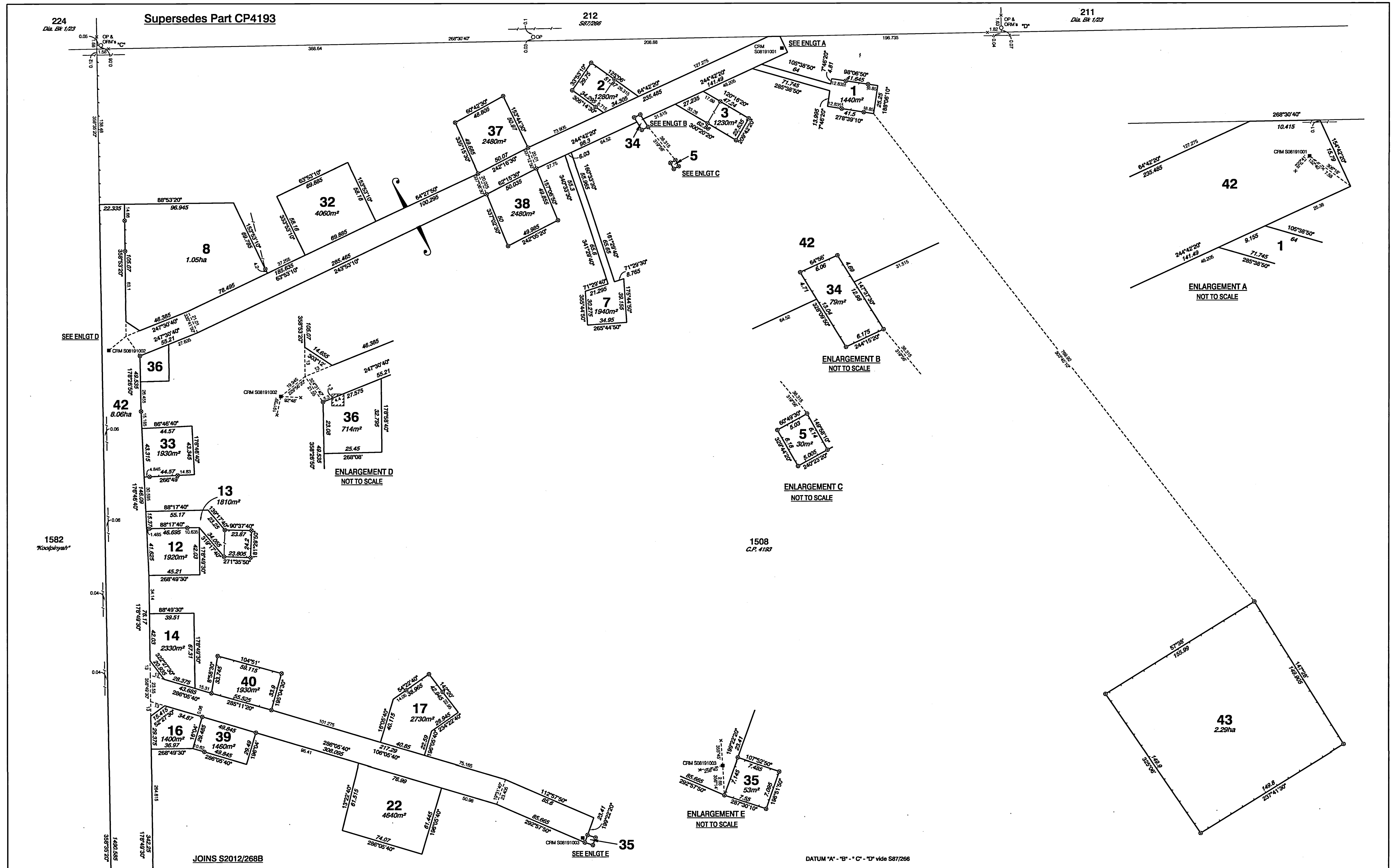


Leanne Evans
Senior Director
Remote Service Delivery
Department of Local Government and Community Services

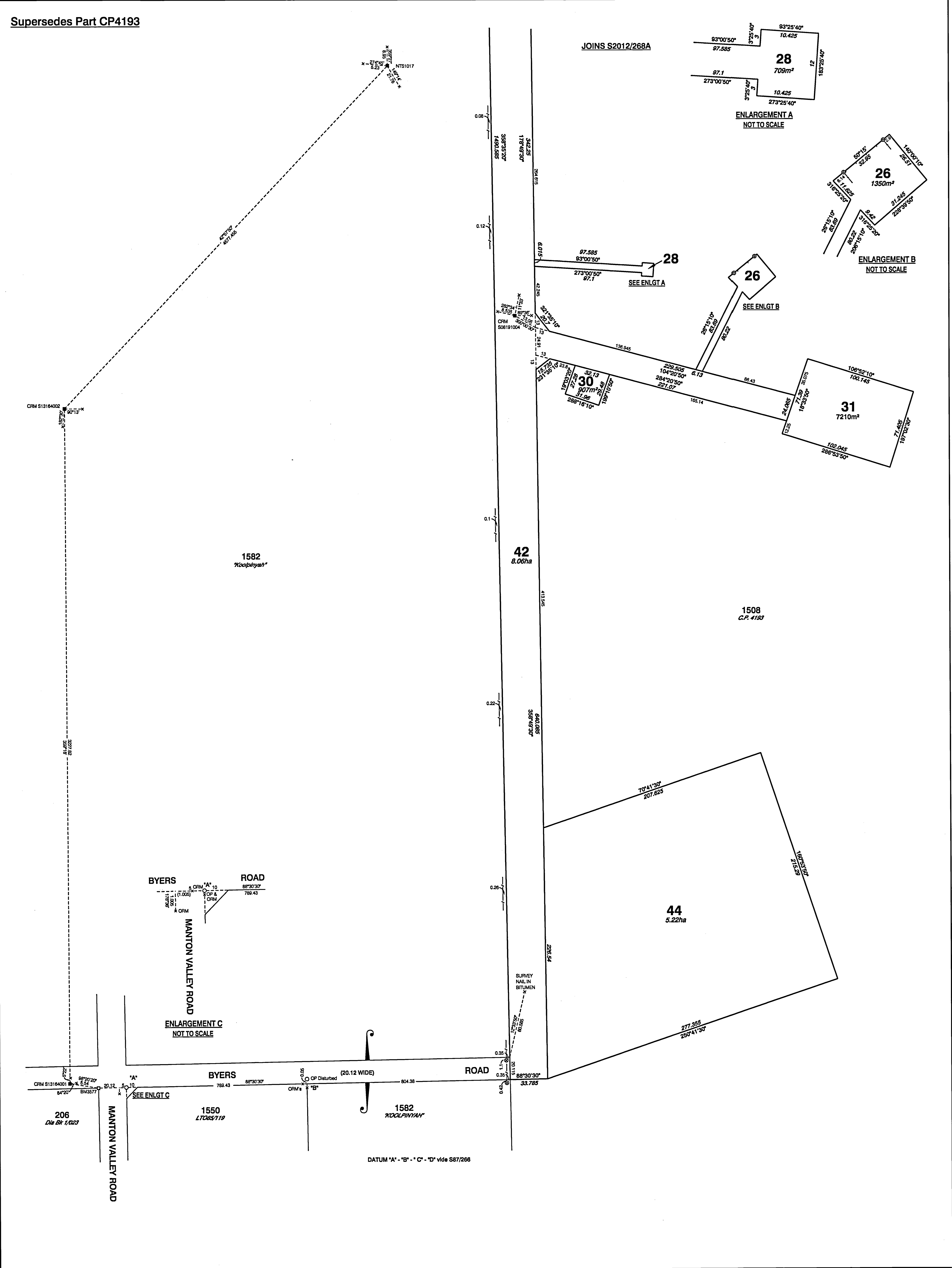
2015




Enc.

Attachment A: Survey Plans 2012/268A and S2012/268B



<p>I, <u>Geoffrey Robert Patterson</u>, hereby certify that the survey represented on this plan was carried out by me or under my supervision and completed on <u>12 February 2015</u>, and that this survey has been executed in accordance with the Licensed Surveyors Act and the Directions thereunder.</p> <p><u>Geoffrey Robert Patterson</u> Licensee Surveyor Date</p>		<table><thead><tr><th colspan="2">AMENDMENTS</th></tr><tr><th>Reference</th><th>Details</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>		AMENDMENTS		Reference	Details							<p>Notes: Dimensions on this plan have been calculated from GNSS observations.</p> <p>All lots defined hereon are classified as "Administrative" and are to facilitate the issue of leases or subleases under Section 19 of the Aboriginal Land Rights Act.</p> <p>Reference marks are at one metre unless otherwise shown.</p>		<table><tr><td>Field Book</td><td>ASV 14-0365-2</td></tr><tr><td>Drawn</td><td>DGC February 2015</td></tr><tr><td>Examined</td><td>AUSURY PTY LTD</td></tr><tr><td>Map Reference</td><td> </td></tr></table>		Field Book	ASV 14-0365-2	Drawn	DGC February 2015	Examined	AUSURY PTY LTD	Map Reference		<div><p>True Mid Bearings</p></div> <div><p>LEGEND</p><p>Concrete Post □</p><p>Concrete Block ■</p><p>Peg or Wooden Post ○</p><p>Reference Mark x</p><p>Lockpit ▴</p><p>Fence Post ⊗</p></div> <div><p>ADMINISTRATIVE LOTS 1 TO 3, 5, 7, 8, 12 TO 14, 16, 17, 22, 32 TO 40, 43 AND PART 42</p><p>PARTS OF SECTION 1508 HUNDRED OF COLTON</p><p>TOWNSITE OF ACACIA LARRAKIA</p></div> <div><p>SCALE 1:1500</p><p>30 0 30 60 90 metres</p></div> <div><p>S2012/268A</p><p>SHEET 1 OF 2</p></div>	
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<p> Northern Territory Government</p> <p>SURVEY APPROVED</p> <p>Surveyor-General Date</p>																											



<p>I, <u>Geoffrey Robert Patterson</u>, hereby certify that the survey represented on this plan was carried out by me or under my supervision and was completed on <u>12 February 2015</u>, and that this survey has been executed in accordance with the Licensing of Surveyors Act and the Directions thereunder.</p> <p><u>[Signature]</u> <u>24-3-2015</u> Licensed Surveyor Date</p>		<p>Notes: Dimensions on this plan have been calculated from GNSS observations.</p> <p>All lots defined hereon are classified as 'Administrative' and are to facilitate the issue of leases or subleases under Section 19 of the Aboriginal Land Rights Act.</p> <p>Reference marks are at one metre unless otherwise shown.</p>		<p>Field Book ASV 14-0365-2</p> <p>Drawn DGC February 2015</p> <p>Examined AUSURV PTY LTD</p> <p>Map Reference</p>		<p></p> <p>..... True Mid Bearings</p> <p>..... AZIMUTH Assumed from GNSS Observed at</p>		<p>LEGEND</p> <p>Concrete Post □</p> <p>Concrete Block ■</p> <p>Peg or Wooden Post ○</p> <p>Reference Mark x</p> <p>Locksplit ✕</p> <p>Fence Post ⊗</p>		<p>Administrative Lots 26, 28, 30, 31, 44, and Part 42 Parts of Section 1508 Hundred of Colton Townsite of Acacia Larrakia</p>	
<p></p>		<p>SURVEY APPROVED</p> <p>..... Surveyor-General Date</p>				<p>SCALE 1:1500</p> <p></p> <p>metres</p>		<p>S2012/268B SHEET 2 OF 2</p>			

STATEMENT OF BUILDING COMPLIANCE

The subject land is not located within a Building Control Area and as such the *Building Act* is not applicable. Therefore although it is intended to retain existing built form within Belyuen, a Building Certifier's report stating that existing buildings comply with the *Building Act* is not required.



Brooke Owen

A/Manager

Remote Service Delivery

Department of Local Government and Community Services

04 January 2016

Record No: D2016/22035
Container No: F2012/5006

Remote Services Delivery
Department of Local Government
and Community Services
GPO Box 2850
DARWIN NT 0801

Attention: Brooke Owen, Senior Project Officer

Subdivision Application – Townsite of Acacia Larrakia

The Power and Water Corporation (PWC) endorses the Northern Territory Government's intention to lodge development applications for the purpose of delineating allotments to define existing land uses and built form on Aboriginal land throughout the Territory.

In support of the application, PWC notes:

1. The land the subject of the subdivision application on the attached plan(s) is inalienable freehold title held by an Aboriginal Land Trust pursuant to the *Aboriginal Land Rights (Northern Territory) Act* (Cth.).
2. The infrastructure located above and below ground as at the date of this application and within the areas the subject of this application was constructed by various parties.
3. In providing this endorsement, PWC acknowledges that the application is to delineate existing lot boundaries to enable leasing in excess of 12 years.
4. In lodging this application, neither the applicant nor PWC accepts any liability for any existing, as built, infrastructure prior to the date of this application which is non-compliant with current specifications for electricity, water, sewerage, telecommunication services, roads, stormwater drainage or vehicular access.
5. Any new works or upgrade works to existing infrastructure by any party following the issue of the Development Permit for this subdivision are required to comply with engineering design and technical specifications for utility services in accordance with the relevant authority.

6. As the purpose of the proposed subdivision is simply to create lot boundaries around existing buildings and infrastructure, PWC has no requirements in relation to the proposed subdivision.

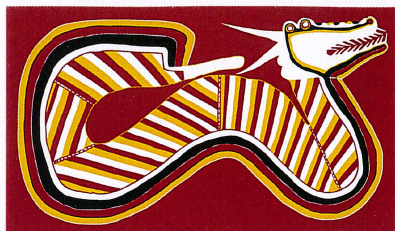
For further information, please do not hesitate to contact Annette D'Emden (Remote Operations Land Development Manager) on 8951 7273, or email annette.d'emden@powerwater.com.au

Yours sincerely



Tom McCrie
Manager Legal

14 January 2016



Northern Land Council

ABN 56 327 515 336

Address all correspondence to:
CHAIRMAN
GPO Box 1222
DARWIN NT 0801

45 Mitchell Street, Darwin NT 0800
Phone: (08) 8920 5100
Fax: (08) 8920 5255
Free Call: 1800 645 299

9 February 2016

Our Ref: F2012/0591

Leanne Evans
Senior Director
Remote Service Delivery
Department of Local Government and Community Services
GPO BOX 2850
Darwin NT 0801

ATTENTION: Ms Brooke Owen

Dear Ms Owen

AUTHORITY FOR LODGEMENT OF DEVELOPMENT APPLICATION-TOWNSITE OF ACACIA LARRAKIA SUBDIVISION

I am an employed solicitor of the Northern Land Council. I act for the Delissaville/Wagait/Larrakia Aboriginal Land Trust (Land Trust) in relation to this matter.

I refer to applications for development consent to be lodged by the Northern Territory Department of Local Government and Community Services, for the purpose of delineating allotments to define existing land uses and built form in the town of Acacia Larrakia.

This letter confirms that the Land Trust authorises the lodgement of such applications.

Yours faithfully

Jasmin Onus
Solicitor

Katherine	Jabiru	Nhulunbuy	Borroloola	Ngukurr	Tennant Creek	Timber Creek
P.O. Box 396	P.O. Box 18	P.O. Box 820	P.O. Box 453	P.M.B. 85	P.O. Box 55	43 WILSON ST
Katherine NT 0851	JABIRU NT 0886	Nhulunbuy NT 0881	Borroloola NT 0854	via Katherine NT 0851	Tennant Creek NT 0861	Timber Creek NT 0852
Ph(08) 8971 9899	Ph(08) 8938 3000	Ph(08) 8986 8500	Ph(08) 8975 8848	Ph(08) 8975 4755	Ph(08) 8962 1884	Ph(08) 8975 0789
Fx(08) 8972 2190	Fx(08) 8979 2650	Fx(08) 8987 1334	Fx(08) 8975 8745	Fx(08) 8975 4601	Fx(08) 8962 1636	Fx(08) 8975 0664

02 June 2016

Mr Steven Kubasiewicz
Development Assessment Services
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Steve

PA2016/0087
Section 01508, (420) Byers Road, Manton, Hundred of Colton
Subdivision to create 28 lots for the purpose of leases in excess of 12 years
(Acacia Larrakia whole of town subdivision)

Thank you for the Development Application referred to this office on 12/05/2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Development Permit for the following reasons:

- a) It is understood that the application proposes to gain access for the subdivision from the end of Byers Road and that the internally subdivided lots are to be accessed through a private road system provided on proposed Lot 42.

The access from Byers Road to proposed Lot 42 is suitable for a driveway access to the proposed new subdivision.

Support for the application is predicated on the premise that there will be no dedicated public roads to Litchfield Council within the subdivision.

Should the application be approved, the following conditions pursuant to the Planning Act and Council's responsibility under the Local Government Act are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.au.

- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's street network.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.6	Report Number:	16/0132
Report Title:	PA2016/0289, a Development Application for a Single Dwelling at Unit 2675 and Unit 2679 (Apt 1 and Common Property, 199) Doris Road, Virginia, Hundred of Cavenagh		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Development Application PA2016/0289. Attachment B: Council's letter of comment for PA2016/0289, a Development Application for a Single Dwelling at Unit 2675 and Unit 2679 (Apt 1 and Common Property, 199) Doris Road, Virginia, Hundred of Cavenagh.		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0289, a Development Application for a Single Dwelling at Unit 2675 and Unit 2679 (Apt 1 and Common Property, 199) Doris Road, Virginia, Hundred of Cavenagh, included as Attachment A.

The application is for a single dwelling in Zone TC (Tourist Commercial) and all single dwellings in Zone TC (Tourist Commercial) require development permits.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0289 provided to the consent authority on 01/06/2016, included as Attachment B.

This report concludes that Council should support the application as it is consistent with the NT Planning Scheme requirements and does not appear to have any adverse impacts on Council's infrastructure or neighbourhood amenity.

Recommendations

THAT Council:

1. endorse Attachment B, Council's Letter of Comment for PA2016/0289, a Development Application for a Single Dwelling at Unit 2675 and Unit 2679 (Apt 1 and Common Property, 199) Doris Road, Virginia, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.

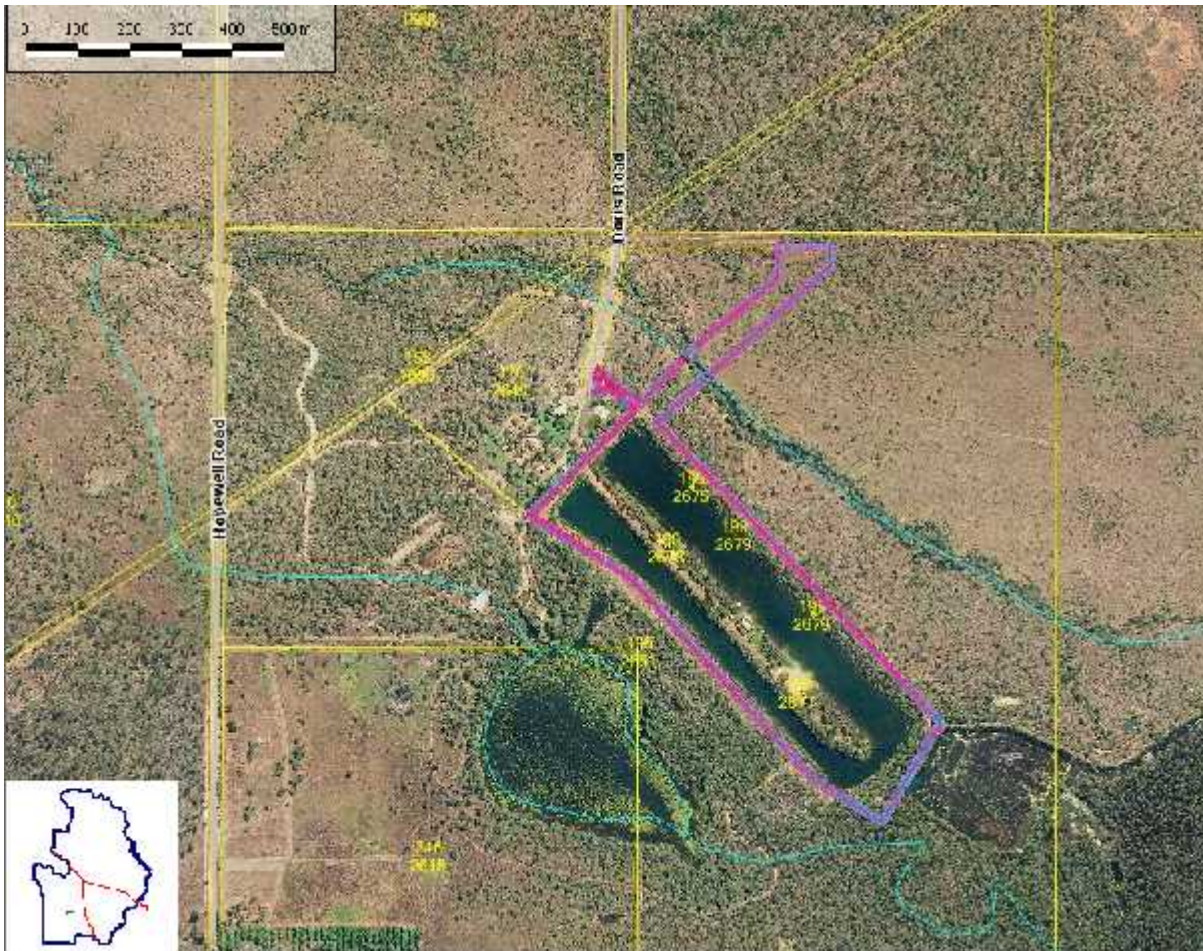
Background

Site and Surrounds

The subject site is 199 Doris Road, an irregularly shaped parcel with an area of 20.6 ha. The site is currently occupied with a Ski Resort and a few existing dwellings. The majority part of the lot is an artificial lake, with an island in the middle.



Source: NT Atlas and Spatial Directory



Source: Exponaire

The site is located in Zone TC (Tourist Commercial) under the NT Planning Scheme. The surrounding sites are also in Zone TC (Tourist Commercial), with lots further to the east in Zone RL (Rural Living), lots further to the south and west in Zone R (Rural) and lots to north in Zone CN (Conservation and Zone RL (Rural Living).

Site Development History

The subject site was subdivided in 2010 to create 4 units and common property, of which Unit 2675 is one of the unit and Unit 2679 is the common property. Unit 2675 was further subdivided in 2013 to create nine individual units.

Current Proposal

The proposed development is for a single dwelling on the site that has an internal floor area of approximately 30 square metres and a verandah of approximately 16 square metres. The studio cabin contains a kitchen and a bathroom and will be oriented to have the verandah and living area toward the lake. The cabin will feature raised footings to assist with breeze circulation.

Application Assessment

The proposed single dwelling meets the NT Planning Scheme requirements for a single dwelling in the subject zone.

The size of the cabin is not expected to result in any potential effects upon stormwater drainage for the subject site and access provided is appropriate to service the subject site.

The use is within that expected for the subject site and is not expected to have any negative effect upon the neighbouring amenity.

Conclusion

It is recommended that Council support the application as it is consistent with the NT Planning Scheme requirements and not appear to have any adverse impacts on Council's infrastructure or neighbourhood amenity.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

STATEMENT OF EFFECT

Single Dwelling (Cabin)

199 Doris Road, Berry Springs (Unit 2675 Hundred of Cavenagh)



Prepared by

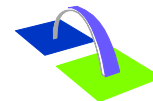
MasterPlan NT

ABN 30 007 755 277, ISO 9001:2008 Certified

Unit 33/16 Charlton Court, Woolner NT 0820

Telephone: 8942 2600, masterplan.com.au

April 2016



1.0 INTRODUCTION

MasterPlan NT has been appointed by Douglas Barden to prepare an application for a Development Permit for a “single dwelling” (cabin) at 199 Doris Road, Berry Springs (Unit 2675 Hundred of Cavenagh). The site is within Zone TC (Tourist Commercial) pursuant to the Northern Territory Planning Scheme (the Scheme). The development application comprises a use that is *discretionary* within the zone thus requiring consent and a Development Permit pursuant to Section 44(a) of the *Planning Act*.

Included in the application is the Statement of Effect (contained herein), Land Owner Authorisation, and Title Documents. The following attachments are included in the Statement of Effect:

- Attachment A DP13/0219 and Endorsed Drawings
- Attachment B Site Plan
- Attachment C Location and Zoning Plan
- Attachment D Internal Layout and Elevation Plans
- Attachment E Site Development Plan

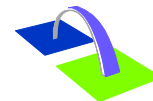
2.0 NATURE OF SITE AND LOCALITY

2.1 Site Description and History

Lake Barden and the surrounding allotments are commonly known as Lakes Resort and has a long history of tourist commercial uses, including for a caravan park and water sports. The site has been subdivided numerous times however the most recent subdivisions relevant to this application are DP11/0218, issued 1 April 2011, and DP13/0219, issued 22 April 2013.

The subdivision permit DP11/0218 created Units 2675, 2676, 2677, 2678 and 2679 (being common property). For the issuance of titles, it was a requirement that each unit be provided services. Accordingly, each unit has a connection to reticulated electricity and reticulated bore water and each cabin utilises a self-contained individual effluent collection system and discharges to the communal wastewater disposal system. The system was approved through the previous development permit and is maintained by the Body Corporate. The effluent disposal system has been designed to accommodate the expected load increase of each of these units developing.

There is a current subdivision permit (DP13/0219) over Unit 2675 to create nine units (Units 2721 to 2729). The Conditions Precedent of this permit has been cleared and plans have been endorsed however titles



have not yet been issued. Each unit would be approximately 1,230 square metres. The Development Permit and Endorsed Drawings are at **Attachment A**.

Unit 2675, specific to this application, is 1.1 hectares. This is consistent with units 2676, 2677 and 2678. Unit 2679 is 20.62 hectares and includes Lake Barden and the road infrastructure within common property.

Construction of Lake Barden commenced in 1977 and was completed in 1982. There are two single dwellings (cabins) on Unit 2678, and an ablutions block, clubhouse and judge's tower within the common property on Unit 2679. A Site Plan detailing this infrastructure and the general lot layout is at **Attachment B**.

The banks of Lake Barden have demonstrated their structural integrity since construction almost 40 years ago. The lake has been constructed to allow any overflow to safely discharge from the north-west corner into a drainage channel. This prevents any seasonal inundation of units 2675, 2676, 2677 and 2678.

2.2 Locality Description

The Berry Springs activity centre, which includes a supermarket and convenience store, a service station, a hardware store, the Berry Springs Volunteer Bushfire Brigade, and a tavern, is located north of the site at a driving distance of approximately 2.2 kilometres. Berry Springs Nature Park is approximately 3.8 kilometres, the Territory Wildlife Park approximately 4.7 kilometres and Berry Springs Primary School, public reserve and community centre are approximately 5.5 kilometres.

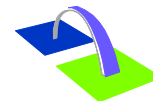
The largely undeveloped Berry Springs activity centre includes Zone C (Commercial), Zone SC (Service Commercial), Zone TC (Tourist Commercial), Zone CP (Community Purpose), Zone CN (Conservation), and Zone FD (Future Development).

A Location and Zoning Plan is at **Attachment C**.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is for a single dwelling (cabin) on the site which has an internal floor area of approximately 30 square metres and a verandah of approximately 16 square metres. The studio cabin contains a kitchen and a bathroom and will be oriented to have the verandah and living area toward the lake. The cabin will feature raised footings to assist with breeze circulation. The Internal Layout and Elevation Plans are at **Attachment D**.

The cabin will be situated on proposed Unit 2721 however the cabin is not reliant on the creation of this unit. Therefore the application will hereon refer to Unit 2675. Unit 2675 has services available for connection which were installed through the subdivision process to create the unit. It is proposed to



connect the cabin to these existing services. The proposed location of the cabin on Unit 2675 is identified on the Site Development Plan at **Attachment E**. This location will enable the larger vegetation on the site to be retained while still providing sufficient room for vehicle car parking and views to Lake Barden.

4.0 PLANNING ASSESSMENT

4.1 Section 46(3)(a) - Compliance with the Planning Scheme

The site is situated within Zone TC. **Clause 5.10** provides the purpose statement to Zone TC as being “to provide for uses of development servicing tourism, including commercial and residential activities” and that “development should be of a scale and character compatible with uses or development nearby”.

The proposed development will directly support tourist activity by providing accommodation on the edge of Lake Barden, a popular recreational area. The cabin is consistent with the style, character and scale of those already existing on the opposite finger of the lake. Accordingly, the proposal is compliant with the purpose of the zone.

4.1.1 General Performance Criteria

Clause 6.1 General Height Control

“1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.

2. This clause does not apply within Zones CB or DV or TC ...”

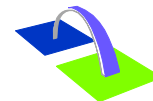
This clause does not apply to Zone TC and is therefore not applicable to this application. However, the building is approximately 4.0 metres high.

Clause 6.5.1 Parking Requirements

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

The table to Clause 6.5.1 requires two car parking spaces to be provided for a single dwelling. This can be easily accommodated on the site given the modest size of the cabin and the size of the site being 1.1 hectares.

Sub-clause 4 notes that a car parking area does not need to be designed in accordance with Clause 6.5.3 if in association with a single dwelling. As the application is for a single dwelling, no assessment of car parking layout is provided.



Clause 7.1 Residential Density and Height Limitations

Clause 7.1.1 Residential Density Limitations

"1. The purpose of this clause is to ensure that residential development is:

(a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and

(b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations."

The single dwelling (cabin) will be connected to reticulated power and reticulated bore water. There is no reticulated sewerage available in the area however the cabin will utilise a self-contained individual effluent collection system and discharge to the communal effluent disposal system. The self-contained nature of the effluent system prevents the threat of any contamination into groundwater or Lake Barden.

There are community facilities located within the Berry Springs locality as described in Section 2.2, however, the amenity of Lake Barden is also a considerable asset.

The cabin will be constructed on the banks of Lake Barden which have demonstrated their structural integrity since their construction almost 40 years ago. The existing cabins on the opposite finger of the lake are further testament to the suitability of the lake for the proposed development. The lake has been constructed to allow any overflow to safely discharge from the north-west corner into a drainage channel. This prevents any seasonal inundation of units 2675, 2676, 2677 and 2678. There are no known heritage constraints nor is the site affected by aircraft noise.

"2. The maximum number of dwellings that may be constructed on a site is to be determined in accordance with tables A, B, C, D and E (as the case requires) to this clause."

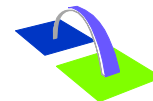
There is no relevant table to sub-clause 2, however, as the proposal is for only one single dwelling it is considered to comply.

Clause 7.1.2 Residential Height Limitations is not applicable to this application.

Clause 7.3 Building Setbacks of Residential Buildings

"1. The purpose of this clause is to ensure residential buildings and structures without external walls are located so:

- they are compatible with the streetscape and surrounding development including residential buildings on the same site;*



- *as to minimise any adverse effects of building massing when viewed from adjoining land and the street;*
- *as to avoid undue overlooking of adjoining properties; and*
- *as to encourage breeze penetration through and between buildings.”*

The proposed cabin will be the only building on Unit 2675 and is one-storey in height and will therefore not cause the perception of building massing or overlook adjoining properties. The slightly elevated design of the cabin will encourage breeze penetration.

The table to Clause 7.3 is not applicable to this application.

Sub-clause 7.3.2 relates to an application with more than one building on a site and is not applicable to this application.

Clause 7.5 Private Open Space

“1. The purpose of this clause is to ensure that each dwelling has private open space that is:

(a) of an adequate size to provide for domestic purposes;

(b) appropriately sited, permeable and open to the sky; and

(c) inclusive of areas of deep soil for shade tree planting.

2. Private open space areas should:

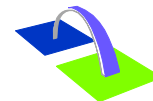
(a) satisfy the minimum area and dimensions contained in the table to this clause;

*(b) be directly accessible from the dwelling and enable an extension of the function of the dwelling;
and*

(c) be permeable and open to the sky.”

Table to Clause 7.5 requires a minimum of 50 square metres (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6 metres by 6 metres.

The size of the site being 1.1 hectares provides significant private open space, well in excess of the 50 square metre requirement, and will provide adequate area for domestic purposes and deep soil for the planting of shade trees. There will also remain significant amounts of open space if the site is further subdivided in accordance with the approved Development Permit (DP13/0219) to create nine units.



Darwin Regional Land Use Plan 2015

The Darwin Regional Land Use Plan 2015 (DRLUP) identifies the locality of Berry Springs as a future "activity centre", being an appropriate location for *"commercial and community development and a range of residential options decreasing in density from urban residential within the core and a transition of larger lots to provide a buffer to adjoining unserviced rural lifestyle areas."*

The proposal is for residential accommodation with a commercial component and is consistent with the objective of the DRLUP. The proposal will assist in increasing the local population to support the activities and facilities within the Berry Springs activity centre which is also consistent with the intent of the DRLUP.

Litchfield Planning Concepts and Land Use Objectives 2002

The site is within Litchfield Shire and is subject to consideration of the Litchfield Planning Concepts and Land Use Objectives (LPCLUO) 2002. The LPCLUO are referenced in Schedule 2 of the NT Planning Scheme and provide a policy framework to guide future development within the Litchfield municipality.

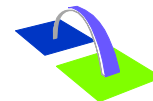
The site is within Locality 14 – Litchfield South of the LPCLUO. The intent of this locality is to accommodate a range of uses, including recreation, tourist, commercial and community purposes. The proposal is compliant with these uses.

In specific regard to tourism the LPCLUO states tourist facilities, attractions and amenities should be enhanced to encourage longer stays. The LPCLUO also states that tourist facilities should be collocated within existing district centres and particularly sites specific for tourist facilities, and makes specific reference to Lakes Resort.

The site is identified as being within a Priority Environmental Management Area. The LPCLUO recognise the *"close link between areas identified for environmental management and their use for recreation and tourism within Litchfield Shire"*. The LPCLUO also recognise the importance of *"land and water resources, conservation of significant vegetation communities and wildlife habitats and the maintenance of amenity."*

The proposed cabin is a low-density and low-impact use and poses no threat to the continued preservation of the surrounding land and water resources. The occupants of the cabin will benefit from the amenity of the natural resources surrounding the site.

The proposal will provide for residential tourist accommodation with substantial amenity in a location specifically designated for tourist and commercial uses. The proposal fully complies with the intent of the LPCLUO.



Draft Litchfield Subregional Land Use Plan 2016

The draft Litchfield Subregional Land Use Plan (LSLUP) 2016 identifies opportunities within the Berry Springs rural activity centre to develop “*a comprehensive centre in this locality*”. Factors contributing to this include the proximity of the centre to tourist destinations, and the potential for growth which will support the community facilities and services of Berry Springs. Furthermore, the concept plan for Berry Springs identifies the potential of the site for the continued development of tourist activities subject to consideration of the capability of the land to support the intended development. The proposal has discussed the capability of the land and, accordingly, is consistent with the intent of the draft LSLUP.

4.2 Section 46(3)(b) – Interim Development Control Order

There are no interim development control orders applying to the site.

4.3 Section 46(3)(c) – Public Environmental Report/Environmental Impact Statement

No Public Environmental Report or Environmental Impact Statement is considered to be required under the *Environmental Assessment Act*.

4.4 Section 46(3)(d) – Merits of Proposed Development

The proposal will provide an additional cabin for tourism residential related purposes. The site has significant amenity values due to its proximity to Lake Barden and is well located to the community and commercial services within the Berry Springs activity centre. The proposal will increase the density in the Berry Springs locality, supporting the objectives of the Darwin Regional Land Use Plan 2015.

4.5 Section 46(3)(e) – Subject Land, Suitability of Development and Impact on Locality

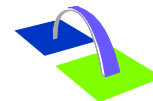
For a description of the site and locality refer Section 2.1 and 2.2.

As detailed throughout this report, the subject land is capable of accommodating the proposed use with no anticipated detriment to the environment.

The immediate area is sparsely populated and the cabin will be located on a 1.1 hectare unit situated within a larger unit title scheme. This provides considerable separation from other uses and there is no anticipated detriment to the amenity of the surrounding locality.

4.6 Section 46(3)(f) – Available Public Facilities/Open Space

No public facilities or open space is required for this application.



4.7 Section 46(3)(g) – Public Utilities/Infrastructure

No additional infrastructure is required for this application.

4.8 Section 46(3)(h) – Impact on Amenity

The immediate area is sparsely populated and the cabin will be located on a 1.1 hectare unit situated within a larger unit title scheme. This provides considerable separation from other uses and there is no anticipated detriment to the amenity of the surrounding locality.

4.9 Section 46(3)(j) – Benefit/Detriment to Public Interest

There is no perceived benefit or detriment to the public interest.

4.10 Section 46(3)(k) – Compliance with the Building Act

The proposal is not for subdivision and the land is vacant and therefore compliance with the *Building Act* is not relevant.

4.11 Section 46(3)(l) – Scheme Land

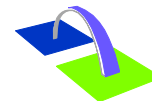
The application is on land that is part of a Unit Title Scheme however the land is currently vacant. The structural integrity and fire safety will be confirmed at the time of building certification and compliance. There are no proposed changes to the Unit Title Scheme through this development application. There is already common property on the site, being Unit 2679, as identified on the Site Plan.

5.0 CONCLUSION

The proposal is consistent with the general intent of Zone TC being a “*development servicing tourism, including commercial and residential activities*” as well as the broader planning policies of the Darwin Regional Land Use Plan, Litchfield Planning Concepts and Land Use Objectives, and the draft Litchfield Subregional Land Use Plan.

The site is physically suitable for the proposed use and can be appropriately serviced with reticulated electricity, reticulated groundwater, and by utilising the existing communal effluent disposal system on the site.

The proposal will take advantage of the significant amenity values of Lake Barden and is well located to community and commercial services in the surrounding area. There is no anticipated detriment to the amenity of the surrounding area, given the sparsely populated surroundings and the proposal’s consistency with the zone and general planning controls.



Accordingly, given the compliance with the zone, strategic and statutory documents, and the positive merits of the application, the proposal is considered to warrant the authority's favourable consideration.

Jack Priestley

26 April 2016

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP13/0219

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Unit 02675
Unit 02679
Hundred of Cavenagh
APT 1 199 DORIS RD, BERRY SPRINGS
COMMON PROPERTY 199 DORIS RD, BERRY SPRINGS

APPROVED PURPOSE

To use and develop the land for the purpose of a unit title scheme subdivision to create nine units, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Nil.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.



STEVEN KUBASIEWICZ
Delegate
Development Consent Authority

22/4/2013

DEVELOPMENT PERMIT

DP13/0219

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation works) the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading and an 'as constructed' sewerage infrastructure site plan.
2. Prior to the commencement of works (including site preparation works), the owner is to provide a sewerage infrastructure development plan, including engineers certification of the proposed upgraded reticulation system and effluent disposal area, to the satisfaction of the consent authority upon the advice of the Department of Health.




GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0994/1 and 2012/0994/2 endorsed as forming part of this permit.
4. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Titles Scheme Act (as confirmed by the Land Titles Office) shall be submitted to the satisfaction of the consent authority, and endorsed as forming part of this permit.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The developer must enter into agreements with the relevant authorities for the provision of drainage, telecommunications, sewerage and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Site plan and specifications of any potable water reticulation from the existing bore to the new subdivision is to be provided to the requirements of the Department of Health to the satisfaction of the consent authority.
9. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
10. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
3. Future landowners will be responsible for the treatment of their own water supplies, including maintaining tanks and chlorinating the water transported from any community bore.

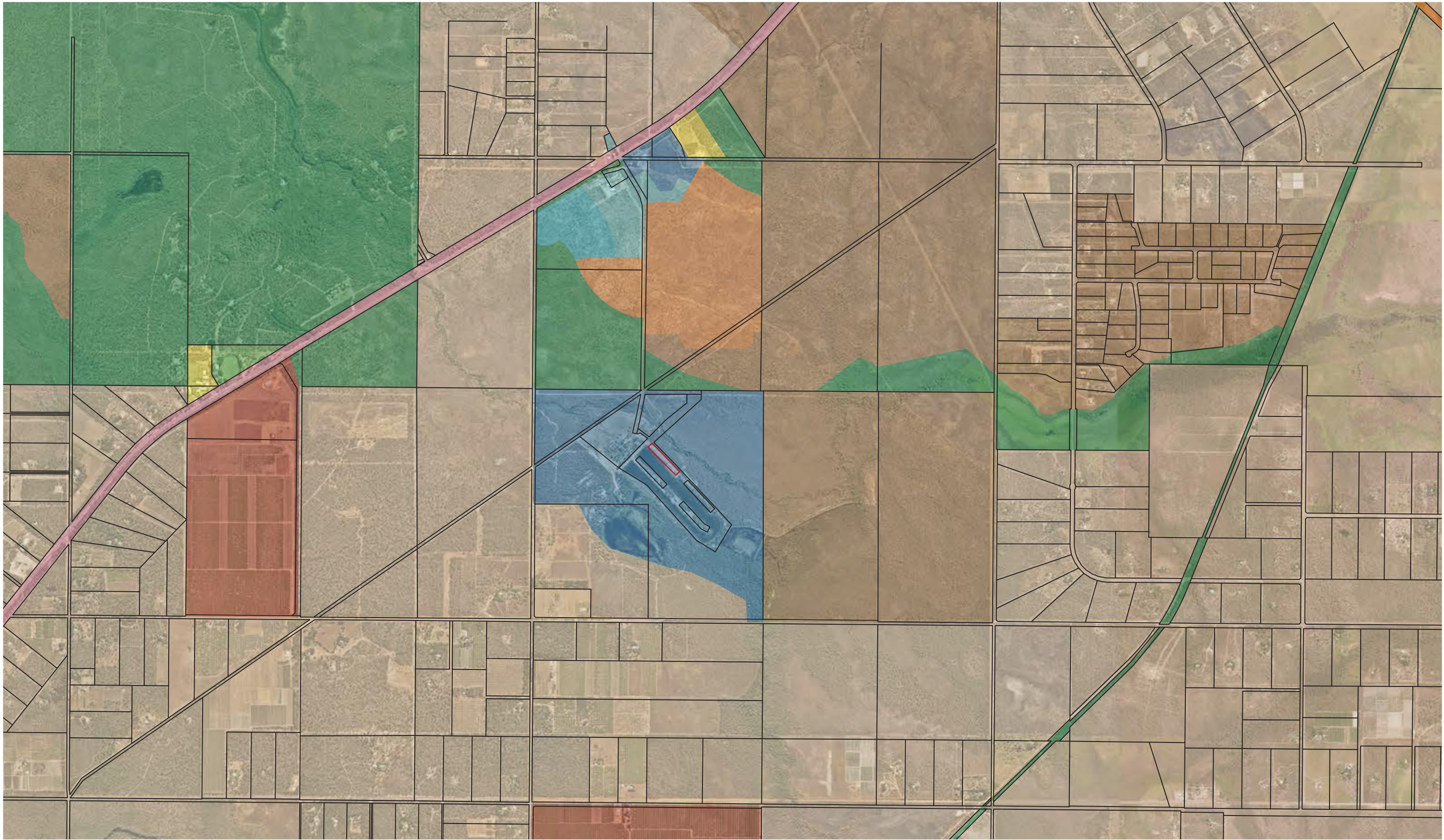


-  Subject Site
-  Existing Structures
-  Common Property (Unit 2679)

Site Plan

199 Doris Road, Berry Springs
Unit 2675 Hundred of Cavanagh





- Subject Site
- Zones**

Rural

Horticulture

Conservation

Tourist Commercial

Rural Living

Community Purpose

Future Development

Service Commercial

Commercial

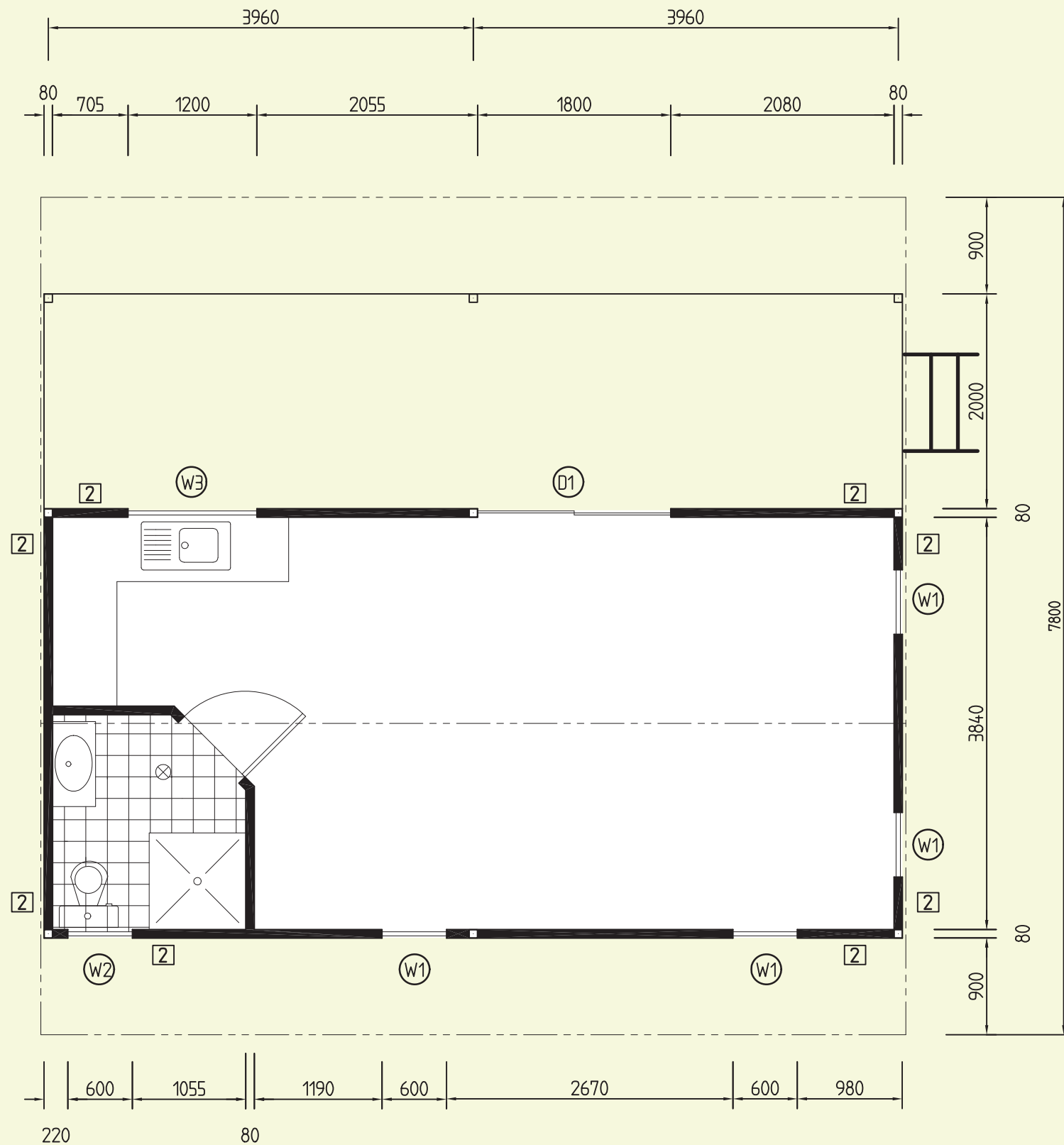
Organised Recreation

Main Road

Railways

Location and Zoning

199 Doris Road, Berry Springs
Unit 2675 Hundred of Cavanagh



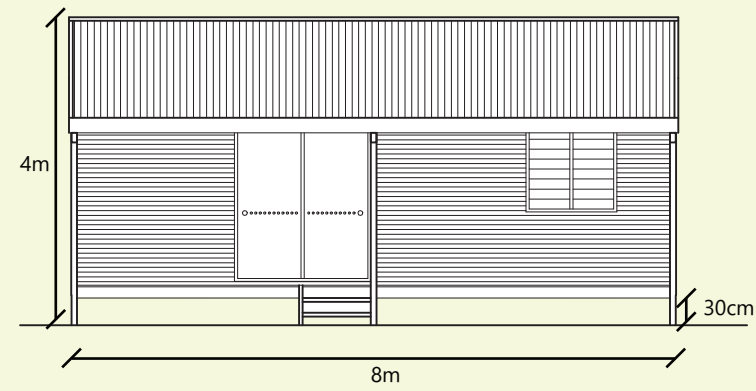
Walls
Total Floor Area: 30.72 sqm

Internal Layout Plan

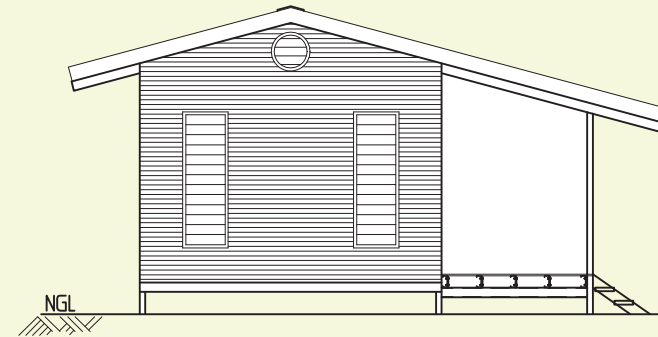
199 Doris Road, Berry Springs
Unit 2675 Hundred of Cavanagh



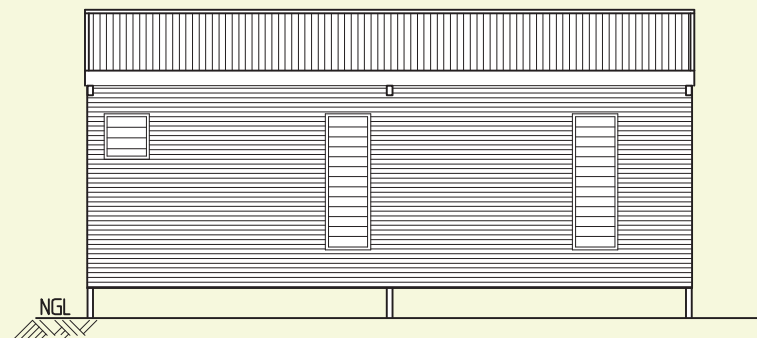
Elevation 2



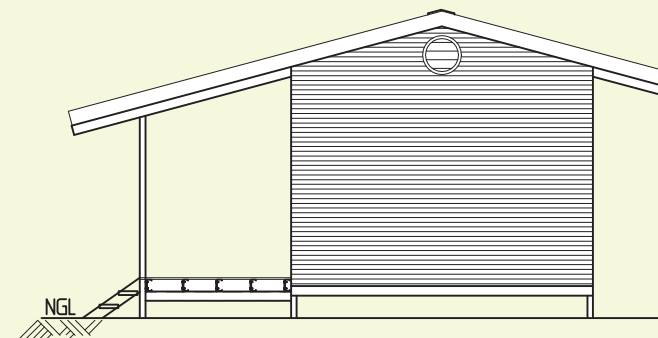
Elevation 3



Elevation 1



Elevation 4



Elevation Plan

199 Doris Road, Berry Springs
Unit 2675 Hundred of Cavanagh



Cabin

[Location is based on aerial imagery and is subject to change depending on site conditions.]



Common Property (Unit 2679)

Site Development Plan

199 Doris Road, Berry Springs
Unit 2675 Hundred of Cavanagh



1:500 @ A3



Information portrayed on this sheet
has been obtained through multiple sources.

Page 94 of 238

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06 04 2016 1394_1.0

33/16 Charlton Court
Woolner NT 0820

P: (08) 8942 2600
masterplan.com.au





AUTHORISATION FOR MASTERPLAN NT TO ACT

I/We, Douglas Spencer Barden being the owner/registered proprietor of
the subject land located at 188 Davis Road, Berry Springs (Just 2075 Hundred of Cavenagh)
authorise MasterPlan NT to act on my/our behalf as the applicant/proponent in the matter as
listed below:

Development Application for Single Dwelling (Caten)

Signed: Douglas Barden

Date: 26/4/16

SOUTH AUSTRALIA

23 Carrington Street

Adelaide 5000

T 08 8221 4000

masterplan.com.au

NORTHERN TERRITORY

Unit 10, 18 Chaffin Court

Wentworth 0820

T 08 8942 9600

132 9552 2000 (toll-free)

APP 90 897 763 277

AUTHORISATION FOR MASTERPLAN NT TO ACT 2.04

**AUTHORISATION FOR MASTERPLAN NT TO ACT**


I/We, Lake Barden Body Corporate being the owner/registered proprietor of
the subject land located at 199 Doris Road, Berry Springs (Lot 2675 Hundred of Cavenagh)
authorise MasterPlan NT to act on my/our behalf as the applicant/proponent in the matter as
listed below:

Development Application for Single Dwelling (Cabin)

Signed: 

CRAIG MCGLEW

Date: 29/4/16

Signed: 

Date: 2/5/16

SOUTH AUSTRALIA
33 Carrington Street
Adelaide, 5000
P (08) 8221 6000
masterplan.com.au

NORTHERN TERRITORY
Unit 33, 16 Charlton Court
Woolner, 0820
P (08) 8942 2600
ISO 9001:2008 Certified

ABN 30 007 755 277

AUTHORISATION FOR MASTERPLAN NT TO ACT_1394 b

01 June 2016

Mr Steven Kubasiewicz
Development Assessment Services
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Steve

**PA2016/0289
Unit 2675 and Unit 2679 (Apt 1 and Common Property at 199) Doris Road,
Berry Springs, Hundred of Cavenagh
Single Dwelling**

Thank you for the Development Application referred to this office on 12/05/2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Development Permit for the following reasons:

- a) The single dwelling it is a discretionary use that appears to meet the requirements of the NT Planning Scheme.
- b) There do not appear to be any impacts on Council infrastructure or neighbourhood amenity as a result of this proposal.

Should the application be approved, the following conditions pursuant to the Planning Act and Council's responsibility under the Local Government Act are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of the General Manager Infrastructure and Planning, Litchfield Council, and at no cost to Litchfield Council.
- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager Infrastructure and Planning, Litchfield Council.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.au.
- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's street network.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0600.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.7	Report Number:	16/0133
Report Title:	PA2016/0282, a Development Application for alterations and additions to an existing shed with a reduced side setback, at Section 3063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Development Application PA2016/0282. Attachment B: Council's letter of comment for PA2016/0282, a Development Application for alterations and additions to an existing shed with a reduced side setback, at Section 03063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot.		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0282, a Development Application for Alterations and additions to an existing shed with a reduced side setback at Section 03063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot, included as Attachment A.

The application proposes a reduced side setback, which requires a Development Permit.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0282 provided to the consent authority on 20 May 2016, included as Attachment B.

This report concludes that Council support the application as it will not affect the current streetscape along Thornbill Crescent, the proposed setback is consistent with the setback of the existing shed and there is not expected to be any impact upon Council infrastructure. However, the consent authority is strongly encouraged to consider the amenity of the adjoining neighbour when determining the application.

Recommendations

THAT Council:

1. endorse Attachment B, Council's Letter of Comment for PA2016/0282, a Development Application for Alterations and additions to an existing shed with a reduced side setback at Section 03063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report.

Background

Site and Surrounds

The subject site is 20 Thornbill Crescent, Howard Springs, Hundred of Bagot. It is rectangular in shape with a total area of 4,800m². The site is located in Zone RL (Rural Living), as are the surrounding lots. The site is developed with a single dwelling, pool and several sheds to the rear and side of the property. The surrounding sites have also been

An aerial map showing a residential area. The subject site is highlighted in yellow and labeled '20 3063'. It is located on the east side of Mason Road, south of Tronhill Crescent. Surrounding lots are labeled with their lot numbers and addresses: 6 3016, 1 3017, 7 3018, 13 3019, 10 3020, 25 3021, 31 3022, 11 3006, 10 3005, 11 3004, 24 3062, and 30 3061. Streets shown include Avoce Place, Tronhill Crescent, and Mason Road. A red line indicates the subject site's boundary.

Site Development History

Current Proposal

Page 100 of 238



Application Assessment

The location of the new shed will be an extension of the existing shed and therefore have the same setback that was approved by DP99/0417 in 1999.

As it is an existing shed that the land owner is proposing to extend, the subject location of the extension is in a logical position on this particular lot. There is a pool and other existing structures west of the shed, which restricts the extension of the shed in that direction.

The proposed application will not affect the current streetscape along Thornbill Crescent as it is well setback from the street and screened by landscaping.

As the proposed shed will not have an impact upon the streetscape or any Council infrastructure, and as the proposed setback on the eastern boundary is consistent with the setback of the shed that was constructed in 1999, it is recommended that Council support the application.

However, it is noted that the consent authority is requested to take into account the amenity of the neighbouring dwelling to the east of the subject site when determining the application.

Conclusion

It is recommended that Council support the application as it will not affect the current streetscape along Thornbill Crescent, the proposed setback is consistent with the setback of the existing shed and there is not expected to be any impact upon Council infrastructure. However, the consent authority is strongly encouraged to consider the amenity of the adjoining neighbour when determining the application.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Peter Reeve, Acting General Manager Infrastructure and Planning
Officer:

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

Development Assessment Services

GPO Box 2520
Darwin NT 0801

RE: Development Application – Lot 3063 (20) Thornbill Crescent, Howard Springs

Applicant:	Asset Services Pty Ltd PO Box 39618 Winnellie NT 0821 (08) 8944 0600
Proposal:	Addition to existing shed with reduced side setbacks
Address:	Lot 3063 (20) Thornbill Crescent, Howard Springs
Area:	Hundred of Bagot.
Owner:	Richard South
Zoning:	RL- Rural Living
Planning Scheme Use Definition:	Single Dwelling

1. Introduction

This report has been prepared on behalf of Richard South and is a development application to the development consent authority for Shed addition with a reduced side setback.

The purpose of the development is to add the addition to the existing shed with a reduced side setback.

2. Subject Site**2.1 Location**

The Subject site is Lot 3063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot. Figure 1 is an aerial photograph showing the proposed location of the subject site

2.2 Description / Zoning

The Subject Site is 4800m² under title and Zoned RL- Rural Living and is relatively flat.

The subject site contains an existing single dwelling, Free Standing Cabana, Shed and Carport and is utilised in line with the Rural Living Zoning consistent with the surrounding area.

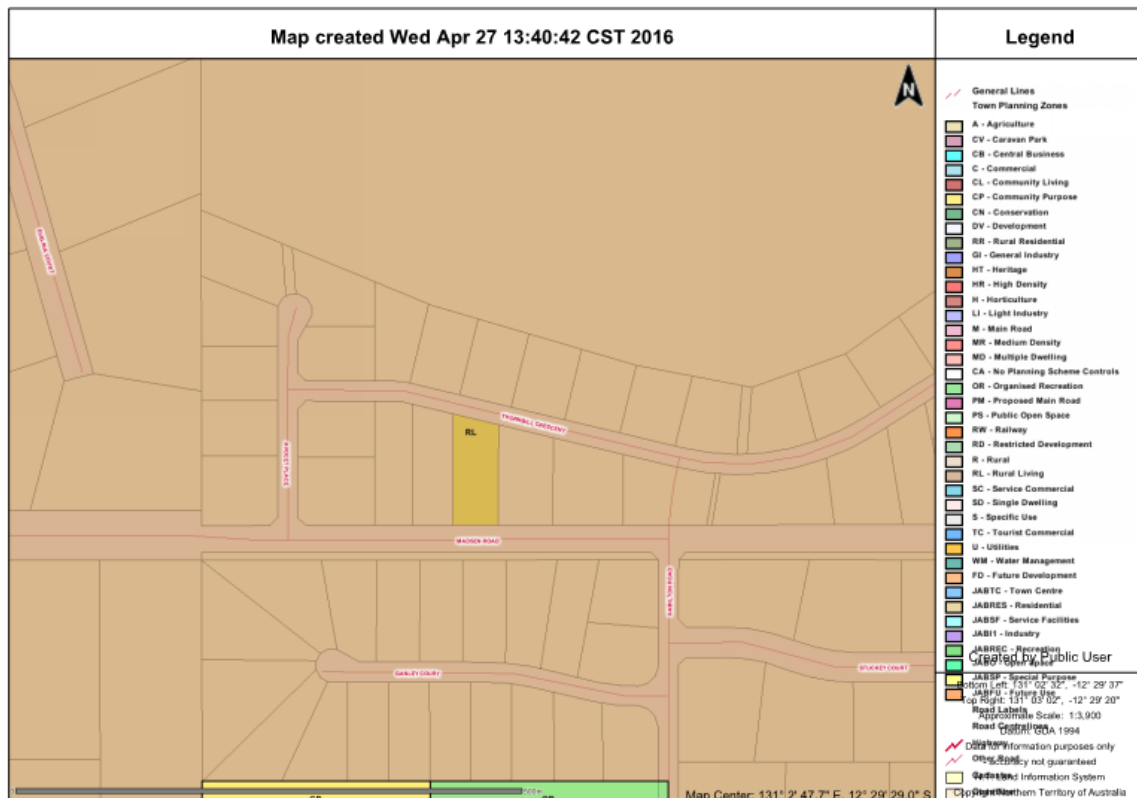


Figure 1 zoning of subject site.

3. Proposed Development

The proposed development is a New addition to the existing shed with a reduced side setback at Lot 3063 (20) Thornbill Crescent, Howard Springs

The purpose of the development is to add the addition to the existing shed with a reduced side setback.

The site is currently fully serviced in line with the relevant servicing agencies. It is anticipated the Development Permit would condition compliance with relevant servicing requirements.

4. Statutory Planning Assessment

4.1 Planning Act.

The NT Planning Act (NT) (The Act) Provides the Statutory planning framework for the subject site. The Act Stipulates when a development permit is required and outlines the matters that the Development Consent Authority must take into account when determining a development application. The Act also established the planning scheme.

This application has been considered against the requirements of Sections 46 & 51 of the Act.

Section 46(3)(a) requires an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land. The NT Planning Scheme is that applicable Planning Scheme.

Table 1 following is an assessment of the proposed development against the applicable NT Planning Scheme clauses.

NT Planning Scheme Clauses		Assessment														
6.5 Vehicle Parking																
6.5.1 Parking Requirements																
<div>1. The purpose of this clause is to ensure that sufficient off street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.</div> <div>2. Subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of car parking spaces (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within Zone CB in Darwin, column 3.</div> <div>3. If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.</div> <div>4. A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit</div>		<table><tr><th>Use of Development</th><th colspan="2">Minimum Number of Car Parking Required</th></tr><tr><td>Single Dwelling</td><td colspan="2">2</td></tr><tr><th>Required No.</th><th colspan="2">Provided No.</th></tr><tr><td>2</td><td colspan="2">3</td></tr></table>			Use of Development	Minimum Number of Car Parking Required		Single Dwelling	2		Required No.	Provided No.		2	3	
Use of Development	Minimum Number of Car Parking Required															
Single Dwelling	2															
Required No.	Provided No.															
2	3															
6.1.1 Garages and Sheds																
<div>1. The purpose of this clause is to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land.</div> <div>2. This clause does not apply in Zones LI, GI and DV.</div> <div>3. Garages and sheds that are not in association with any other use on land in Zone CB or C are prohibited.</div> <div>4. In this clause a shed except in Zones SD, MD, MR and HR includes a roofed area, whether or not it is enclosed by walls.</div> <div>5. Garages and sheds are to be set back from lot boundaries in accordance with the table to this clause.</div>		<table><tr><th>Boundary</th><th>Required Setback</th><th>Proposed Setback</th></tr><tr><td>Northern (Primary) Street Frontage</td><td>4.5m</td><td>Greater than 4.5M</td></tr><tr><td>Eastern (Side) Boundary</td><td>5.0m</td><td>1.5m</td></tr></table>			Boundary	Required Setback	Proposed Setback	Northern (Primary) Street Frontage	4.5m	Greater than 4.5M	Eastern (Side) Boundary	5.0m	1.5m			
Boundary	Required Setback	Proposed Setback														
Northern (Primary) Street Frontage	4.5m	Greater than 4.5M														
Eastern (Side) Boundary	5.0m	1.5m														

7.1 Residential Density and Height Limitations	
7.11 Residential Density Limitations	
<p>1. The purpose of this clause is to ensure that residential development is:</p> <ul style="list-style-type: none"> (a) Of a density compatible with the existing and planned provisions of reticulated services and community facilities which will services the area; and (b) Consistent with land capability. <p>2. The maximum number of dwellings that may be constructed on a site are to be determined in accordance with tables A, B, C, D, and E (as the case requires) to this clause.</p>	<p>The proposed Shed addition has been designed, and is suitable in terms of density compatible with the existing reticulated services which service the area.</p> <p>The size, bulk, shape and building materials are consistent with the surrounding area and the pre-existing adjoining shed as previously approved with a reduced setback, ensuring no detrimental effect to neighbouring properties, but will maintain / enhance the streetscape of the residential area.</p>
7.1.2 Residential Height Limitations	
<p>1. The purpose of this clause is to ensure that residential development is of a height that:</p> <ul style="list-style-type: none"> (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and (b) does not unduly overlook adjoining properties. <p>2. The height of any point of a residential building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.</p> <p>3. Subject to clause 6.2, the height of residential buildings that may be constructed on a site are to be determined in accordance with the table to this clause.</p> <p>4. A residential building in Zone MR that:</p> <ul style="list-style-type: none"> (a) abuts land in Zone SD; or (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in Zone SD; (c) is not to exceed a height of 3 storeys above ground level; (d) subject to clause 6.2, in any other circumstance 4 storeys above 	<p>The overall height of the development is of single storey construction not exceeding the maximum height of 8.5 metres. The height from the highest point measured vertically to the natural ground level is approximately 5.54m. This is consistent and compatible with adjoining and nearby existing developments.</p>

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

4.1.1 NT Planning Act Section 46(3)(b). An assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;

here is no development control order applying to this allotment of land. Therefore section 46(3)(b) is not applicable for this development.

4.1.2 NT Planning Act Section 46(3)(c). If a public environmental report or an environmental impact statement has been prepared or is required under the *Environmental Assessment Act* in relation to the proposed development – a copy of the report or statement and the results of any assessment of the report or statement under that Act by the minister administering that Act.

There is no public environmental report or environmental statement that has been prepared or required under the environmental assessment Act. Therefore Section 46(3)(c) is not applicable for this development.

4.1.3 NT Planning Act Section 46(3)(d). An assessment demonstrating the merits of the proposed development;

The proposed development will add features of additional storable area as required by the parcel owner.

Much care and consideration has been given to the siting and location of the sheds allowing sufficient area for future development of the land.

The design, shape, bulk, size and building materials will remain consistent and compatible with the surrounding area ensuring the development does not unduly affect adjoining or nearby allotments by blocking of breeze paths or natural light.

Great effort has been made to ensure the proposed development has no potential impact on the existing and future amenity of the land but will ensure the streetscape and good neighbourhood character of the residential area is maintained.

4.1.4 NT Planning Act Section 46(3)(e). A description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purposes of the proposed development and the effect of development on that land and other land;

The area under title of Lot 3063 is 4800 square metres and is zoned RL – Rural Living in accordance with the Northern Territory Planning Scheme.

This parcel profile will ensure the proposed sheds will not detract but maintain the streetscape of the residential area.

As the allotment is relatively flat, the proposed development will be consistent with the contours of the land ensuring minimal cutting or filling. There is to be no significant trees, vegetation or landscaping removed from the site. The proposed development will not alter or affect existing water runoff from the land.

The subject site contains an existing single dwelling, Free Standing Cabana, Shed and Carport and is utilised in line with the Rural Living Zoning consistent with the surrounding area.

The site is currently fully serviced in line with the relevant servicing agencies. It is anticipated the Development Permit would condition compliance with relevant servicing requirements.

The proposed Development will generally achieve the relevant requirements of the RL Zone and will not compromise the good neighbourhood character of the Land.

4.1.5 NT Planning Act Section 46(3)(f). A statement specifying the public facilities or public open space available in the area in which the land is situated, whether the land the land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer;

There is no immediate public open space (e.g. children's play areas or park lands) within the vicinity of the allotment; however adequate private open space can be sought within the subject lot.

No provisions have been made by the owner to provide public facilities or additional open space to the allotment as the use and location does not warrant such development.

4.1.6 NT Planning Act Section 46(3)(g). A statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;

Section 46(3)(g) of the Act requires a statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public utilities or infrastructure services to be connected to the land and whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;

No provisions have been made by the owner to provide public utilities or infrastructure services as the use and location does not warrant such development.

4.1.7 NT Planning Act Section 46(3)(h). An assessment of the potential impact on the existing and future amenity of the area in the land is situated;

Much care and consideration has been given to the siting and location of the sheds allowing sufficient area for future development of the land.

This parcel profile will ensure the proposed sheds will not detract but maintain the streetscape of the residential area.

The size, bulk shape and building materials for both sheds have been designed and are consistent with the surrounding area ensuring no detrimental effect to neighbouring properties.

The proposed development will add the features of additional secured storable area required by the parcel owner.

Great effort has been made to ensure the proposed development has no potential impact on the existing and future amenity of the land but will ensure the streetscape and good neighbourhood character of the residential area is maintained.

4.1.8 NT Planning Act Section 46(3)(j). An assessment of the benefit or detriment to the public interest of the development;

The proposed shed addition will simply enhance the value & character of the subject lot without unduly effecting nearby properties, ensuring the development has no detriment to the public interest.

5. Conclusion

This report has been prepared on behalf of Richard South and is a development application made pursuant to the Planning Act (NT), to the development consent authority for the Shed addition with a reduced side setback.

The proposed Development is reasonably consistent with the NT Planning Scheme. An assessment against the relevant clauses of the Planning Scheme has been undertaken. This report fulfils the requirements of Section 46(3) of the Act.

This report has been prepared on behalf of Richard South and is a development application to the development consent authority for Shed addition with a reduced side setback.

The purpose of the development is to add the addition to the existing shed with a reduced side setback.

Appendix A - Title Search

Date Registered: 15/09/2003

Volume 665 Folio 184

Duplicate Certificate as to Title issued? No

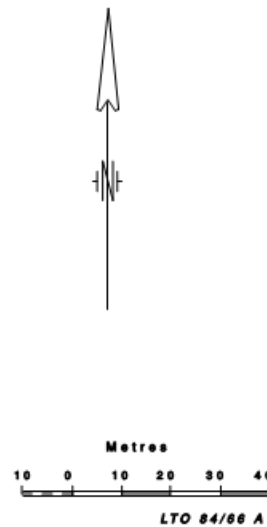
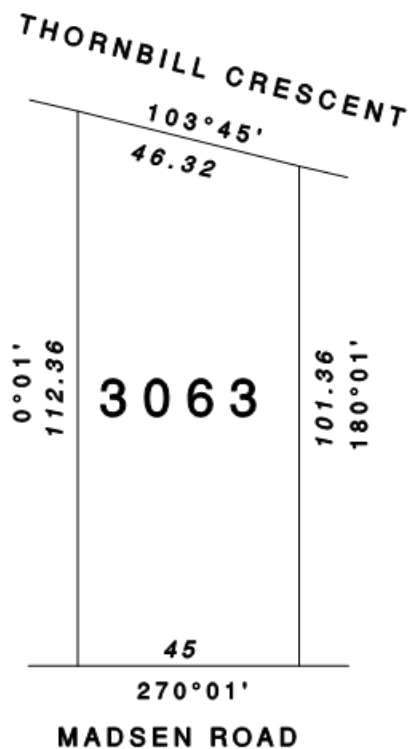
SEARCH CERTIFICATE

Section 3063 Hundred of Bagot from plan(s) LTO84/066A
Area under title is 4800 square metres

Joint Owners:

Richard Andrew South
Dianne Terese South
of PO Box 88, Howard Springs NT 0835

Registered Date	Dealing Number	Description
		Previous title is Volume 650 Folio 770
28/05/2015	850036	Mortgage Bank of Queensland Limited
22/05/2015	849776	Discharge of Mortgage (699163)
06/05/2009	699163	Mortgage St. George Bank Limited
06/05/2009	699160	Discharge of Mortgage (529530)
15/09/2003	529530	Mortgage Savings and Loans Credit Union (S.A.) Limited
End of Dealings		





NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information

The information contained in this record of Administrative Interests only relates to the below parcel reference.

Parcel Reference: Section 03063 Hundred of Bagot plan(s) LTO84/066A

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

Government Land Register

(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title

CUFT 665 184 (order 1)

Tenure Type

ESTATE IN FEE SIMPLE

Tenure Status

Current

Area Under Title

4800 square metres

Owners

Richard Andrew South
Dianne Terese South
PO Box 88, Howard Springs NT 0835

Easements

(none found)

Scheme Name

(none found)

Scheme Body Corporate Name

(none found)

Reserved Name(s)

(none found)



Unit Entitlements

(none found)

Transfers

15/09/2003 for \$315,000
30/09/2002 for \$300,000
28/04/1999 for \$267,500
11/02/1994 for \$221,500
14/01/1992 for \$43,000
27/06/1986 for \$30,000
31/10/1985 for \$30,000
12/11/1984 for \$28,000

Tenure Comments

(none found)

Historic Titles

CUFT 650 770 (order 1)
CUFT 643 483 (order 1)
CUFT 615 972 (order 1)
CUFT 506 002 (order 1)
CUFT 348 192 (order 1)
CUFT 245 192 (order 1)
CUFT 111 070 (order 4)
CUFT 111 070 (order 3)
CUFT 111 070 (order 2)
CUFT 111 070 (order 1)

Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5362)**Address**

20 THORNBILL CRES, HOWARD SPRINGS

Survey Plan

LTO84/066A

Survey Status

Approved

Parcel Status

CURRENT

Parcel Area

4800 square metres

Map Reference

Code 503 Scale 10000 Sheet 10.10

Parent Parcels

Section 03009 Hundred of Bagot plan(s) LTO84/065

Parcel Comments

(none found)

Survey Comments

SECTIONS 3010 TO 3033 AND 3050 TO 3067, SUBDIVISION OF SECTION 3009, HUNDRED OF BAGOT. REFER TO PLANS A-C.



Proposed Easements

(none found)

Municipality

LITCHFIELD MUNICIPALITY

Region

DARWIN

Custodian - Valuer General (+61 8 8943 9193)**Owner's Last Known Address**

South, Richard Andrew & South, Dianne Terese, PO BOX 88, HOWARD SPRINGS NT 0835

Parcels in Valuation

Section 03063 Hundred of Bagot

Unimproved Capital Value

\$350,000 on 01/07/2015
\$326,000 on 01/07/2012
\$292,000 on 01/07/2009
\$210,000 on 01/07/2006
\$95,500 on 01/07/2003
\$83,000 on 01/07/2000
\$73,500 on 01/07/1997
\$59,000 on 01/07/1994
\$31,000 on 01/07/1991
\$26,000 on 01/01/1989
\$30,000 on 01/01/1986
\$15,000 on 01/05/1979

Valuation Improvements

12/04/1995 Carport
12/04/1995 House GL 3B
12/04/1995 Spa
15/04/1994 House GL 3B
30/03/1986 Land
09/11/1984 Land
Improvement type(P)

Custodian - Property Purchasing (+61 8 8999 6631)**Acquisitions**

(none found)



Custodian - Building Advisory Service (+61 8 8999 8965)

Building Control Areas

BBDAR001 - Building Control Area

DARWIN BUILDING AREA

Building Permits

Application Number: 7 of 7
Permit to Occupy Issued Date: 16/02/2012
Description: FREE STANDING CABANA
Permit to Occupy Type: Full Code
Number of Residential Units:
Australian Bureau of Statistics Type: Separate House
Building Class: Non-habitable building
Area: 27 square metres

Application Number: 6 of 7
Permit to Occupy Issued Date: 03/07/2002
Description: VERANDAH CEILING LINING
Permit to Occupy Type: Full Code
Number of Residential Units: 0
Australian Bureau of Statistics Type: Separate House
Building Class: Single Dwelling
Area: 0 square metres

Application Number: 5 of 7
Permit to Occupy Issued Date: 28/10/1999
Description: SHED
Permit to Occupy Type: Full Code
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: Non-habitable building
Area: 86 square metres

Application Number: 4 of 7
Permit to Occupy Issued Date: 06/04/1994
Description: SHED
Permit to Occupy Type: Full Code
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: Non-habitable building
Area: 13 square metres

Application Number: 3 of 7
Permit to Occupy Issued Date: 30/11/1993
Description: CONSTRUCT CARPORT
Permit to Occupy Type: Full Code
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: House

Area: 56 square metres

Application Number: 2 of 7
Permit to Occupy Issued Date: 30/11/1993
Description: CONSTRUCT HOUSE
Permit to Occupy Type: Full Code
Number of Residential Units: 1
Australian Bureau of Statistics Type: (none found)
Building Class: House
Area: 170 square metres

Visit the website <http://www.nt.gov.au/lands/building/>

Custodian - Town Planning and Development Assessment Services (+61 8 8999 8965)

Planning Scheme Zone

RL (Rural Living)

Interim Development Control Orders

(none found)

Planning Notes

(none found)

Planning Applications

File Number

PA1999/1283

Type

Development

Date Received

09/08/1999

Application Purpose

SHED WITHIN 20METRES OF THE BOUNDARY EXHIB DATES: 13/8/99 - 27/8/99

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

06/09/1999

Instrument Number

DP99/0417

Instrument Issued

Signed

Instrument Status**Custodian - Power and Water Corporation (1800 245 092)****Meters on Parcel**

Power Water - Electricity	1
Power Water - Water	1

For Account balances, contact the Power and Water Corporation.

Custodian - Pool Fencing Unit (+61 8 8924 3641)**Swimming Pool/Spa Status**

Compliant to Modified Australian Standard

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

Custodian - Mines and Energy (+61 8 8999 5322)

For information on possible Exploration Licences, contact Mines & Energy or visit the website http://www.nt.gov.au/d/Minerals_Energy/

For information on possible Petroleum Titles, contact Mines & Energy for further details.

Custodian - NT Environment Protection Authority (+61 8 8924 4218)**Results of site contamination assessment**

(none found)

For further information contact Environment Protection Agency or visit the website <http://www.ntepa.nt.gov.au/waste-pollution/compliance/audits/contamination>

Custodian - Heritage Branch (+61 8 8999 5039)**Heritage Listing:**

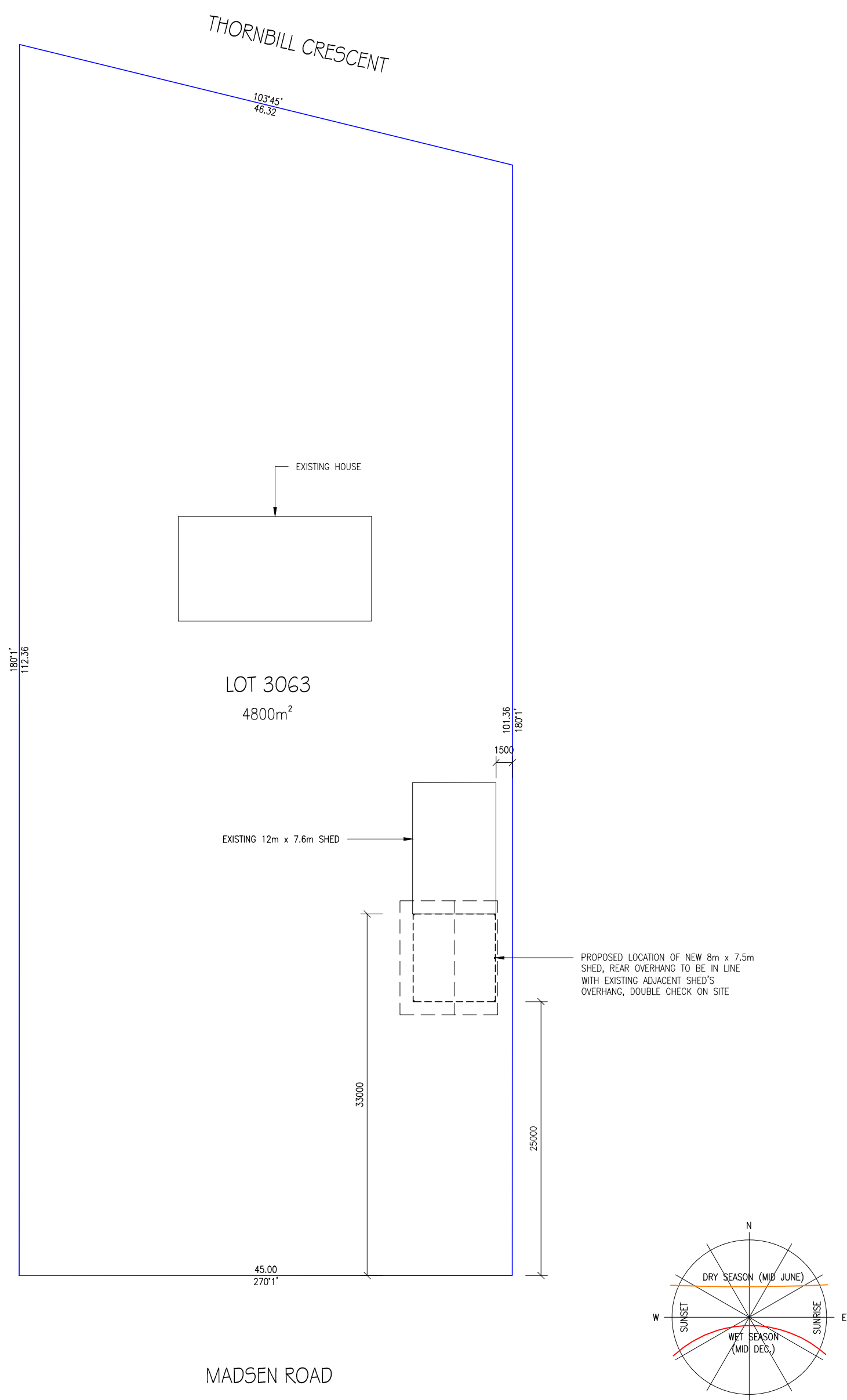
(none found)

For further information on heritage places contact Heritage Branch or visit the website <http://www.dlpe.nt.gov.au/heritage>

Other Interests

For Account balances, contact Litchfield Council





PROJECT DESCRIPTION
PROPOSED NEW SHED
3063 (20) THORNBILL CRESCENT
HOWARD SPRINGS, NT, 0835
for Andrew South

DRAWING TITLE
SITE PLAN

STRUCTURAL ENGINEER



SHEET No.
A01

ISSUE DATE
07 / 04 / 16

JOB REFERENCE No.

DRAWING No.
2016/3063



DESIGNED
DENNIS

SCALE
1 : 400



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PRIOR PERMISSION FROM VANTAGE HOMES P/L
P.O. BOX 3947 PALMERSTON
COPYRIGHT PHONE: 0401 172 111



PROJECT DESCRIPTION PROPOSED NEW SHED 3063 (20) THORNBILL CRESCENT HOWARD SPRINGS, NT, 0835 for Andrew South	STRUCTURAL ENGINEER	 Vantage HOMES Ph: 0401 172111 Po Box 3947 Palmerston				SHEET No. A02	DRAWING No. 2016/3063	PAPER SIZE A3
						ISSUE DATE 07 / 04 / 16	DESIGNED DENNIS	SCALE 1 : 100
						JOB REFERENCE No.	 THIS DRAWING IS COPYRIGHT AND CANNOT BE COPIED IN PART OR IN WHOLE WITHOUT THE PRIOR PERMISSION FROM VANTAGE HOMES P/L P.O. BOX 3947 PALMERSTON PHONE: 0401 172 111	
			REVISION	REVISION DESCRIPTION	DATE			

COLORBOND CUSTOM ORB ROOF SHEETING
INSTALLED AS PER DTC 142/1, ON
C10019 PURLINS @ 900 CTRS MAX

200
ROOF PITCH 12°
RIDGE CAPPING
EXPOSED RAFTERS
1200
100x3.0 SHS COLLAR TIE FULLY
WELDED TO RHS RAFTERS
200x100x6.0 RHS STEEL BEARER
4455
4200
BOTTOM OF EAVE TO NATURAL GROUND
5540
PITCHING POINT
NATURAL GROUND LEVEL

OVERHANG TO BE
IN LINE WITH
ADJACENT
EXISTING SHED'S
REAR OVERHANG

ELEVATION 1

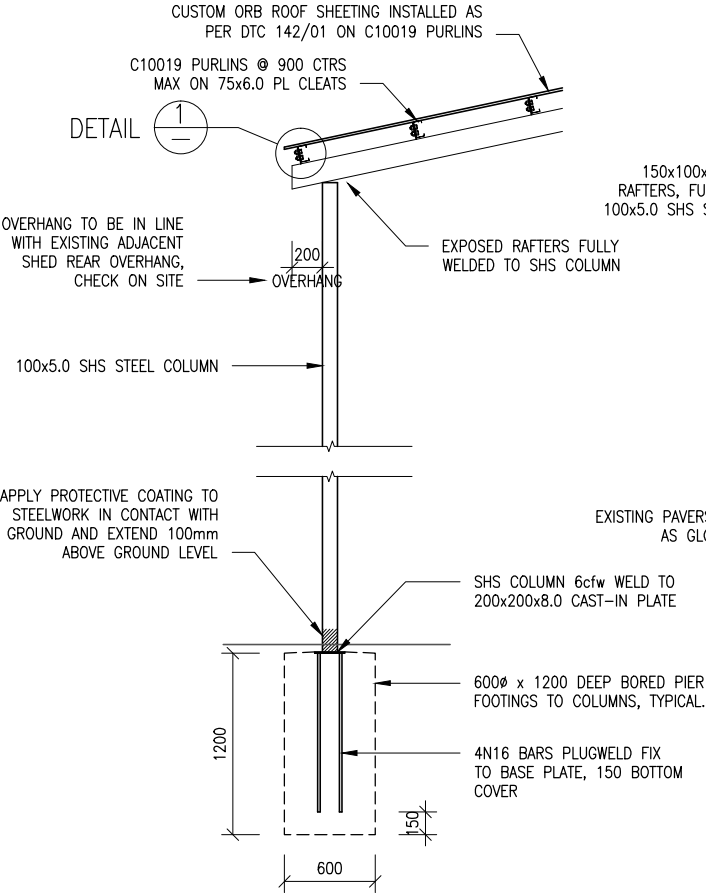
SCALE 1 : 100

ELEVATION 2

SCALE 1 : 100

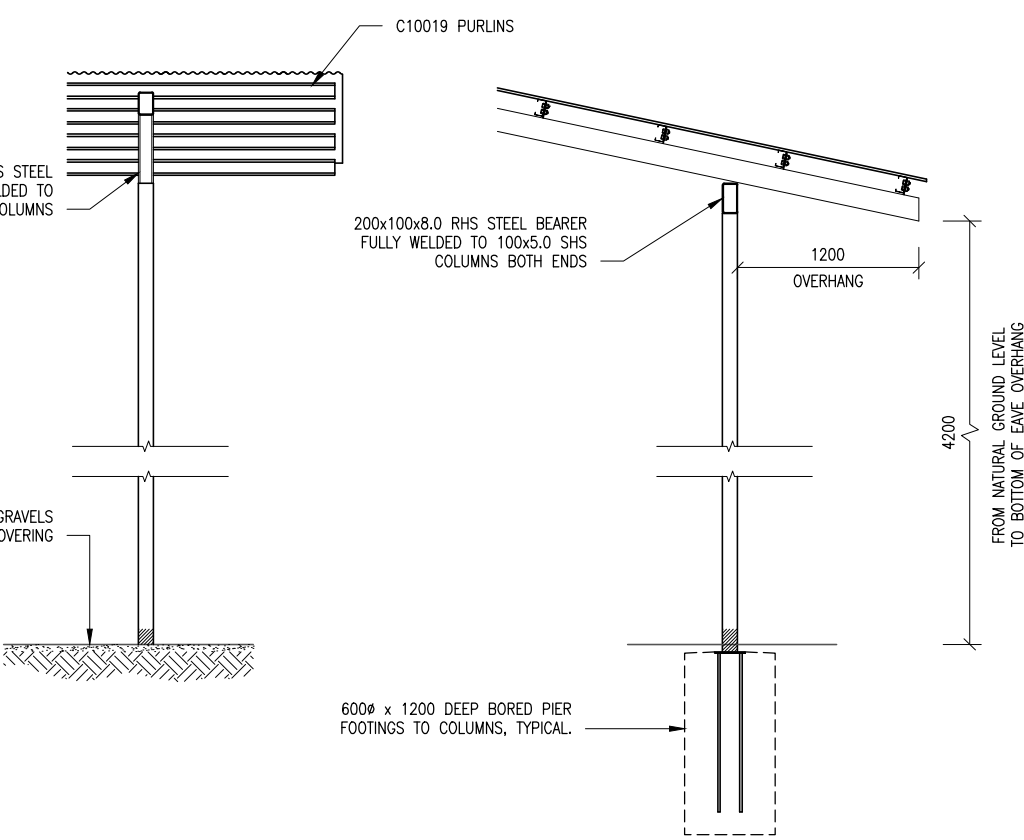
ELEVATION 3

SCALE 1 : 100



SECTION 1

SCALE 1 : 50

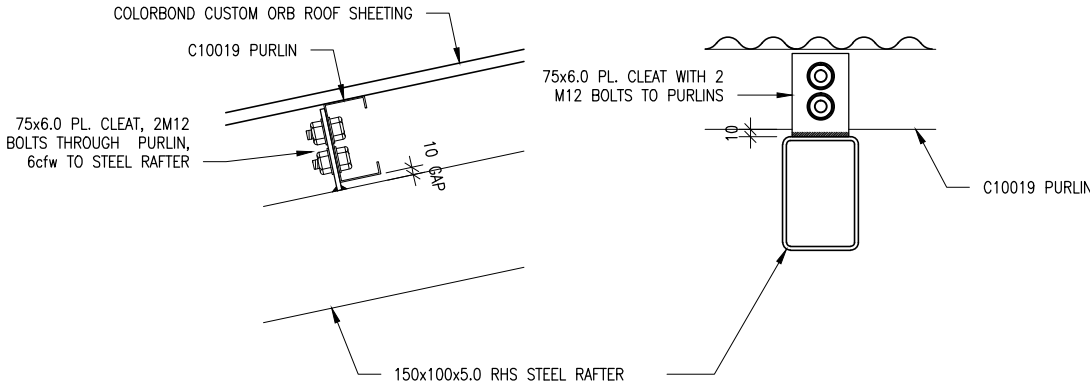


SECTION 2

SCALE 1 : 50

SECTION 3

SCALE 1 : 50



DETAIL 1

SCALE 1 : 10

PROJECT DESCRIPTION
PROPOSED NEW SHED
3063 (20) THORNBILL CRESCENT
HOWARD SPRINGS, NT, 0835
for Andrew South

DRAWING TITLE
ELEVATIONS & STRUCTURAL DETAILS

STRUCTURAL ENGINEER



REVISION	REVISION DESCRIPTION		DATE

SHEET No. A03	DRAWING No. 2016/3063	PAPER SIZE A3
ISSUE DATE 07 / 04 / 16	DESIGNED DENNIS	SCALE AS SHOWN
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Date: 22, 4, 016

Development Assessment Services
PO Box GPO Box 1680
DARWIN NT 0801

Re: Property Address: _____

I Andrew Smith being the owner of the above mentioned
property hereby authorise Asset Services Pty Ltd act for all matters relating to lodging and
obtaining all / any Planning and Building Approvals.

Yours Sincerely

Owner

Name: 

20 May 2016

Mr Steven Kubasiewicz
Development Assessment Services
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Steve

PA2016/0282

**Section 3063 (20) Thornbill Crescent, Howard Springs, Hundred of Bagot
Alterations and addition to an existing shed with a reduced side setback**

Thank you for the Development Application referred to this office on 03/05/2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Development Permit for the following reasons:

- a) The proposed application will not adversely affect the streetscape along Thornbill Crescent.
- b) The proposed setback is consistent with the setback of the existing shed on the site.

provided the following issues are adequately addressed:

- a) The amenity of the adjoining neighbour should be strongly considered by the consent authority.

Should the application be approved, the Council requests the following conditions be included as Condition Precedents in any Development Permit issued by the consent authority:

- a) Litchfield Council requests that prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).
 - i. The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
 - ii. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road reserve. All stormwater is to be channelled, piped or dispersed via sheet flow to the road reserve.

- iii. The plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
- iv. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.

Should the application be approved, the following conditions pursuant to the Planning Act and Council's responsibility under the Local Government Act are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of the General Manager Infrastructure and Planning, Litchfield Council, and at no cost to Litchfield Council.
- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager Infrastructure and Planning, Litchfield Council.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.au.
- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's street network.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0600.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.8	Report Number:	16/0134
Report Title:	PA2015/0763, a Planning Scheme Amendment Application to facilitate development of a rural character estate by introducing an area plan and planning principles, rezoning from Zone R (Rural) and Zone RL (Rural Living) to a specific use zone, and amending various clauses to ensure ongoing management at Section 5758, Section 5761, Section 5827 and Section 507 (905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road), Lloyd Creek, Hundred of Strangways.		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	<p>Attachment A: Planning Scheme Amendment Application PA2015/0763.</p> <p>Attachment B: Summary of Area Plan and Planning Principles, proposed Specific Use Zone text and proposed amendments to the NT Planning Scheme</p> <p>Attachment C: Council's letter of comment for PA2015/0763, a Planning Scheme Amendment Application to facilitate development of a rural character estate by introducing an area plan and planning principles, rezoning from Zone R (Rural) and Zone RL (Rural Living) to a specific use zone, and amending various clauses to ensure ongoing management at Section 5758, Section 5761, Section 5827 and Section 507 (905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road), Lloyd Creek, Hundred of Strangways.</p>		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2015/0763, a Planning Scheme Amendment Application to facilitate development of a rural character estate by introducing an area plan and planning principles, rezoning from Zone R (Rural) and Zone RL (Rural Living) to a specific use zone, and amending various clauses to ensure ongoing management at Section 5758, Section 5761, Section 5827 and Section 507 (905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road), Lloyd Creek, Hundred of Strangways, included as Attachment A.

The application proposes rezoning of the subject site, introduction of new information into the NT Planning Scheme, and amendments to various clauses of the NT Planning Scheme, thus a Planning Scheme Amendment is required. Due to the extensive overall size of the application, for ease of reference, the Area Plan and Planning Principles, proposed Specific Use Zone text and proposed amendments to the NT Planning Scheme are summarised in Attachment B to this report.

The report also presents for Council endorsement the *Letter of Comment* on PA2015/0763 provided to the consent authority on 3 June 2016, included as Attachment C.

This report concludes that Council should provide to the Department of Lands, Planning and the Environment detailed comments on the extensive application indicating specifically where Council supports the proposed amendments and areas where Council does not support the amendment and recommends changes or requires additional information in order to be able to offer support for a particular point.

There are a few areas of concern that result in a recommendation that an overall statement indicating that Council does not support the application in its current state is warranted. Specifically, Council does not support the absence of minimum lot sizes and an outlining of expectations of the amounts of lots of each type, the absence of clarity on whether multiple dwellings are proposed, inclusion of requirements related to public lighting, concern over potential conflicts between restrictions for clearing of native vegetation and Council's stormwater drainage requirements, and the absence of any proposed setbacks for any residential lots within the subdivision.

However, the areas of non-support are not insurmountable and the overall principles behind the development can be supported. The design philosophy appears sound and Council can commend the applicant on the detailed technical studies and investigations provided to date and committed to in the proposed amendment. Additionally, there are several development requirements and design features that Council strongly supports within the application. Should Council's concerns be addressed, Council would welcome the opportunity to review revised proposals and reconsider overall support for the development.

Recommendation

THAT Council:

1. endorse Attachment C, Council's Letter of Comment for PA2015/0763, a Planning Scheme Amendment Application to facilitate development of a rural character estate by introducing an area plan and planning principles, rezoning from Zone R (Rural) and Zone RL (Rural Living) to a specific use zone, and amending various clauses to ensure ongoing management at Section 5758, Section 5761, Section 5827 and Section 507 (905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road), Lloyd Creek, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.

Background

Site and Surrounds

The subject site is 905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road, Lloyd Creek, which is a contiguous block of land totalling 2,641.4 hectares, as shown on the following page.

The northern portion of the subject site is located in Zone RL (Rural Living) while the southern portion of the subject site is located in Zone R (Rural). The subject site is currently undeveloped and is largely part of the Koolpinyah Station.

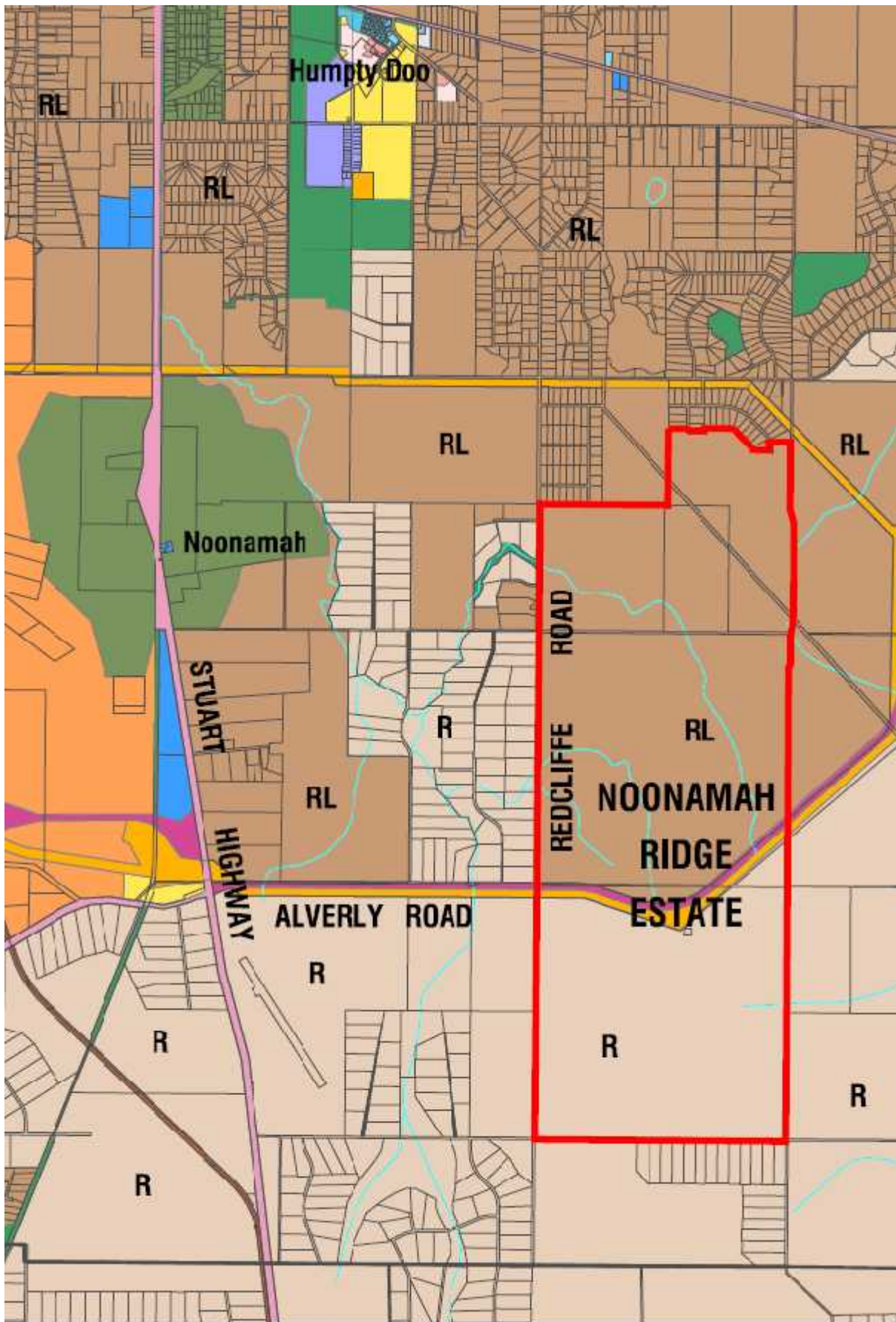
The subject site and the two zones over the site are bisected by land in Zone U (Utilities) and Zone PM (Proposed Main Road) that is not part of the subject application. This land is set aside for traffic and infrastructure services as part of the future Glyde Point arterial road. This land will remain in those subject zones for that purpose regardless of the

outcome of this application.

The subject site is surrounded by other sites in Zone R (Rural) and Zone RL (Rural Living).

The surrounding sites to the east and south are largely undeveloped or developed with larger lot rural uses. The sites to the north and west are more generally developed with larger lot rural residential uses.

The site is approximately 6km from the Noonamah Tavern and service station and Stuart Highway. The site is approximately 7km from the Humpty Doo commercial centre.



Source: PA2015/0763

Site Development History

There is no past planning history or former planning applications for the subject site.

Current Proposal

The current application proposes to develop the subject site into a large rural estate development. The overall development is proposed to be planned and structured through an Area Plan and Planning Principles and a Specific Use Zone within the NT Planning Scheme. These planning controls attempt to address all facets of development, including residential, commercial, and open space development, and traffic, infrastructure, drainage, and social infrastructure elements.

The site was the subject of an Environmental Impact Statement, the outcomes of which are incorporated into the proposed NT Planning Scheme requirements for future development of the site.

The application proposes a mainly residential estate, with a range of lot sizes across the site. The application proposes a maximum of 4,200 residential lots, with a gross dwelling density of 1.62 dwellings per hectare. The background information in the application indicates that lot sizes will be between 800m² and over 8ha in size; however, the information proposed to be included in the NT Planning Scheme does not specify a minimum lot size.

The application proposes two rural activity centres as part of the development. These centres would include local shops, community facilities, sports fields and other uses and are intended to be similar to the current Howard Springs or Humpty Doo village centres. Stage 1 of the development will have residential land, plus the first activity centre. This village centre will include a primary school, community centre, community garden, corner store and café, as well as public open spaces.

The application includes requirements for open space and promotes Ecologically Sustainable Development through planning practices and incorporation of environmentally sensitive designs.

The development will be staged over a 20 to 30-year period, with approximately 150-200 lots expected to be developed each year.

The application proposes to create more dense housing types closest to the village or rural activity centres. The application clearly states the intention for single dwelling lots of 800m² in size; however, the application is unclear on whether or not there will be multiple dwellings included in the development of the activity centres.

Larger rural residential lots are proposed outside of the activity centre, with lots sizes of 2,000m² to 9,999m². Lots in this range are proposed to have building envelope requirements intended to help preserve the rural character of the lots. There will also be a range of lots of typical rural living and rural sizes of 1ha to over 8ha. It is the intent of the development to provide larger lots along the perimeter of the site that would be comparable in size to the adjacent existing lots outside of the development site, to preserve a similar level of amenity for neighbouring residents.

The application provides detailed discussion on environmental management for the site, including work required for management of sensitive species. The application also provides a detailed assessment of social and economic factors related to site

development, including an assessment of required social infrastructure features to support the future community. Detailed assessments of proposed power, water, and sewer servicing are also provided. It is expected that the future road network will primarily be the responsibility of Litchfield Council, except for any major arterial roads subject to control by the NT Government. Ultimate responsibility for all public open space and stormwater drainage is yet to be finalised.

The application proposes to ensure the above vision through the provision of an Area Plan and Planning Principles for the site to be included in the NT Planning Scheme. The application further proposes a Specific Use Zone over the site that would guide the future development of that area. A specific use zone applies particular clauses and development requirements to the subject land. It is the intent of the developers to eventually normalise the zoning of the site, that is, eventually the specific use zoning would go away and the new lots within the site would revert to their standard respective NT Planning Scheme zones.

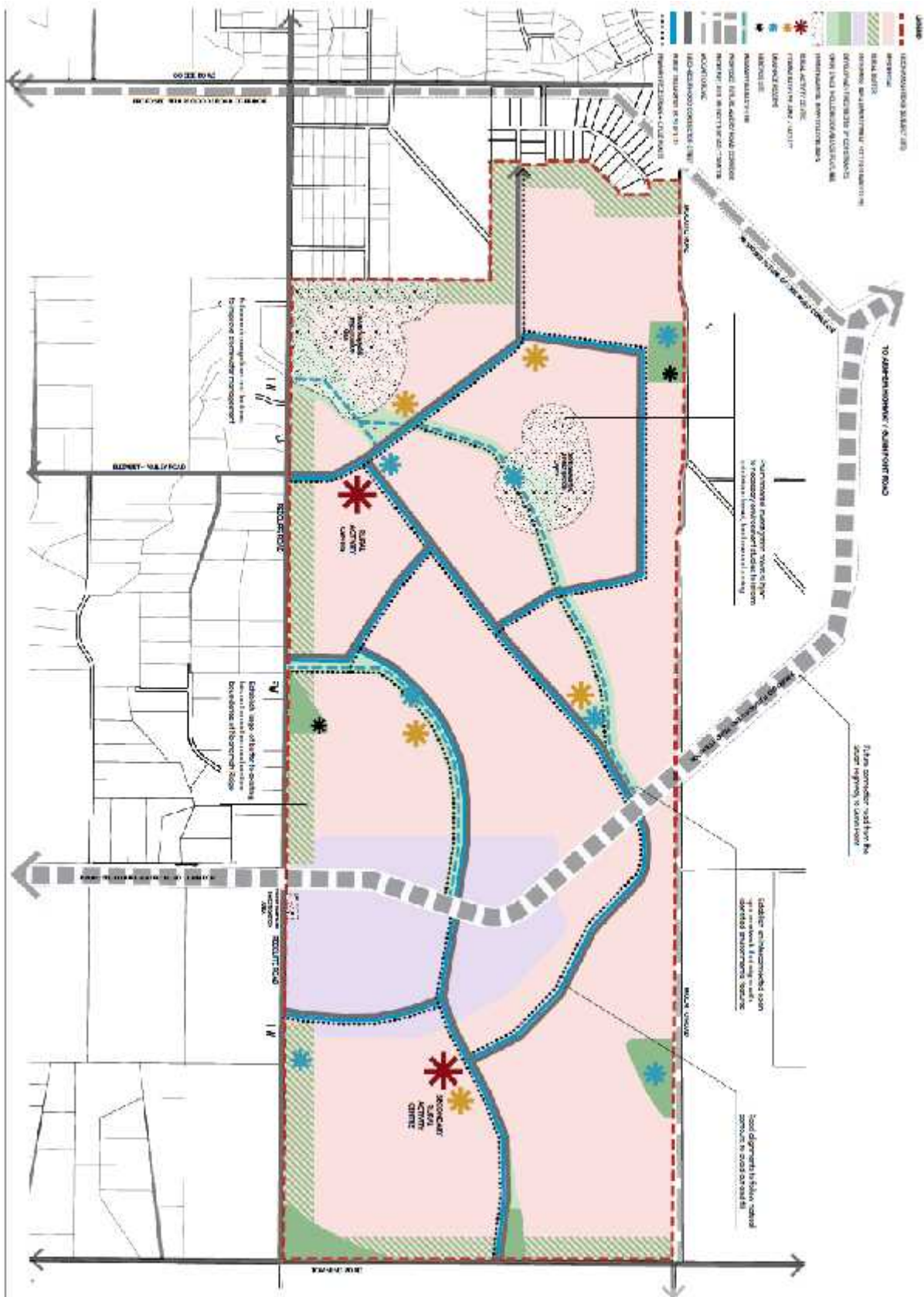
There are proposals within the Specific Use Zone that are different to the standard NT Planning Scheme and if the zones are normalised with no changes to the standard planning scheme, the proposed Specific Use Zone changes would be lost. As such, there are amendments required to some clauses within the current NT Planning Scheme in order to lock in the requirements of the Specific Use Zone for this site into the future.

Area Plan and Planning Principles

Due to the overall size of the application, for ease of reference, the Area Plan and Planning Principles are included in Attachment B to this report.

The Area Plan indicates a broad road network and pedestrian cycle route pattern for the development, as well as ideas of buffer areas, open space drainage features and designations of areas for additional environmental investigation. The Area Plan indicates a general location for two rural activity centres, one in the north of the site and one in the south of the site. The proposed Area Plan is shown below but can be seen more clearly in Attachment B.

The proposed planning principles include five principles related to managing stormwater drainage and site topography, managing traffic, providing appropriate social and cultural infrastructure and undertaking studies to further examine areas designated for environmental investigation. The planning principles include three principles related to the development performance and development controls. These principles limit the total number of dwellings and density, require a range of lot sizes and give indications of where different sizes of lots should be located within the development. These principles require the provision of one or more rural activity centres and the provision of community purpose sites within the development.



Specific Use Zone

Due to the overall size of the application, for ease of reference, the proposed Specific Use Zone text is included in Attachment B to this report.

Clauses 1 and 2 of the specific use zone describe the purpose of the zone and a design philosophy for the development of the overall subdivision. The design philosophy requires lots along Redcliffe Road and to the northern boundary to be complementary in size to adjacent existing lots, with lot sizes between 4,000m² and 2ha. Design guidelines to be incorporated into covenants on the titles will guide building design. The overall design also requires investigating a means to regulate water extracted from individual bores and the active recharge of groundwater using stormwater.

Clause 3 of the specific use zone guides the future subdivision of the site, requiring a master plan to be submitted to the consent authority as part of the Stage 1 subdivision. This master plan will provide the general layout and staging of the development, including road network and should provide information on the expected land use for the subdivision. The master plan may be amended with subsequent subdivisions applications, which would also be subject to further review by the consent authority. A development application must include a detailed land use plan that indicates the proposed land use or intended future zone for each site and separate plans for each residential lot showing a maximum building envelope for each lot.

The areas noted on the Area Plan for further environmental investigation will be required to undergo specialist studies prior to any development. A rural village within Stage1 is required, *“reserving land for commercial purposes, inclusive of but not limited to a community garden, land set aside for a public school and sports fields, land set aside for a volunteer fire brigade, and a community centre, and including one building designated as an approved cyclone shelter”*.

The subdivision application requirements also indicate that a minimum of 15% of the site shall be open space and that development consent must not be granted unless public utility infrastructure essential for that development is available when required.

Clause 4 specifies the maximum number of residential lots (4,200) and density (1.62 dwellings per hectare) for the site, and provides that *“lots less than 4,000m² in extent shall be located no less than 800m from a rural activity centre, or a significant community facility (limited to a school, community hall or local shopping facility), or a significant park/active recreation reserve designated in the masterplan, or the enterprise area/employment area”*.

Clause 5 addresses building requirements and indicates that lots are subject to a maximum building envelope plan, which will be provided at the time of subdivision. The building envelope plan will set setbacks and limit native vegetation clearing. For lots greater than 2,000m², no more than 25% of the site can include dwellings, outbuildings and associated infrastructure. The clause also indicates that no more than an additional 15% of the lot can be cleared without a permit for a formal landscaped garden.

Each subdivision application is then required to address Clauses 6-12, which cover traffic and access, services infrastructure, bushfire, biting insects, public lighting, community and social needs and construction requirements.

The traffic requirements address traffic impact assessment and provide for a traffic management plan. The clauses also requires 90% of sites in Zone SD (Single Dwelling) to be located within 800m of a bus stop.

Servicing requires a wastewater management plan, a stormwater management report with appropriate drainage works and information on management for household waste. A water

supply report is also required, demonstrating that reticulated services are available to service the subdivision. The report will include an ongoing water quality and quantity monitoring plan.

For bushfires, emergency routes will be provided and bushfire management plans required. The subdivision application will also address rectification of drainage in any mosquito breeding areas within 1.6km of the village centre, to control biting insects. The creation of mosquito breeding habitats as a result of stormwater drainage and effluent irrigation areas is to be avoided.

For public lighting, the application proposes to require that no overhead streetlights be permitted within the Noonamah Ridge development and that low level street lighting is only to be provided in the rural activity centres and on roads where the average lot size is 2,000m² or less.

Each subdivision application is required to provide a social infrastructure needs assessment and address the development's response to whether any additional facilities are required to meet those needs.

The application also requires a Construction and Environmental Management Plan with each stage of subdivision.

The final clause of the proposed zone, Clause 13, addresses the future normalisation of the zoning within the development. While the Specific Use Zone will guide the development of the overall area, once each stage of the subdivision is finalised (subdivision works completed, roads constructed, all conditions on subdivision permit satisfied, and titles ready for issue), the lots within that stage of the subdivision will have their zoning normalised to the standard applicable zone within the NT Planning Scheme, as indicated on the land use plans required at the time of subdivision.

Changes to NT Planning Scheme Clauses

As a result of the proposals above in the Area Plan and Specific Use Zone, and to ensure that the design intended at the time of subdivision is carried through in perpetuity once the zoning of each lot is normalised, there are some changes required to existing requirements within the NT Planning Scheme as would apply within Noonamah Ridge.

Due to the overall size of the application, for ease of reference, details of the proposed changes to the NT Planning Scheme requirements are included in Attachment B to this report.

Demountable Structures

Currently in the NT Planning Scheme for Zone R (Rural) and Zone RL (Rural Living), consent for demountable structures on site is only required if there are more than two demountables on the site. This application proposes that all demountable structures within Noonamah Ridge in those two zones would require consent.

Building Height

Currently in the NT Planning Scheme, the maximum height of residential buildings in Zone SD (Single Dwelling), Zone RR (Rural Residential), Zone RL (Rural Living) and Zone R (Rural) is limited to 8.5m. This application proposes that the maximum building height in

these zones is raised to 10m in Noonamah Ridge, in order to achieve tropical design objectives as envisioned for the project.

Residential Building Setbacks

This change proposes that residential buildings and outbuildings in Noonamah Ridge would be exempt from the setback requirements currently contained within the NT Planning Scheme but would be required to adhere instead to the building envelope plans provided at the time of subdivision.

Industrial Building Setbacks

For industrial uses, the NT Planning Scheme currently requires a 3m setback for primary street frontages. This application proposes that in Noonamah Ridge, industrial setbacks for buildings with frontage to Redcliffe Road, or roads internal to the subdivision, should be 9m.

Clearing of Native Vegetation

Currently in the NT Planning Scheme, the clearing of more than one hectare of native vegetation within certain zones requires consent. This application proposes that all clearing of native vegetation outside of the prescribed building envelopes for each lot would require consent for lots in Zone SD (Single Dwelling), Zone RR (Rural Residential), Zone RL (Rural Living) and Zone R (Rural).

Rural Industries

Currently in the NT Planning Scheme, some rural industry uses are permitted without requiring a permit. This application proposes that all rural industry uses in Zone RL (Rural Living), Zone R (Rural) and Zone H (Horticulture) within Noonamah Ridge would require consent.

Subdivision

Currently in the NT Planning Scheme, subdivision clauses set up the minimum lot sizes for each zone. This application proposes that in Noonamah Ridge, in Zones SD (Single Dwelling), Zone RR (Rural Residential), Zone RL (Rural Living) and Zone R (Rural), the *“consent authority must not consent to a subdivision...that is not in accordance with the original plan of subdivision created in accordance with Zone SLX unless such further subdivision meets the principles of the Noonamah Ridge Area Plan and is in accordance with the provisions of Zone SLX”*. The intent of this clause is to prevent further subdivision of established lots within Noonamah Ridge unless it is in accordance with the original subdivision approval, the Specific Use Zone requirements, and the Area Plan.

Application Assessment

The following assessment describes areas of the proposal where Council can offer support as well as areas where changes are recommended or where additional information is required prior to full support being given.

Consistency with Other Planning Documents

The proposal development of Noonamah Ridge is in accordance with the Darwin Regional Land Use Plan 2015, which designates the subject site for urban/peri-urban development. The application has indicated that the overall intent of the development is to be a rural

estate, though it is acknowledged that smaller single dwelling allotments are clearly indicated as part of the development.

The application is not in accordance with the Litchfield Planning Concepts and Land Use Objectives 2002 document, which indicates that the subject site is expected to be developed with lots of 2ha and 8ha. However, it is noted that the Litchfield Planning Concepts and Land Use Objectives 2002 is in conflict with the above noted recently adopted Darwin Regional Land Use Plan 2015 and that the Litchfield Planning Concepts and Land Use Objectives 2002 may be superseded by the Draft Litchfield Subregional Land Use Plan 2016, currently under assessment by the Department of Lands, Planning and the Environment.

Within the Draft Litchfield Subregional Land Use Plan 2016, the subject site is designated to be urban/peri-urban development. It is noted that Council did not support the Draft Litchfield Subregional Land Use Plan 2016. However, Council did not support that document for a variety of reasons, one of which was the lack of supporting documentation indicating whether the sites proposed for urban development are in fact suitable for that type of development. In this instance, the proponents of the Noonamah Ridge development have provided background information through the application for a Planning Scheme Amendment and the Environmental Impact Assessment process that indicates that the type of urban and rural development proposed by the application can be supported either by the studies undertaken or by controls built into the proposed Area Plan and Planning Principles and the Specific Use Zone, which require additional studies to be undertaken and management plans put in place to ensure the suitability of the individual pieces of the site for development.

As such, the proposal can be considered consistent with the guiding planning framework currently within the NT Planning Scheme and expectations for development suitably supported by technical studies.

Coordinated Development of the Site as a Whole

Council can support the coordinated development of such a large site that is backed up by a strong plan and technical studies, as that planning process is likely to result in better overall outcomes for the rural community as a whole than ad hoc or piecemeal development of smaller portions of the rural area without a connected plan. Further, Council acknowledges that the expectation is for the site to be developed over a 20 to 30 year timeframe, resulting in gradual development of the area. As such, the provision of each subdivision application should provide opportunities to identify and rectify any concerns throughout the life of the development prior to progressing to further development stages.

Variety of Lot Sizes

Interest from the community has been shown in the potential for a variety of lot sizes within the municipality that would allow the community to age in place and provide for various family structures throughout an individual's life span. As a result, the provision of a range of lot types within the new community can be supported. This includes the provision of some smaller lot sizes within the community, with restrictions on location for these lots as noted within the application.

Council can also offer strong support for the provision of larger lot sizes around the periphery of the development adjacent existing residential lots that would be complementary in size to these existing lots. The preservation of the existing expected level of amenity for these residents is of great interest to Council.

While Council can support the provision of a variety of lot sizes within the development, it could be helpful to include an expected lot mix within the Specific Use Zone text, to ingrain the expectations of a rural development within the zone. Under the current provisions, the application states that a variety of lot sizes will be provided, with lots less than 4,000m² located within 800m of an activity feature or community facility. Outside of that provision, there is no guarantee of any lot mix or location for various lot sizes. The applicant could provide then the majority of the rest of the development at 4,050m² with only a handful of 2ha or 8ha lots throughout the rest of the subdivision. If 80% of the subdivision ends up just over 4,000m², then the result is not a rural development. The presentation of the development as a rural estate gives the expectation that the majority of the development will have a rural character, which would be expected to be a minimum of 1ha to 2ha lots, which would be in character with the surrounding development. The lack of any expected lot mix within the zoning leaves Council and the public not really knowing what to expect for lot mix at subdivision stage and leaves the consent authority without any formal measure against which to judge the nature of the development.

In other areas of the Top End, developers have recently sold rezonings of sites to the public, Council and consent authority with the idea of a mix of lot types, but the actual development at subdivision stage has turned out to be primarily small lot development. While the lot size considered small may differ slightly in the Litchfield Municipality, this situation is not one which this Council wants to face. While Council is not recommending a prescriptive amount of dwellings in each category at this time, the zoning should at a minimum include general expectations or ranges for the amount of dwellings in each lot size. It would be expected in a rural estate that the majority of lots would again be a minimum of 1ha or 2ha in size. Council would reconsider support for a development that had a majority of smaller lots.

Subdivision

Council's overall support for the mixed use development is partly predicated on the intent stated within the application that lots within Noonamah Ridge would not be able to be further subdivided in the future to smaller lot sizes. Council supports the certainty that this principle would give future residents of the area. However, Council prefers the very clear table on page 57 of the application that indicates "No further subdivision permitted" for each of the various lot types to the vaguer wording proposed for changes to Clause 11.1.1 of the NT Planning Scheme. The lot classification scheme presented in the table provides an exceedingly clear assessment of where different types of lots should be located within the subdivision and Council recommends that a table of this nature be included within the Specific Use Zone text, in order to best guide development and fulfil the intent of the development as stated by the proponents. A table such as this would provide a clear way for the consent authority to measure whether future proposed subdivision applications and the master plan have met the intent presented to the public during the rezoning phase. The wording of the change to Clause 11.1.1 of the NT Planning Scheme as currently proposed appears to leave it open for some future subdivisions, if a complicated series of

conditions are met. Council would prefer the wording stated in the application that simply “no further subdivision would be permitted”.

Minimum Lot Sizes

While noting support with the support of a variety of lot sizes and for some smaller lot sizes, Council does have concerns with the lack of an overall lot size table or minimum lot size for the development. The closest the Specific Use Zone comes to noting minimum lot sizes or having a defined lot type is when specifying the future normalisation of zoning. However, there is nothing in the Specific Use Zone that states a minimum lot size. Council strongly recommends including a table of minimum lot sizes within the Specific Use Zone text.

The application clearly indicates that lots in Zone SD (Single Dwelling) are expected. In greenfield areas covered by an Area Plan, which would appear to apply to this subdivision, lots in Zone SD (Single Dwelling) may be as small as 450m². Council does not support any single dwelling lots in Noonamah Ridge smaller than 800m².

Multiple Dwellings

Further, the application itself refers several times to multiple dwellings; however, the Area Plan and Specific Use Zone text do not specifically state whether or not multiple dwellings are expected to be developed within the area. Conversations between Council and the developers indicate that multiple dwellings may be considered for the development. While these types of dwellings could provide for single people or small families, in the rural area, Council would seek that multiple dwellings be given serious consideration and design control.

Council has significant concern over the appropriate development of multiple dwellings within this new community. Council notes that under the NT Planning Scheme, lots of 300m² could be provided in Zone MD, which Council does not support for Noonamah Ridge. Council could consider support for a very limited amount of multiple dwellings only within a rural activity centre.

Council recommends that should multiple dwellings be allowed, there be a requirement that the amount of multiple dwellings be limited to no more than approximately 2% of the total number of dwellings within the entire subdivision. Further, these developments should also be limited in height to two stories and again should be located immediately within the rural activity centre. Council would recommend the provision of any multiple dwellings only inside of or within 400m of the rural activity centre.

Council would offer greater support for attached townhouse-style development rather than apartment-style units. However, Council could support shop-top housing of single dwellings over commercial units, which are currently not permitted in a commercial zone under the NT Planning Scheme. For all types of multiple dwellings, strong design controls would be needed to ensure compatibility with the rural nature of the community.

Council recommends that any proposal for multiple dwellings be specifically addressed or specifically excluded from the Specific Use Zone text and that any proposal for inclusion be recirculated to the Council and general public.

Independent Units and Potential for Dual Occupancy

The application has not addressed independent units and whether or not this development type is expected. As independent units have not been prohibited, it is assumed that these developments would be allowed. Given that, while the development limits the amount of residential lots to 4,200, each of those lots could include an independent unit, effectively doubling the number of total dwellings in the subdivision. While it is not realistically expected that each site would have two units, practical experience in Litchfield indicates that a good majority of the sites would have independent units. If the applicant is seeking to create a rural estate, it is recommended that the Specific Use Zone prohibit or otherwise restrict the development of independent units within Noonamah Ridge.

Further, there is a current Planning Scheme Amendment on public exhibition that would allow for dual occupancy on lots in Zone SD (Single Dwelling) over 1,000m² in area. As this development very clearly intends a large number of lots that would fit that category, should the amendment be approved, there is another doubling of the total number of dwellings that could be created on those lots. Further, under the proposed amendment, independent units are not to form part of the residential density calculation for a site. Therefore, it seems that a site could potentially develop dual occupancy and independent units, again leading to many more dwellings than expected within the development. It is recommended that should the dual occupancy amendment be approved prior to the approval of this amendment, dual occupancy developments should not be permitted within Noonamah Ridge.

Smaller Lot Sizes and Community/Commercial Needs

For smaller lots to be successful in the primarily rural community, Council can only support that type of development when it is coordinated with appropriate commercial and community services. As such, Council can support the development of smaller lot sizes when connected with rural activity centres. Council supports the provision of spaces for local employment and the provision of social infrastructure to support community needs. Specifically, Council can support the requirement for provision of a public school and sports fields, community garden, community centre and land for a volunteer fire brigade as part of Stage 1 of the development. Council considers that it is important to provide for community and commercial needs at the outset of the subdivision, rather than leaving these essential parts of a community to be provided at an unknown later date.

Public Lighting

While Council supports the development of commercial and community spaces in the rural activity centre, Council notes that the intent of this area is to draw activity to the space. As such, Council cannot support the proposed Clause 10 of the Specific Use Zone text that addresses public lighting and proposes to eliminate overhead streetlights. Firstly, street lighting and public road infrastructure for Council roads is rightfully controlled by the individual Council's development standards, not by the NT Planning Scheme. Council contends that any concerns with street lighting should be dealt with at subdivision stage with Litchfield Council and that restrictions on a Council managed asset should not be included in the NT Planning Scheme. It is inappropriate for an NT Government document to attempt to regulate a Council asset. Council strongly objects to Clause 10 and requests that it be removed from the proposed Specific Use Zone. Council will work with the

developer on the provision of appropriate levels of street lighting, where street lighting is required for safety and amenity purposes.

Architectural Design Guidelines and Demountable Structures

Council supports the provision of architectural design guidelines to guide the types of housing developed within the community. Council also supports the requirement for all demountables to be required to gain consent to ensure the architectural vision of the development. Council further recommends that if the intent is to ensure higher quality design for these features that consideration be given to further amendment to Clause 6.8 such that landscaping and architectural embellishments are required for demountable structures.

Infrastructure

Council supports the clauses requiring provision of infrastructure prior to development and supports the requirement for an ongoing water quality and quantity monitoring plan.

Open Space

Under the NT Planning Scheme, an urban residential development must provide 10% of the site area as open space and rural residential developments are not required to provide open space, given the expected amount of open space within the individual allotments. As such, given the integrated nature of the proposed development, Council can support the provision of 15% of the site as open space.

However, Council notes that at different points in the proposed zoning text, there is the use of the term “green space” and the term “open space”. It is unclear whether these terms are interchangeable or if green space may refer to conservation or other drainage features that may not be suitable for open space uses. It is also unclear if the proposed open space would include any lake or open water body features. It is recommended that clarity be provided around what is “green space” and what is “open space” or that a single defined term be used.

Council notes that there appears to be some expectation within the application that Council may fully take on all public open spaces within the development, which has not been agreed to by Council at this time. While it is the intent of Council to develop a public open space policy that would guide any future Council control of public open space sites and expectations for development of these sites, Council seeks further discussions on the ownership and responsibility for these spaces.

Clearing of Native Vegetation

Council is supportive of the application’s proposals for creating restrictions to clearing of native vegetation in order to preserve the rural nature of the overall development. Council supports limiting the amount of land that can be cleared on a single block for lots larger than 2,000m². However, for the areas where clearing is permitted with consent, Council recommends that reasons consenting to the additional clearing of native vegetation could be supported should be included in the application. Otherwise, there are no clear measures against which to evaluate an application for clearing.

Stormwater Drainage

Further to the above comments, Council has concerns regarding the requirements for clearing and the potential for those restrictions to conflict with Council's stormwater drainage requirements for urban areas. Typically, Council's stormwater drainage requirements differ for urban and rural areas, and the distinction between the two types of areas is determined on the lot sizes within the subdivided area.

For smaller lot urban developments, Council's stormwater drainage requirements require that stormwater drainage be directed across the lot to the street. For larger lot developments, Council's stormwater drainage requirements permit sheet flow across lot boundaries. Council has some concerns that if there are areas proposed with vastly differing lot sizes along the street, it will result in areas where stormwater drainage from larger lots may be sheet flowing across boundaries into smaller lots, which is not an acceptable stormwater drainage solution. Also, if urban areas are to direct sheet flow to the street, there may be some areas where lots would typically be regraded to slope towards the street, which would be in conflict with the proposed Specific Use Zone requirements to limit clearing of vegetation on these lots.

The development proponents were made aware of Council's concerns with this varied lot size arrangement in June 2015; however, the applicant has not discussed this issue further with Council since that time and no resolution to the issue has been reached.

Council requests that no Planning Scheme Amendment be approved for the development prior to reaching resolution with Council on this essential matter of appropriate stormwater drainage infrastructure, which is Council's responsibility. Council does not see this issue as insurmountable for the development, but it would be premature for a Planning Scheme Amendment to be approved that creates requirements for the development that could result in the inability for appropriate stormwater drainage designs to be developed.

Council does not wish to create stormwater drainage issues that would have a negative effect upon new residents or Council's infrastructure. An appropriate method of resolving these stormwater concerns is essential to approval of this development.

Further, Council has not entered into any agreements with the developer for management or ownership responsibilities for the proposed water sensitive urban design features within the subdivision or the proposed lake within the subdivision. Council notes that a management body for the development may be able to retain ownership of such features and as such does not object to the overall stormwater design proposal at this time. Further discussions with Council are warranted prior to Council assuming responsibility and/or ownership of these drainage features that are not typically used within the municipality.

Building Envelopes and Setbacks

Council understands that the clearing of vegetation on blocks will be controlled somewhat by the proposed building envelope plans required to be submitted for each residential block with future subdivision applications. While Council supports the idea of restrictions to building envelopes to create the proposed rural estate development, Council cannot support the proposal to leave all notion of building envelopes and building setbacks to the subdivision stage.

In terms of location of features on a block, the application addresses that for lots greater than 2,000m², only 25% of the lot can be cleared for buildings, plus 15% for a landscaped

garden. Council can support this requirement, while noting that this clause should consider the inclusion of a cleared driveway space into the 25% cleared area. Given the larger size of some lots proposed, driveways may take up a substantial portion of the lot.

However, at this point, the Specific Use Zone does not mention any required setbacks for any lot sizes or any measures other than the one above related to building envelope requirements. The proposal to change Clause 7.3 of the NT Planning Scheme absolves the development from adhering to any stated setbacks. The absence of any requirements for setbacks or building envelopes is completely unacceptable to Council.

Under this proposal, the developer could propose zero lot line setbacks, or one metre setbacks, for any range of lot sizes within a subdivision application and there would be nothing in the zoning or requirements that says that situation is not allowed.

There is no supporting information given in the application that explains why the current setbacks in the NT Planning Scheme are unacceptable or will not accomplish the intent of the subdivision design. As such, Council cannot support any setbacks less than those minimum requirements already included for the various respective lot sizes and zones. The current setbacks are well established as providing appropriate buffers for residential amenity in both urban and rural environments and the application has provided no information on why these setbacks should be varied.

A minimum setback table should be included into the building requirements clause of the Specific Use Zone that sets up the minimum setbacks allowed for each expected zone. The building envelope plan may then provide additional areas of a lot that may not be cleared, but the minimum setback should be guaranteed to give certainty to future residents and should not be breached.

Numbering of Clauses

In Clause 3 Subdivision of the proposed Specific Use Zone, section 1.c.ii references building envelopes at Clause 4, which are actually addressed at Clause 5 and section 1.d.x references bushfires in accordance with Clause 6, which is actually addressed at Clause 8. All references should be doubled-checked for cross-referencing and clarity.

Conclusion

It is recommended that Council provide to the Department of Lands, Planning and the Environment the above detailed comments on the extensive application indicating specifically where Council supports the proposed amendments and areas where Council does not support the amendment and recommends changes or requires additional information in order to be able to offer support for a particular point.

Given there are a few areas of concern where it is recommended that Council cannot support the application, an overall statement indicating that Council does not support the application in its current state is warranted. Specifically, Council does not support the absence of minimum lot sizes and an outlining of expectations of the amounts of lots of each type, the absence of clarity on whether multiple dwellings are proposed, inclusion of requirements related to public lighting, concern over potential conflicts between restrictions for clearing of native vegetation and Council's stormwater drainage requirements, and the absence of any proposed setbacks for any residential lots within the subdivision.

However, the areas of non-support are not insurmountable and the overall principles behind the development can be supported. The design philosophy appears sound and Council can commend the applicant on the detailed technical studies and investigations provided to date and committed to in the proposed amendment. Additionally, as noted above, there are several development requirements and design features that Council strongly supports within the application. Should Council's concerns be addressed, Council would welcome the opportunity to review revised proposals and reconsider overall support for the development.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

03 June 2016

Mr Michael Holmes
Acting Director
Lands Planning
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Michael

PA2015/0763
Section 5758, Section 5761, Section 5827, Section 507
(905 Redcliffe Road, 580 Alverly Road, Monaghan Road, and 800 Freds Pass Road),
Lloyd Creek, Hundred of Strangways
Planning Scheme Amendment Application to Facilitate Development of a Rural Character
Estate by Introducing an Area Plan and Planning Principles, Rezoning from Zone R
(Rural) and Zone RL (Rural Living) to a Specific Use Zone, and Amending Various
Clauses to Ensure Ongoing Management

Thank you for the Planning Scheme Amendment Application referred to this office on 28 April 2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council has provided below detailed comments on the extensive application indicating specifically where Council supports the proposed amendments and areas where Council does not support the amendment and recommends changes or requires additional information in order to be able to offer support for a particular point.

Given there are a few areas of concern where Council cannot support the application, an overall statement indicating that Council does not support the application in its current state is warranted. Specifically, Council does not support the absence of minimum lot sizes and an outlining of expectations of the amounts of lots of each type, the absence of clarity on whether multiple dwellings are proposed, inclusion of requirements related to public lighting, concern over potential conflicts between restrictions for clearing of native vegetation and Council's stormwater drainage requirements, and the absence of any proposed setbacks for any residential lots within the subdivision.

However, the areas of non-support are not insurmountable and the overall principles behind the development can be supported. The design philosophy appears sound and Council can commend the applicant on the detailed technical studies and investigations provided to date and committed to in the proposed amendment. Additionally, as noted above, there are several development requirements and design features that Council strongly supports within the

application. Should Council's concerns be addressed, Council would welcome the opportunity to review revised proposals and reconsider overall support for the development.

Council offers the following specific comments regarding the granting of a Planning Scheme Amendment for the subject application:

a) Consistency with Other Planning Documents

The proposal development of Noonamah Ridge is in accordance with the Darwin Regional Land Use Plan 2015, which designates the subject site for urban/peri-urban development. The application has indicated that the overall intent of the development is to be a rural estate, though it is acknowledged that smaller single dwelling allotments are clearly indicated as part of the development.

The application is not in accordance with the Litchfield Planning Concepts and Land Use Objectives 2002 document, which indicates that the subject site is expected to be developed with lots of 2ha and 8ha. However, it is noted that the Litchfield Planning Concepts and Land Use Objectives 2002 is in conflict with the above noted recently adopted Darwin Regional Land Use Plan 2015 and that the Litchfield Planning Concepts and Land Use Objectives 2002 may be superseded by the Draft Litchfield Subregional Land Use Plan 2016, currently under assessment by the Department of Lands, Planning and the Environment.

Within the Draft Litchfield Subregional Land Use Plan 2016, the subject site is designated to be urban/peri-urban development. It is noted that Council did not support the Draft Litchfield Subregional Land Use Plan 2016. However, Council did not support that document for a variety of reasons, one of which was the lack of supporting documentation indicating whether the sites proposed for urban development are in fact suitable for that type of development. In this instance, the proponents of the Noonamah Ridge development have provided background information through the application for a Planning Scheme Amendment and the Environmental Impact Assessment process that indicates that the type of urban and rural development proposed by the application can be supported either by the studies undertaken or by controls built into the proposed Area Plan and Planning Principles and the Specific Use Zone, which require additional studies to be undertaken and management plans put in place to ensure the suitability of the individual pieces of the site for development.

As such, the proposal can be considered consistent with the guiding planning framework currently within the NT Planning Scheme and expectations for development suitably supported by technical studies.

b) Coordinated Development of the Site as a Whole

Council can support the coordinated development of such a large site that is backed up by a strong plan and technical studies, as that planning process is likely to result in better overall outcomes for the rural community as a whole than ad hoc or piecemeal development of smaller portions of the rural area without a connected plan. Further, Council acknowledges that the expectation is for the site to be developed over a 20 to 30 year timeframe, resulting in gradual development of the area. As such, the provision of each subdivision application should provide opportunities to identify and rectify any concerns throughout the life of the development prior to progressing to further development stages.

c) Variety of Lot Sizes

Interest from the community has been shown in the potential for a variety of lot sizes within the municipality that would allow the community to age in place and provide for various family structures throughout an individual's life span. As a result, the provision of a range of lot types within the new community can be supported. This includes the

provision of some smaller lot sizes within the community, with restrictions on location for these lots as noted within the application.

Council can also offer strong support for the provision of larger lot sizes around the periphery of the development adjacent existing residential lots that would be complementary in size to these existing lots. The preservation of the existing expected level of amenity for these residents is of great interest to Council.

While Council can support the provision of a variety of lot sizes within the development, it could be helpful to include an expected lot mix within the Specific Use Zone text, to ingrain the expectations of a rural development within the zone. Under the current provisions, the application states that a variety of lot sizes will be provided, with lots less than 4,000m² located within 800m of an activity feature or community facility. Outside of that provision, there is no guarantee of any lot mix or location for various lot sizes. The applicant could provide then the majority of the rest of the development at 4,050m² with only a handful of 2ha or 8ha lots throughout the rest of the subdivision. If 80% of the subdivision ends up just over 4,000m², then the result is not a rural development. The presentation of the development as a rural estate gives the expectation that the majority of the development will have a rural character, which would be expected to be a minimum of 1ha to 2ha lots, which would be in character with the surrounding development. The lack of any expected lot mix within the zoning leaves Council and the public not really knowing what to expect for lot mix at subdivision stage and leaves the consent authority without any formal measure against which to judge the nature of the development.

In other areas of the Top End, developers have recently sold rezonings of sites to the public, Council and consent authority with the idea of a mix of lot types, but the actual development at subdivision stage has turned out to be primarily small lot development. While the lot size considered small may differ slightly in the Litchfield Municipality, this situation is not one which this Council wants to face. While Council is not recommending a prescriptive amount of dwellings in each category at this time, the zoning should at a minimum include general expectations or ranges for the amount of dwellings in each lot size. It would be expected in a rural estate that the majority of lots would again be a minimum of 1ha or 2ha in size. Council would reconsider support for a development that had a majority of smaller lots.

d) Subdivision

Council's overall support for the mixed use development is partly predicated on the intent stated within the application that lots within Noonamah Ridge would not be able to be further subdivided in the future to smaller lot sizes. Council supports the certainty that this principle would give future residents of the area. However, Council prefers the very clear table on page 57 of the application that indicates "No further subdivision permitted" for each of the various lot types to the vaguer wording proposed for changes to Clause 11.1.1 of the NT Planning Scheme. The lot classification scheme presented in the table provides an exceedingly clear assessment of where different types of lots should be located within the subdivision and Council recommends that a table of this nature be included within the Specific Use Zone text, in order to best guide development and fulfil the intent of the development as stated by the proponents. A table such as this would provide a clear way for the consent authority to measure whether future proposed subdivision applications and the master plan have met the intent presented to the public during the rezoning phase. The wording of the change to Clause 11.1.1 of the NT Planning Scheme as currently proposed appears to leave it open for some future subdivisions, if a complicated series of conditions are met. Council would prefer the wording stated in the application that simply "no further subdivision would be permitted".

e) Minimum Lot Sizes

While noting support with the support of a variety of lot sizes and for some smaller lot sizes, Council does have concerns with the lack of an overall lot size table or minimum lot size for the development. The closest the Specific Use Zone comes to noting minimum lot sizes or having a defined lot type is when specifying the future normalisation of zoning. However, there is nothing in the Specific Use Zone that states a minimum lot size. Council strongly recommends including a table of minimum lot sizes within the Specific Use Zone text.

The application clearly indicates that lots in Zone SD (Single Dwelling) are expected. In greenfield areas covered by an Area Plan, which would appear to apply to this subdivision, lots in Zone SD (Single Dwelling) may be as small as 450m². Council does not support any single dwelling lots in Noonamah Ridge smaller than 800m².

f) Multiple Dwellings

Further, the application itself refers several times to multiple dwellings; however, the Area Plan and Specific Use Zone text do not specifically state whether or not multiple dwellings are expected to be developed within the area. Conversations between Council and the developers indicate that multiple dwellings may be considered for the development. While these types of dwellings could provide for single people or small families, in the rural area, Council would seek that multiple dwellings be given serious consideration and design control.

Council has significant concern over the appropriate development of multiple dwellings within this new community. Council notes that under the NT Planning Scheme, lots of 300m² could be provided in Zone MD, which Council does not support for Noonamah Ridge. Council could consider support for a very limited amount of multiple dwellings only within a rural activity centre.

Council recommends that should multiple dwellings be allowed, there be a requirement that the amount of multiple dwellings be limited to no more than approximately 2% of the total number of dwellings within the entire subdivision. Further, these developments should also be limited in height to two stories and again should be located immediately within the rural activity centre. Council would recommend the provision of any multiple dwellings only inside of or within 400m of the rural activity centre.

Council would offer greater support for attached townhouse-style development rather than apartment-style units. However, Council could support shop-top housing of single dwellings over commercial units, which are currently not permitted in a commercial zone under the NT Planning Scheme. For all types of multiple dwellings, strong design controls would be needed to ensure compatibility with the rural nature of the community.

Council recommends that any proposal for multiple dwellings be specifically addressed or specifically excluded from the Specific Use Zone text and that any proposal for inclusion be recirculated to the Council and general public.

g) Independent Units and Potential for Dual Occupancy

The application has not addressed independent units and whether or not this development type is expected. As independent units have not been prohibited, it is assumed that these developments would be allowed. Given that, while the development limits the amount of residential lots to 4,200, each of those lots could include an independent unit, effectively doubling the number of total dwellings in the subdivision. While it is not realistically expected that each site would have two units, practical experience in Litchfield indicates that a good majority of the sites would have independent units. If the applicant is seeking to create a rural estate, it is recommended that the Specific Use Zone prohibit or otherwise restrict the development of independent units within Noonamah Ridge.

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Council supports the provision of architectural design guidelines to guide the types of housing developed within the community. Council also supports the requirement for all demountables to be required to gain consent to ensure the architectural vision of the development. Council further recommends that if the intent is to ensure higher quality design for these features that consideration be given to further amendment to Clause 6.8 such that landscaping and architectural embellishments are required for demountable structures.

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Council supports the clauses requiring provision of infrastructure prior to development and supports the requirement for an ongoing water quality and quantity monitoring plan.

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Under the NT Planning Scheme, an urban residential development must provide 10% of the site area as open space and rural residential developments are not required to

provide open space, given the expected amount of open space within the individual allotments. As such, given the integrated nature of the proposed development, Council can support the provision of 15% of the site as open space.

However, Council notes that at different points in the proposed zoning text, there is the use of the term "green space" and the term "open space". It is unclear whether these terms are interchangeable or if green space may refer to conservation or other drainage features that may not be suitable for open space uses. It is also unclear if the proposed open space would include any lake or open water body features. It is recommended that clarity be provided around what is "green space" and what is "open space" or that a single defined term be used.

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Further to the above comments, Council has concerns regarding the requirements for clearing and the potential for those restrictions to conflict with Council's stormwater drainage requirements for urban areas. Typically, Council's stormwater drainage requirements differ for urban and rural areas, and the distinction between the two types of areas is determined on the lot sizes within the subdivided area.

For smaller lot urban developments, Council's stormwater drainage requirements require that stormwater drainage be directed across the lot to the street. For larger lot developments, Council's stormwater drainage requirements permit sheet flow across lot boundaries. Council has some concerns that if there are areas proposed with vastly differing lot sizes along the street, it will result in areas where stormwater drainage from larger lots may be sheet flowing across boundaries into smaller lots, which is not an acceptable stormwater drainage solution. Also, if urban areas are to direct sheet flow to the street, there may be some areas where lots would typically be regraded to slope towards the street, which would be in conflict with the proposed Specific Use Zone requirements to limit clearing of vegetation on these lots.

The development proponents were made aware of Council's concerns with this varied lot size arrangement in June 2015; however, the applicant has not discussed this issue further with Council since that time and no resolution to the issue has been reached.

Council requests that no Planning Scheme Amendment be approved for the development prior to reaching resolution with Council on this essential matter of appropriate stormwater drainage infrastructure, which is Council's responsibility. Council does not see this issue as insurmountable for the development, but it would be premature for a Planning Scheme Amendment to be approved that creates requirements for the development that could result in the inability for appropriate stormwater drainage designs to be developed.

Council does not wish to create stormwater drainage issues that would have a negative effect upon new residents or Council's infrastructure. An appropriate method of resolving these stormwater concerns is essential to approval of this development.

Further, Council has not entered into any agreements with the developer for management or ownership responsibilities for the proposed water sensitive urban design features within the subdivision or the proposed lake within the subdivision. Council notes that a management body for the development may be able to retain ownership of such features and as such does not object to the overall stormwater design proposal at this time. Further discussions with Council are warranted prior to Council assuming responsibility and/or ownership of these drainage features that are not typically used within the municipality.

o) Building Envelopes and Setbacks

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In terms of location of features on a block, the application addresses that for lots greater than 2,000m², only 25% of the lot can be cleared for buildings, plus 15% for a landscaped garden. Council can support this requirement, while noting that this clause should consider the inclusion of a cleared driveway space into the 25% cleared area. Given the larger size of some lots proposed, driveways may take up a substantial portion of the lot.

However, at this point, the Specific Use Zone does not mention any required setbacks for any lot sizes or any measures other than the one above related to building envelope requirements. The proposal to change Clause 7.3 of the NT Planning Scheme absolves the development from adhering to any stated setbacks. The absence of any requirements for setbacks or building envelopes is completely unacceptable to Council.

Under this proposal, the developer could propose zero lot line setbacks, or one metre setbacks, for any range of lot sizes within a subdivision application and there would be nothing in the zoning or requirements that says that situation is not allowed.

There is no supporting information given in the application that explains why the current setbacks in the NT Planning Scheme are unacceptable or will not accomplish the intent of the subdivision design. As such, Council cannot support any setbacks less than those minimum requirements already included for the various respective lot sizes and zones. The current setbacks are well established as providing appropriate buffers for residential amenity in both urban and rural environments and the application has provided no information on why these setbacks should be varied.

A minimum setback table should be included into the building requirements clause of the Specific Use Zone that sets up the minimum setbacks allowed for each expected zone. The building envelope plan may then provide additional areas of a lot that may not be cleared, but the minimum setback should be guaranteed to give certainty to future residents and should not be breached.

p) Numbering of Clauses

In Clause 3 Subdivision of the proposed Specific Use Zone, section 1.c.ii references building envelopes at Clause 4, which are actually addressed at Clause 5 and section 1.d.x references bushfires in accordance with Clause 6, which is actually addressed at Clause 8. All references should be doubled-checked for cross-referencing and clarity.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.9	Report Number:	16/0135
Report Title:	PA2016/0290, a Planning Scheme Amendment to introduce a dual occupancy policy into Zone SD (Single Dwelling Residential)		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Planning Scheme Amendment Application PA2016/0290. Attachment B: Council's letter of comment for PA2016/0290, a Planning Scheme Amendment to introduce a dual occupancy policy into Zone SD (Single Dwelling Residential).		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0290, a Planning Scheme Amendment to introduce a dual occupancy policy into Zone SD (Single Dwelling Residential), included as Attachment A.

The application is for changes to the NT Planning Scheme, which require an amendment approved by the Minister for Lands and Planning.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0290 provided to the consent authority on 7 June 2016, included as Attachment B.

This report concludes that Council should object to the application as currently proposed, as there remain too many areas that require clarification and amendment. Of the ten proposals within the amendment, it is recommended that Council only fully support two proposals related to ANEF contours and communal open space. There are many remaining questions related to the other proposed amendments, particularly with regards to future subdivision of dual occupancy sites. It is recommended that the proposed clauses be reviewed and that any amendments to those clauses be recirculated to Council and the public prior to adoption.

Recommendations

THAT Council endorse Attachment B, Council's Letter of Comment for PA2016/0290, a Planning Scheme Amendment to introduce a dual occupancy policy into Zone SD (Single Dwelling Residential), the assessment of which is summarised above and reviewed in detail within the body of this report.

Background

Current Proposal

The current application proposes to amend various clauses of the NT Planning Scheme to allow for the development of dual occupancy on lots in Zone SD (Single Dwelling Residential). The application applies to all lots in Zone SD (Single Dwelling Residential) across the entirety of the Northern Territory, subject to a number of requirements.

Dual occupancy would be required to have a Development Application and be granted a Development Permit.

The dual occupancy proposal would only be permitted on lots with a minimum size of 1,000m². The proposed amendment then gives the opportunity for the site to be subdivided into two sites with a minimum area of 500m² each. Subdivision consent would only be able to be granted once a development application for the dual occupancy had been approved.

For the purposes of the NT Planning Scheme, dual occupancy development is referred to as "*multiple dwellings*".

The following changes to various clauses of the NT Planning Scheme are proposed.

Clause 5.1 – Zone SD – Single Dwelling Residential

The amendment proposes to revise the purpose statement of Zone SD in Clause 5.1 from stating the primary purpose is to provide for “*single dwellings on individual lots*” to stating that the primary purpose is to provide for “*low density urban residential development*”.

An additional statement is included that states “*The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development*”.

Clause 6.4.2 – Site Coverage and Clause 3.0 – Definitions

The amendment proposes to insert a new clause in the NT Planning Scheme that regulates site coverage. The intent of the clause is to ensure a balance between built form and open space on dual occupancy lots. The clause states that dual occupancy must not result in a site coverage of more than 50% for residential buildings and 10% for stand-alone ancillary structures.

Site coverage is defined as:

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

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

Clause 6.9 – Land in Proximity to Airports

Dual occupancy is proposed to be prohibited for lots where any part of the site is subject to an Australian Noise Exposure Forecast (ANEF) of 20 or greater.

Clause 7.1.1 – Residential Density Limitations

The changes to this clause propose that independent units are not considered part of the density calculation for lots.

This clause is also amended to indicate that dual occupancy development must not be consented to if the street in front of the site has a road reserve of less than 15m or if the site is within a cul-de-sac, unless “*it can be shown that the development will not disrupt the ability for emergency and waste removal vehicles*”.

Table A to Clause 7.1.1 referring to dwelling density would be amended to indicate that for Zone SD (Single Dwelling) instead of it being limited to 1 single dwelling per lot, density would be 1 dwelling per 500m² of site area.

Clause 7.3.2 – Distance between Residential Buildings on One Site

This clause is proposed to be amended to state:

“The purpose of this clause is to ensure residential buildings are located so:

- (a) *they are compatible with the streetscape and surrounding development;*
- (b) *as to minimise any adverse effects of building massing when viewed from adjoining residential buildings, associated private open space and the street; and*

- (c) *as to avoid undue overlooking of adjoining residential buildings and associated private open space.*"

This clause would also require 3m between residential buildings on a site or allow a zero setback between multiple dwellings created as dual occupancy on the same site.

Clause 7.5 – Private Open Space

This clause is proposed to be amended to indicate that dual occupancy developments should address the following points currently applicable to development of single dwellings on lots less than 600m²:

- (a) *be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;*
- (b) *include at least one area of approximately 5m² for the deep soil planting of shade trees; and*
- (c) *allow for landscaping at the property frontage to complement the visual amenity of the streetscape.*

Clause 7.6 – Communal Open Space

This clause is proposed to be amended to clarify that it does not apply to multiple dwelling developments (including dual occupancy) when each dwelling on the site has direct and independent access to private open space at ground level.

Clause 11.1.4 – Subdivision of Multiple Dwellings in Zone SD

This new clause is proposed to provide for the subdivision of sites with approved dual occupancy developments. The clause indicates that notwithstanding the lot size requirements of the Table to Clause 11.1.1 (which requires a minimum lot size in Zone SD of 800m²), a lot in Zone SD of minimum 1,000m² that has had a Development Permit issued for dual occupancy may be subdivided and that the resulting lots created may not be less than 500m².

Clause 11.2.3 – Lot Size and Configuration in Residential Subdivisions

This clause currently indicates that for multiple dwellings in Zone SD, there are no battleaxe lots permitted. The amendment would indicate that battleaxe lots could be provided as part of a subdivision of a lot for dual occupancy.

Application Assessment

At this time, there are 29 properties within Litchfield Council within Zone SD (Single Dwelling Residential).

The properties are located in the newest section of Coolalinga and around the village centre in Humpty Doo.

In the map below of Coolalinga, there are 19 parcels along Grice Crescent, shown in yellow along the eastern edge of the development, in Zone SD. These parcels are each just above 800m² in area.

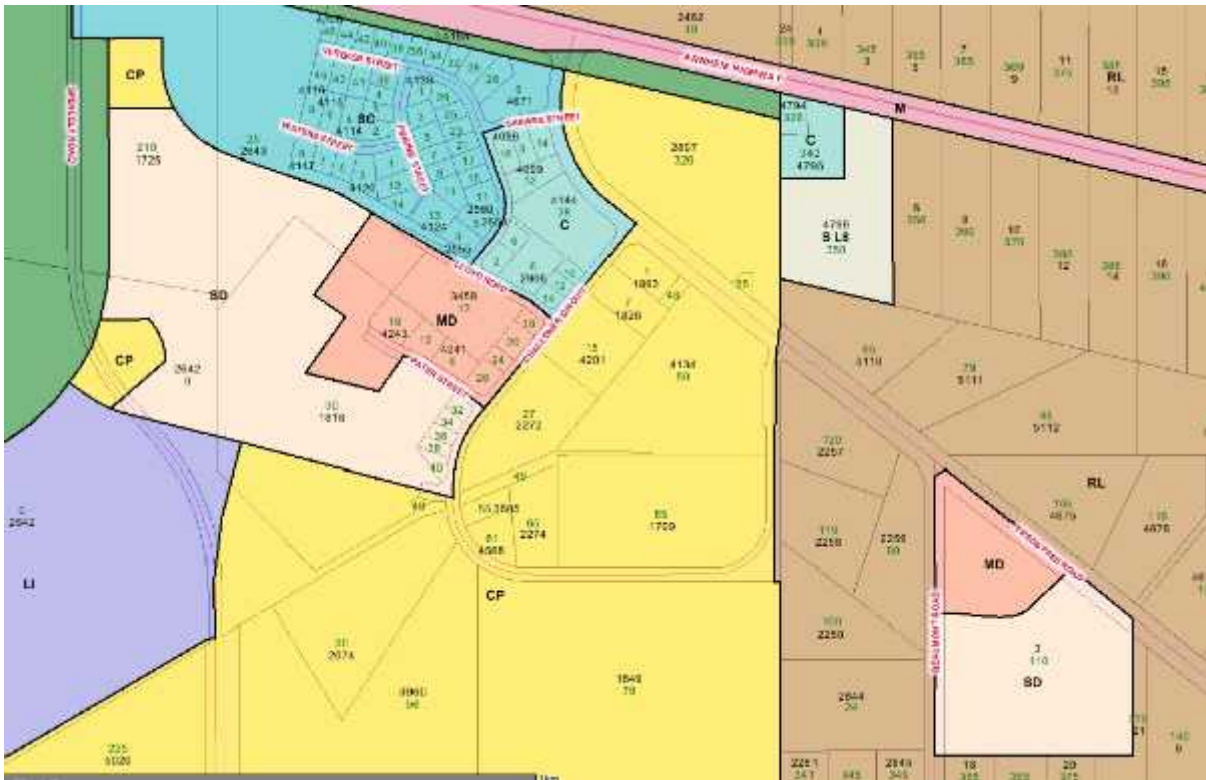


Source: NT Atlas and Spatial Directory

In the map below of Humpty Doo, there are 5 small parcels along Challoner Circuit of approximately 900m² each and one larger site composed of parts of 4 parcels, shown in beige along the western side of the map, in Zone SD. There is also one larger parcel in Zone SD along Freds Pass Road, shown on the eastern side of the map.

For the larger parcel off Freds Pass Road, this parcel has approval for subdivision into 57 individual SD lots, ranging in size from 459m² to about 800m² (save one parcel at 1,035m²).

The larger parcels off Challoner Circuit are Crown Land and have no current development permits (though in 1993, a permit was issued for 31 cluster units one of the parcels – that permit has expired).



Source: NT Atlas and Spatial Directory

Given the above, there are few existing lots within Council that fall into Zone SD (Single Dwelling). However, it is noted that new development in identified urban areas – Holtze, Weddell, Noonamah and the rural activity centres of Coolalinga/Freds Pass, Howard Springs, Berry Springs, and Humpty Doo are fully expected to have lots in Zone SD (Single Dwelling) and Council should plan appropriately for such development now and in the future.

Following is an assessment of the proposed changes to each clause as detailed above, as well as general concerns on the application of this dual occupancy proposal.

Clause 5.1 – Zone SD – Single Dwelling Residential

Council has concerns over this proposed and other recent changes in the types of uses permitted in Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme.

Previously, the intent for Zone SD (Single Dwelling Residential) was to provide for single dwellings on individual lots and the intent for Zone MD (Multiple Dwelling Residential) was to provide for more than one dwelling on a single lot. Thus, a home buyer could purchase in a single dwelling neighbourhood and have confidence that the surrounding neighbourhood would also be made up of single dwelling homes. Likewise, a multiple dwelling area would be made up of multiple dwellings on one single lot. The recent changes to the NT Planning Scheme to encourage small lot single dwellings on lots in Zone MD (Multiple Dwelling Residential) and the current proposal to allow multiple dwellings on lots in Zone SD (Single Dwelling Residential) seems confusing and ill-considered. A better method would be to revise the labelling of each zone to reflect densities, in order to give clarity and certainty to homeowners. It is unreasonable to expect that multiple dwellings would be logically provided in a single dwelling zone and that single dwellings should be encouraged in a multiple dwelling zone. Rather than trying to piecemeal amend the NT Planning Scheme to fit new proposals for different development types, the NT Planning Scheme should undergo a more wholesale revision to make coordinated changes that make logical sense to the average resident and planner.

Council further has concerns with encouraging this proposal for dual occupancy in a Zone SD (Single Dwelling) setting, as it does not give certainty to the new, adjacent and existing residents regarding the type of neighbourhood in which they are making a significant investment. A homebuyer should reasonably be able to expect to know what type of environment in which they are buying and what type of development, neighbours and amount of traffic will be expected in the neighbourhood. While the proposed amendments attempt to make dual occupancy sites compatible with the existing character, there will undoubtedly be existing homeowners that feel that two units on a single dwelling site are fundamentally incompatible with the environment in which they selected to live.

Though not within the Litchfield Municipality, Council notes that the recently promoted Darwin Inner Suburbs Area Plan and Darwin Middle Suburbs Area Plan both included indicates of areas subject to change, which were conveyed to Council as indicated areas that would be suitable for rezoning. Council supports this designation of areas where changes and increased densities may be appropriate, given the existing character of the area. It is recommended that areas appropriate for dual occupancy should be determined in a similar manner and/or through the provision of overlay zones, in order to give certainty about where such denser development would be expected within the Northern Territory.

Clause 6.4.2 – Site Coverage and Clause 3.0 – Definitions

The proposal for site coverage appears on first read to prohibit more than 60% of a site being developed; however, driveways, swimming pools and other features with no size requirements are excluded from this measurement. Under the current proposal, by eliminating driveways and swimming pools from calculations, the majority of site can be developed without any landscaping except for approximately the 5m² required by the private open space clause.

It is recommended that site coverage should be expressed a percentage of the site covered by impervious surface and or by a percentage of the site required to be covered by specified types of landscaping.

Clause 6.9 – Land in Proximity to Airports

The proposal for dual occupancy to be prohibited for lots where any part of the site is subject to an Australian Noise Exposure Forecast (ANEF) of 20 or greater can be supported.

Clause 7.1.1 – Residential Density Limitations

Council has concerns that dual occupancy lots can also have independent units, as this creates a situation in which a site that currently has one dwelling could feasibly go to a site that has four units – two dual occupancy single dwellings that each have an associated independent unit. It is recommended that sites that are small enough to allow for a single dwelling on 500m² should not be permitted to have an additional independent unit on the site.

The proposal for limiting dual occupancy to streets less than 15m in width would likely result in a scenario where the pavement width would only be 6m wide. This would not give room for vehicles to be parked on both sides of the street and for a larger emergency vehicle or waste vehicle to pass between the two cars. It would be logically expected that with more dwellings on a street, the number of cars parked on the street would also increase. Thus, dual occupancy areas are likely to need more room for on-street parking rather than less. As such, it is recommended that this clause be amended to require that dual occupancy only be permitted on streets with minimum road reserve of 18m and/or minimum pavement width of 9m. It is also unclear how the applicant may be able to show that the development would not obstruct these vehicles and what measures may be used to determine that requirement.

It is noted that within Litchfield Council area, at this time the minimum road reserve width for urban developments is 17m; thus, dual occupancy development in our municipality should be compliant

with this clause as currently stated. However, there are already concerns with 17m being a suitable minimum roadway width without the addition of dual occupancy sites.

Council has concerns with the amendment to the dwelling density table and the associated future amendments to lot size for subdivisions in that the current amendment has no actual provision for these clauses to apply only to dual occupancy, but rather the term multiple dwellings is in fact more accurate. Under the current proposal, there is nothing that would stop a lot in Zone SD (Single Dwelling) that is 1,500m² from also applying the provisions of this clause and getting 3 or more dwellings on a site in a single dwelling neighbourhood. In reality, the provision is for single dwellings at a density of 1 per 500m² rather than having any real tie to dual occupancy. If dual occupancy is truly the intent, then it is recommended that the sites be limited to two dwellings.

Clause 7.3.2 – Distance between Residential Buildings on One Site

For this clause, there are no objections to the intent of the clause, though there are concerns about the way point 2(b) is worded. In that portion of the clause, a zero lot line setback is allowed for multiple dwellings in Zone SD *on the same site*. It is questioned how this is evaluated then once the site is subdivided and the dwellings are no longer on the same site. After subdivision, the site may then be breach of this setback clause; the wording of point 2(b) should be reviewed to ensure consistency for subdivided sites if this dual occupancy amendment is approved.

Clause 7.5 – Private Open Space

Council supports private open space requirements for dual occupancy lots but recommends that point 3(b) be amended to ensure that at least one area of approximately 5m² be provided for each dwelling. Otherwise, one area could be provided for both dwellings and then after subdivision one lot would not contain that essential private open space feature.

Clause 7.6 – Communal Open Space

The proposal for communal open space provisions to not apply to multiple dwelling developments when each dwelling on the site has direct and independent access to private open space at ground level can be supported.

Clause 11.1.4 – Subdivision of Multiple Dwellings in Zone SD

There are significant concerns about the ability to subdivide a site for lots of 500m² with dual occupancy. While a Development Permit is required for the site, there is no requirement for that development to actually be constructed on the site. Feasibly, a developer could achieve a Development Permit for a dual occupancy development and then subsequently immediately achieve a Development Permit for subdivision of the site. Should the dual occupancy permit expire without any development taking place, the site would still be subdivided into two 500m² lots. Those sites would then be legal lots in Zone SD (Single Dwelling) and could be developed with any single dwelling without a permit. Further, even if the original dual occupancy development were constructed on the site, that development could be modified or replaced completely in the future and as a single dwelling on a lot in Zone SD (Single Dwelling), a Development Permit would not be required. Neither situation is appropriate. It is recommended that a provision be included that at a minimum ties the subdivision to a building certification that the dual occupancy Development Permit has been fulfilled, though queries would continue to remain regarding future modifications to the single dwelling on the 500m² single dwelling site.

Additionally, Council has concerns that a developer could game the system and provide entire subdivisions of single dwellings on lots of 500m² by applying for subdivisions in Zone SD (Single Dwelling) with lots of 1,000m², securing Development Permits for identical dual occupancies and then re-subdividing the entire subdivision into 500m². It is not considered that this would be the intent of this amendment, yet there is nothing in the amendment that prevents this type of development from happening, thus creating entire subdivisions of 500m² lots. Even if the sites

provided road reserves wider than 15m, it would not be recommended to develop entire subdivisions of 500m² allotments.

Clause 11.2.3 – Lot Size and Configuration in Residential Subdivisions

This clause approves battleaxe lots for dual occupancy sites. However, Council's Development Guidelines do not permit more than one adjacent battleaxe site. As such, there is a potential conflict between the development of adjacent dual occupancy sites and Council's Development Guidelines.

Conclusion

It is recommended that Council object to the application as currently proposed as there remain too many areas that require clarification and amendment, as detailed in the above discussion. Of the ten proposals, it is recommended that Council only fully support the two proposals related to ANEF contours and communal open space. There are many remaining questions related to the other clauses, particularly with regards to future subdivision of the site. It is recommended that these clauses be reviewed and that any amendments to those clauses be recirculated to Council and the public prior to adoption.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

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

I, DAVID WILLIAM TOLLNER Minister for Lands and Planning give notice under section 17 of the *Planning Act* of the following:

- (a) a proposal to amend the NT Planning Scheme, as described in (e), is to be exhibited;
- (b) the proposed amendment is to be exhibited at the office of the Department of Lands, Planning and the Environment, Ground Floor, Arnhemica House, 16 Parap Road, Parap;
- (c) the period of exhibition is for 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions regarding this exhibition should be made to:

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

Fax: (08) 8999 7189 or

Email: planning.dlpe@nt.gov.au

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

Dated

11.5.2016.


Minister for Lands and Planning



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

May 2016

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1. Introduction

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

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

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

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

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

2. Draft Changes to the NT Planning Scheme

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

2.1 Part 1, Clause 3.0, Definitions – Site Coverage

Explanation of Amendment

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

3.0 Definitions

.....

.....

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

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

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

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

.....

.....

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

Explanation of Amendment

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

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

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

5.1 Zone SD – Single Dwelling Residential

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

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

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

2.3 Part 4, Clause 6.4.2 – Site Coverage

Explanation of Amendment

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

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

6.4 Plot Ratios and Site Coverage

6.4.1 Plot Ratios

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

6.4.2 Site Coverage

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

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

Explanation of Amendment

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

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

6.9 Land in Proximity to Airports

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

2.5 Part 4, Clause 7.1.1 – Residential Density Limitations

Explanation of Amendment

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

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

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

7.1.1 Residential Density Limitations

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

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

TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES	
Zone	Dwelling Density
SD , RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit.
SD	1 per 500m ²
MD and for multiple dwellings in CL and T	1 per 300m ²

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

Explanation of Amendment

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

7.3.2 Distance between Residential Buildings on One Site

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

2.7 Part 4, Clause 7.5 – Private Open Space

Explanation of Amendment

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

7.5 Private Open Space

1. The purpose of this clause is to ensure that each dwelling has private open space that is:
 - (a) of an adequate size to provide for domestic purposes;
 - (b) appropriately sited, permeable and open to the sky; and
 - (c) inclusive of areas of deep soil for shade tree planting.
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause;
 - (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling; and
 - (c) be permeable and open to the sky.
3. Private open space on lots **that are either less than 600m² or for the purposes of a multiple dwelling development on a lot in excess of 600m²** should:
 - (a) be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
 - (b) include at least one area of approximately 5m² for the deep soil planting of shade trees; and
 - (c) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.
4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:
 - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.
5. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings.

[table continued overleaf].

7.5 Private Open Space

[table continued from previous page].

6. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, compliance with subclauses 2(c) and 3 is not required providing the **multiple dwelling** development incorporates communal open space.
7. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of the residents.

TABLE TO CLAUSE 7.5 – MINIMUM AREAS OF PRIVATE OPEN SPACE

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

2.8 Part 4, Clause 7.6 – Communal Open Space

Explanation of Amendment

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

7.6 Communal Open Space

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

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

Explanation of Amendment

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

11.1.4 Subdivision of Multiple Dwellings in Zone SD

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

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

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

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

Explanation of Amendment

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

11.2.3 Lot Size and Configuration in Residential Subdivisions

1. The purpose of this clause is to provide for the subdivision of approved **multiple dwelling** developments in Zone SD.
2. Residential subdivision design should provide that:
 - (a) lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including **dwelling**s, vehicle access, parking and ancillary buildings;
 - (b) lots conform with the building envelope requirements in the table to this clause;
 - (c) ~~there are no battle-axe lots;~~ are only provided as part of a subdivision that has taken place through clause 11.1.4 (Subdivision of Multiple Dwellings in Zone SD);
 - (d) lots are orientated to allow dwellings to take advantage of environmental conditions such as prevailing breezes and sunlight;
 - (e) lots are connected to reticulated services;
 - (f) potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents; and
 - (g) where there are lots for medium and higher density residential development, those lots are:
 - (i) distributed in small groups serviced by public transport;
 - (ii) in close proximity to public open space and with adequate access to community facilities and services; and
 - (iii) not located in a cul-de-sac.

TABLE TO CLAUSE 11.2.3

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



7 June 2016

Mr Michael Holmes
Acting Director
Lands Planning
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Michael

**PA2016/0290
Planning Scheme Amendment
to introduce a dual occupancy policy in Zone SD (Single Dwelling Residential)**

Thank you for the Planning Scheme Amendment Application referred to this office on 16 May 2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council objects to the granting of a Planning Scheme Amendment for the following reasons:

- a) Council has reviewed the proposed amendments and have a number of questions for clarification and recommendations for additional changes to create clarity and certainty in order to make such an amendment appropriate for the Northern Territory. Of the ten proposals, comments on each of which are provided below, Council is only able to fully support the proposals related to ANEF contours and communal open space. There are many remaining questions related to the other clauses, particularly with regards to future subdivision of the site. It is recommended that these clauses be reviewed and that any amendments to those clauses be recirculated to Council and the public prior to adoption.

b) Clause 5.1 – Zone SD – Single Dwelling Residential

Council has concerns over this proposed and other recent changes in the types of uses permitted in Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme.

Previously, the intent for Zone SD (Single Dwelling Residential) was to provide for single dwellings on individual lots and the intent for Zone MD (Multiple Dwelling Residential) was to provide for more than one dwelling on a single lot. Thus, a home buyer could purchase in a single dwelling neighbourhood and have confidence that the surrounding neighbourhood would also be made up of single dwelling homes. Likewise, a multiple dwelling area would be made up of multiple dwellings on one single lot. The recent changes to the NT Planning Scheme to encourage small lot single dwellings on lots in Zone MD (Multiple Dwelling Residential) and the current proposal to allow multiple dwellings on lots in Zone SD (Single Dwelling Residential)

seems confusing and ill-considered. A better method would be to revise the labelling of each zone to reflect densities, in order to give clarity and certainty to homeowners. It is unreasonable to expect that multiple dwellings would be logically provided in a single dwelling zone and that single dwellings should be encouraged in a multiple dwelling zone. Rather than trying to piecemeal amend the NT Planning Scheme to fit new proposals for different development types, the NT Planning Scheme should undergo a more wholesale revision to make coordinated changes that make logical sense to the average resident and planner.

Council further has concerns with encouraging this proposal for dual occupancy in a Zone SD (Single Dwelling) setting, as it does not give certainty to the new, adjacent and existing residents regarding the type of neighbourhood in which they are making a significant investment. A homebuyer should reasonably be able to expect to know what type of environment in which they are buying and what type of development, neighbours and amount of traffic will be expected in the neighbourhood. While the proposed amendments attempt to make dual occupancy sites compatible with the existing character, there will undoubtedly be existing homeowners that feel that two units on a single dwelling site are fundamentally incompatible with the environment in which they selected to live.

Though not within the Litchfield Municipality, Council notes that the recently promoted Darwin Inner Suburbs Area Plan and Darwin Middle Suburbs Area Plan both included indicates of areas subject to change, which were conveyed to Council as indicated areas that would be suitable for rezoning. Council supports this designation of areas where changes and increased densities may be appropriate, given the existing character of the area. It is recommended that areas appropriate for dual occupancy should be determined in a similar manner and/or through the provision of overlay zones, in order to give certainty about where such denser development would be expected within the Northern Territory.

c) Clause 6.4.2 – Site Coverage and Clause 3.0 – Definitions

The proposal for site coverage appears on first read to prohibit more than 60% of a site being developed; however, driveways, swimming pools and other features with no size requirements are excluded from this measurement. Under the current proposal, by eliminating driveways and swimming pools from calculations, the majority of site can be developed without any landscaping except for approximately the 5m² required by the private open space clause.

It is recommended that site coverage should be expressed a percentage of the site covered by impervious surface and or by a percentage of the site required to be covered by specified types of landscaping.

d) Clause 6.9 – Land in Proximity to Airports

The proposal for dual occupancy to be prohibited for lots where any part of the site is subject to an Australian Noise Exposure Forecast (ANEF) of 20 or greater can be supported.

e) Clause 7.1.1 – Residential Density Limitations

Council has concerns that dual occupancy lots can also have independent units, as this creates a situation in which a site that currently has one dwelling could feasibly go to a site that has four units – two dual occupancy single dwellings that each have an associated independent unit. It is recommended that sites that are small enough to allow for a single dwelling on 500m² should not be permitted to have an additional independent unit on the site.

The proposal for limiting dual occupancy to streets less than 15m in width would likely result in a scenario where the pavement width would only be 6m wide. This would

not give room for vehicles to be parked on both sides of the street and for a larger emergency vehicle or waste vehicle to pass between the two cars. It would be logically expected that with more dwellings on a street, the number of cars parked on the street would also increase. Thus, dual occupancy areas are likely to need more room for on-street parking rather than less. As such, it is recommended that this clause be amended to require that dual occupancy only be permitted on streets with minimum road reserve of 18m and/or minimum pavement width of 9m. It is also unclear how the applicant may be able to show that the development would not obstruct these vehicles and what measures may be used to determine that requirement.

It is noted that within Litchfield Council area, at this time the minimum road reserve width for urban developments is 17m; thus, dual occupancy development in our municipality should be compliant with this clause as currently stated. However, there are already concerns with 17m being a suitable minimum roadway width without the addition of dual occupancy sites.

Council has concerns with the amendment to the dwelling density table and the associated future amendments to lot size for subdivisions in that the current amendment has no actual provision for these clauses to apply only to dual occupancy, but rather the term multiple dwellings is in fact more accurate. Under the current proposal, there is nothing that would stop a lot in Zone SD (Single Dwelling) that is 1,500m² from also applying the provisions of this clause and getting 3 or more dwellings on a site in a single dwelling neighbourhood. In reality, the provision is for single dwellings at a density of 1 per 500m² rather than having any real tie to dual occupancy. If dual occupancy is truly the intent, then it is recommended that the sites be limited to two dwellings.

f) Clause 7.3.2 – Distance between Residential Buildings on One Site

For this clause, there are no objections to the intent of the clause, though there are concerns about the way point 2(b) is worded. In that portion of the clause, a zero lot line setback is allowed for multiple dwellings in Zone SD on the same site. It is questioned how this is evaluated then once the site is subdivided and the dwellings are no longer on the same site. After subdivision, the site may then be breach of this setback clause; the wording of point 2(b) should be reviewed to ensure consistency for subdivided sites if this dual occupancy amendment is approved.

g) Clause 7.5 – Private Open Space

Council supports private open space requirements for dual occupancy lots but recommends that point 3(b) be amended to ensure that at least one area of approximately 5m² be provided for each dwelling. Otherwise, one area could be provided for both dwellings and then after subdivision one lot would not contain that essential private open space feature.

h) Clause 7.6 – Communal Open Space

The proposal for communal open space provisions to not apply to multiple dwelling developments when each dwelling on the site has direct and independent access to private open space at ground level can be supported.

i) Clause 11.1.4 – Subdivision of Multiple Dwellings in Zone SD

There are significant concerns about the ability to subdivide a site for lots of 500m² with dual occupancy. While a Development Permit is required for the site, there is no requirement for that development to actually be constructed on the site. Feasibly, a developer could achieve a Development Permit for a dual occupancy development and then subsequently immediately achieve a Development Permit for subdivision of the site. Should the dual occupancy permit expire without any development taking

place, the site would still be subdivided into two 500m² lots. Those sites would then be legal lots in Zone SD (Single Dwelling) and could be developed with any single dwelling without a permit. Further, even if the original dual occupancy development were constructed on the site, that development could be modified or replaced completely in the future and as a single dwelling on a lot in Zone SD (Single Dwelling), a Development Permit would not be required. Neither situation is appropriate. It is recommended that a provision be included that at a minimum ties the subdivision to a building certification that the dual occupancy Development Permit has been fulfilled, though queries would continue to remain regarding future modifications to the single dwelling on the 500m² single dwelling site.

Additionally, Council has concerns that a developer could game the system and provide entire subdivisions of single dwellings on lots of 500m² by applying for subdivisions in Zone SD (Single Dwelling) with lots of 1,000m², securing Development Permits for identical dual occupancies and then re-subdividing the entire subdivision into 500m². It is not considered that this would be the intent of this amendment, yet there is nothing in the amendment that prevents this type of development from happening, thus creating entire subdivisions of 500m² lots. Even if the sites provided road reserves wider than 15m, it would not be recommended to develop entire subdivisions of 500m² allotments.

j) Clause 11.2.3 – Lot Size and Configuration in Residential Subdivisions

This clause approves battleaxe lots for dual occupancy sites. However, Council's Development Guidelines do not permit more than one adjacent battleaxe site. As such, there is a potential conflict between the development of adjacent dual occupancy sites and Council's Development Guidelines.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.10	Report Number:	16/0136
Report Title:	PA2016/0169, a Planning Scheme Amendment to make low risk/low impact amendments to the NT Planning Scheme		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Planning Scheme Amendment Application PA2016/0169. Attachment B: Council's letter of comment for PA2016/0169, a Planning Scheme Amendment to make low risk/low impact amendments to the NT Planning Scheme.		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0169, a Planning Scheme Amendment to make low risk/low impact amendments to the NT Planning Scheme, included as Attachment A.

The application proposes to make changes to the NT Planning Scheme, which requires an amendment to the NT Planning Scheme.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0169 provided to the consent authority on 8 June 2016, included as Attachment B.

This report concludes that due to the volume and complexity of proposals contained within this Planning Scheme Amendment proposal, it is not considered appropriate to provide a blanket statement of support or non-support for the application. It is recommended that Council provide detailed comments to the Department of Lands, Planning and the Environment for each of the proposed amendments indicating which amendments are or are not supported and the reasoning behind each decision.

Recommendations

THAT Council:

1. endorse Attachment B, Council's Letter of Comment for PA2016/0169, a Planning Scheme Amendment to make low risk/low impact amendments to the NT Planning Scheme, the assessment of which is summarised above and reviewed in detail within the body of this report.

Background

Background from Application

The application proposes to make 16 amendments of varying levels of complexity to the NT Planning Scheme. The application indicates that the intent is to streamline the planning consent process by reducing the number of developments that require applications and increasing the flexibility of some existing clauses to reduce the number of applications. The amendments also focus on improving the interpretation and clarifying the intent of several clauses while eliminating anomalies within the scheme.

The application states that the focus is on improving the timeliness of determination of applications. The application indicates that development approvals granted over the three most recent financial years have been analysed and the results show that the largest number of development permits issued on an annual basis are for developments in Zone SD (Single Dwelling). This result is despite the intended set up of the scheme such that developments in Zone SD (Single Dwelling) should generally be exempt from requiring applications. This means that the majority of applications received are for variations to the standard permitted requirements for development in Zone SD (Single Dwelling).

The application also indicates that a large number of applications are processed that deal with “*minor and low value additions to residential and commercial uses that had no bearing on the intent or purpose of the original development or the potential amenity impact on the local area*”.

Current Proposal

Each of the proposed changes is reviewed in detail below.

Clause 1.3 (Exceptions) subclause 2(k)

This clause details situations where a development application would not be required, thus an exception to the standards in the remainder of the NT Planning Scheme. Exceptions are generally for minor developments or such items as works associated with infrastructure, such as construction of a stormwater drain.

Subclause 2(k) deals with the erection of a shed in Zones other than H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living), and R (Rural). The current application grants an exception for the erection of a single shed with a setback from a secondary street frontage of 2.5m and a total roofed area of 11m² or less, as well as other requirements.

The amendment proposes to allow an exception for one or more sheds, proposes a permitted secondary street frontage setback of 1.5m and a cumulative floor area of 15m² or less.

The application indicates that the purpose of the increase in floor area is to respond to an assessment of the typical sizes of “*readily available ‘modular’ sheds*”. The change in the secondary street setback is to be consistent with an additional standard change to this setback that is discussed later in this report under Clause 7.3 Building Setbacks.

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

These subclauses to Clause 1.3 Exceptions are newly proposed exceptions to the standard requirements for a permit under the NT Planning Scheme.

Subclause 2(u) proposes that shade sails of 30m² or less in non-residential zones should be exempt from requiring a permit.

Subclause 2(v) addresses developments in Zone LI (Light Industry) and Zone GI (General Industry). In these two zones, there are some developments that typically require Development Permits, even if the development meets all standards of the NT Planning Scheme. This amendment proposes that if these developments already exist (which would mean they already have a Development Permit), then additions and expansions to the development are allowed if that expansion:

- *complies with the standards of Part 4 and 5 of this Planning Scheme [which contains the standard development requirements]*
- *is a maximum of 200m² or 15% of the area of the site;*
- *is not located over a registered easement;*
- *is not located over a lot boundary, including over a road reserve;*
- *will not inhibit vehicular access to the lot, parking on the lot or loading and unloading on or from the lot;*
- *will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;*
- *is not a demountable structure or a residential building; and*
- *is not located on a lot that abuts land that is in Zone SD, MD, MR or HR [residential zones].*

Subclause 2(w) addresses developments in Zone CB (Central Business), C (Commercial), SC (Service Commercial) and TC (Tourist Commercial) and applies similar provisions as those detailed for the industrial zoned developments described above for additions and expansions to existing development. For development in these commercial zones, the provision related to a location adjacent a residential zone is removed and three additional requirements are added:

- *complies with the standards of Part 4 and 5 of this Planning Scheme [which contains the standard development requirements]*
- *is a maximum of 100m² or 15% of the area of the site;*
- *is not located over a registered easement;*
- *is not located over a lot boundary, including over a road reserve;*
- *will not inhibit vehicular access to the lot, parking on the lot or loading and unloading on or from the lot;*
- *will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;*
- *is not a demountable structure or a residential building;*
- *will not reduce the area of clear glass or level of transparency of the façade of the existing premises as viewed from the primary street;*
- *will not reduce the level of accessibility for people with disabilities; and*
- *will not increase the height of the existing premises.*

Clause 1.3 (Exceptions) new subclause 2(x)

This exception is similar to the last two above but applies to multiple dwellings. All multiple dwellings in Zones MD (Multiple Dwelling), MR (Medium Density), and HR (High Density) require a Development Permit, even if the development complies with the requirements of the NT Planning Scheme for multiple dwellings. If changes are made to that development that also meet the requirements of the NT Planning Scheme, a new Development Permit and therefore development application is required.

For multiple dwellings, there are many applications received for carports, pergolas, shade sails and ancillary outbuildings that meet the requirements of the NT Planning Scheme, yet a Development Permit and application is required. This clause proposes to allow exceptions to requiring a new Development Permit for an extension, ancillary outbuilding, carport, pergola or a shade sail for one or more dwellings in a multiple dwelling development, subject to the following provisions:

- *is constructed in accordance with the requirements of this Planning Scheme and will not result in the contravention of any standard set out in Parts 4 or 5 of Planning Scheme [which contains the standard development requirements]*
- *is contained wholly within the respective unit title and is not on or over a registered easement; and*
- *will not result in an additional storey or an increase in the maximum height of the development.*

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

This clause currently provides for situations where carports, pergolas and shade sails may be constructed without a Development Permit, subject to meeting the required building setbacks and car parking layout requirements, being erected over an existing car parking space and not discharging rainwater on an adjacent lot or unit title. The application indicates that as proposed new clause 1.3 (2)(x) addresses this situation, this clause is now redundant and is proposed to be removed.

Clause 3.0 (Definitions)

This changes to this clause propose to provide new definitions within this section of the NT Planning Scheme for “building setback”, “fully screened”, “major opening” and “serviced apartment” and to provide clarified definitions for “secondary street” and “supporting accommodation”.

For “building setback”, there is currently a standard definition repeated several times within the scheme. This definition is proposed to be moved to the Definitions clause of the scheme and eliminated from the other repetitive locations. An additional clarifying description of the appropriate way to measure the setback on a street corner is also included.

For “fully screened”, an existing definition is included in Clause 7.3 and has been moved unchanged to the Definitions clause of the scheme.

For “major opening”, a new definition has been provided, as this term is proposed to be utilised in the revised Clause 7.3 Building Setbacks, discussed later in this report. The proposed definition is:

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

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

Currently, “secondary street” means “a street that is not a primary street but does not include any street where access is prohibited by the controlling Agency”. The application proposes a new definition of “in the case of a site that has access to more than one public street – the street or streets that are not the primary street”.

For “serviced apartment”, a new definition is added to distinguish this use from other similar uses, such as multiple dwellings. The definition is proposed as “*a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned by an owner or manager of the building or by an agent of an owner or manager of the building*”.

For “supporting accommodation”, an addition has been included with the current definition to differentiate this use from a group home to indicate that “*day-to-day management and operation of the premises is provided by a community organisation or recognised religious or charitable organisation or a department or institutional establishment of the Crown*”.

Clause 5.13 (Zone DV – Development)

The purpose of Zone DV (Development) is “*to provide for the development of major strategic industries including gas based, road, rail or port related industries*”. Currently within this zone, the uses “caretaker’s residence” and “home occupation” (which could include home based child care) are listed as permitted uses. This amendment proposes to make these two uses discretionary uses within this zone.

Clause 5.21 (Zone CP – Community Purpose)

Currently within this zone, “supporting accommodation” is a discretionary use, which requires a Development Permit. This amendment proposes to make supporting accommodation a permitted use within this zone, as the application considers that this use is appropriate and consistent with the purpose of the zone and has specific standards it should meet within the development controls of the scheme.

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

This clause provides for building heights and currently exempts education establishments from the standard height requirement. In most zones, the standard height requirement is 8.5m. This amendment proposes to include hospitals as an additional use that is exempt from the standard height requirement, as this use is typically expected to be multiple storeys.

Clause 6.11 (Garages and Sheds)

This clause provides specific requirements for the development of garages and sheds. However, this information is indicated as being identical to information provided in a broadened version of Clause 7.3 Building Setbacks, which is discussed later in this report. The amendment proposes that since this information is repeated elsewhere in the scheme, this clause can be removed.

Clause 7.1.2 (Residential Height Limitations)

This clause currently requires that if a residential building in Zone MR (Medium Density Residential) has frontage to a street with a road reservation of 18m or less across which is land in Zone SD (Single Dwelling), that building is limited to 3 storeys in height rather than the standard 4 storeys permitted elsewhere in Zone MR (Medium Density Residential). It is proposed to remove this requirement as the road reserve itself is considered to be a suitable boundary to separate the two different types of development.

This clause also currently provides restrictions for single dwellings in Zones SD (Single Dwelling), MD (Multiple Dwelling), CL (Community Living), CV (Caravan Parks), RR (Rural

Residential), RL (Rural Living), FD (Future Development) and T (Township) such these dwellings cannot have any part of a room over 7m above ground level without consent. This clause is considered to have limited application given that single dwellings are typically restricted to 8.5m in height. The amendment proposes to remove this portion of the clause.

Clause 7.3 (Building Setbacks of Residential Buildings)

This amendment proposes a number of changes to this clause.

As noted above in regards to Clause 3.0 Definitions, the definitions for “building setback” and “fully screened” are repeated several times throughout Clause 7.3. It is proposed to remove the definitions from Clause 7.3 and place those statements only in the definitions section of the scheme.

The clause currently applies to “*residential buildings and structures without external walls*”. The clause then references different types of structures including carports and pergolas, which may not have walls. The amendment proposes to alter the structures covered by the clause to refer to “*residential buildings and ancillary structures*”, which would include structures with and without walls. Minor changes are made to the Tables to this clause that address the specific setbacks for different boundaries to specify which setbacks apply to structure with walls and which setbacks apply to structures without walls.

The amendment also proposes to include a new note that building setbacks for structures in Zones LI (Light Industry), GI (General Industry) and DV (Development) are to be in accordance with Clause 9.1.1 (Industrial Setbacks) which already addresses setbacks for those types of uses.

The amendment proposes to add a clarifying note to indicate that “*where a lot has a boundary with a public street from which vehicular access to the lot is prohibited, this boundary shall be considered a side or rear lot boundary*”. This provision was previously partially covered by the definition of “secondary street” but it was deemed more appropriate to address the setback requirement within the setback clause rather than in the definition.

Table A to Clause 7.3

Table A to Clause 7.3 provides minimum building setbacks for one and two storey residential buildings in Zones other than CB (Central Business), C (Commercial), H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living) and R (Rural). Therefore, Table A primarily provides setbacks for residential buildings in Zones SD (Single Dwelling) and MD (Multiple Dwellings), though it is more rarely applicable to other zones as well.

Currently, the NT Planning Scheme does not specify a setback for shade structures for primary street and secondary street frontages in these zones and the default setback that applies is 4.5m and 1.5m, respectively, for structures without external walls. This amendment proposes to allow shade structures on primary street fronts in these zones to be 3.0m from the boundary for primary street frontages and 0.9m from the boundary for secondary street frontages, to a maximum height of 2.5m at the minimum setback. Shade sails are also proposed to be restricted to a maximum height of 2.5m at the minimum setback for side a rear boundaries; the minimum setback of 0.9m for shade sails at the side and rear boundary is not proposed to change.

This amendment also proposes that the secondary street frontage setback for these zones be reduced from 2.5m to 1.5m.

The amendment also proposes that for side and rear setbacks for these zones, the setback be either remain at the current 1.5m requirement or be allowed to be reduced to 1.0m *“provided that the area of reduction:*

- *Does not include any major openings [as defined above in the discussion on Clause 3.0 Definitions];*
- *Does not extend beyond a maximum height of 3.5m; and*
- *Does not extend beyond a maximum length of 9m.”*

Table B to Clause 7.3

Table C to Clause 7.3 provides minimum building setbacks for residential buildings over one and two storeys in Zones other than CB (Central Business), C (Commercial), H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living) and R (Rural). Therefore, Table B primarily provides setbacks for residential buildings in Zones MR (Medium Density Residential) and HR (High Density Residential), though it is could be more rarely applicable to other zones as well.

This amendment proposes to note that the current 1.5m side and rear setback for verandah and balconies applies where the side of the verandah or balcony is “fully screened” to the subject boundary. The definition of “fully screened” was discussed above in the section on Clause 3.0 Definitions.

Table C to Clause 7.3

Table C to Clause 7.3 provides minimum building setbacks for one and two storey residential buildings in Zones H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living) and R (Rural). There are no changes proposed to the setback requirements in this table.

Clause 7.3.2 (Distance between Residential Buildings on One Site)

This clause specifies separation requirements for residential buildings on a single site. The application indicates that currently the wording of this clause can require separation between buildings on a single site that are greater than the separation required between buildings on separate sites. The current 3m separation distance also applies to residential buildings and independent units.

The amendment proposes that independent units not be subject to separation distances from other residential buildings on the same site, as these dwellings are often closely associated with the other residential unit on the site and that a number of applications have sought variations to this requirement.

The changes to the clause are intended to provide consistency with the requirements in Clause 7.3 Building Setbacks, discussed earlier in this report.

The amendment proposes that the distance required between two residential buildings of one or two storeys be “calculated in accordance with Table A to Clause 7.3 as if there was a boundary between the buildings”.

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

The amendment proposes to add a new clause addressing the allowance of reduced setbacks for single dwellings on larger lots. It is noted that this clause applies to the land use type of single dwellings, rather than dwellings in Zone SD (Single Dwelling). Therefore, it would apply to all single dwellings, regardless of the zone in which the dwelling sits.

Despite the above zoning note, the supporting information given for amending the clause refers to statistics that relate to development in Zone SD (Single Dwelling). These statistics indicate that for that last three financial years, 30% of all Development Permits issued were for single dwellings and associated ancillary structures in Zone SD (Single Dwelling) and that a *“significant proportion of those permits were for developments proposing a variation to the setbacks for primary dwellings (i.e. Table A to Clause 7.3)”*. The amendment indicates that lot sizes have changed over time and that there may be a need for an increase in the design options available in the NT Planning Scheme.

The proposed amendment for this clause only addresses the front setback. Presumably, amendments to the other setbacks have been included in the amendments to Table A in Clause 7.3 discussed above.

This amendment proposes to allow residential buildings on lots of 600m² or greater to *“provide design responses to site constraints and allow for an articulated built form when viewed from the street”*. The clause allows reduced front setbacks to “habitable rooms”. “Habitable rooms” are defined in the NT Planning Scheme as *“any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods”*. The opportunity for reduced front setbacks are not permitted by this clause for garages and other non-habitable structures or ancillary structures such as verandahs, balconies, carports and shade sails.

The proposed amendment indicates that *“an applicable setback may be reduced to:*

- (a) the average of the setback of the existing dwellings on each adjacent lot fronting the same street, or no closer than 3m under any circumstances; or*
- (b) 4.5m, provided that the area of reduction (i.e. the area of the developed space that is set at a minimum of 4.5m and a maximum of 6m from the front boundary) is compensated by an undeveloped space that is equal in area and which is:*
 - A minimum of 6m from the front boundary;*
 - A minimum of 3m front the nearest side boundary; and*
 - A maximum of 12m from the front boundary.”*

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

Currently, the NT Planning Scheme contains provisions for offices, restaurants, and shops in Zone CB (Central Business) and Zone C (Commercial) to be interchangeable without a Development Permit if the net floor area does not increase and if a developer contribution plan for car parking exists. The intent of this clause is to allow for an ease in change of uses when there will be no effect on any other requirements of the NT Planning Scheme. However, the current clause does not specify that the new development must meet the other requirements; the only requirement that would reasonably change with the change of uses would be the standard car parking requirements.

The amendment proposes to amend the uses allowed to interchange within Zone CB (Central Business) to include office, restaurant, shop, leisure and recreation and licensed club and the uses allowed to interchange in Zone C (Commercial) to include restaurant, shop, and showroom sales. These uses would only be allowed to interchange if the car parking requirement for the new use did not change from the old use or if the new use provided additional car parking to meet the standard requirements of the NT Planning Scheme for that use. The amendment also proposes to remove the reference to the car parking contribution plan as this provision had limited application and is deemed unnecessary with the proposed changes addressing car parking requirements.

The application indicates that the new proposed interchangeable use of leisure and recreation and licensed club is because these uses have the same car parking rates in Zone CB (Central Business) as the existing uses of office, restaurant, and shop. However, it is noted that this is only true for Zone CB (Central Business) in Darwin and does not apply to Zone CB (Central Business) in Palmerston, Katherine, or Alice Springs.

The application does not address why showroom sales has been included as an interchangeable use for Zone C (Commercial).

Clause 8.1.5 (Child Care Centres)

This clause provides specific requirements for the development of child care centres and currently includes provisions for the site to be screened to protect privacy when the abutting boundary is located adjacent to residential land.

This amendment proposes to alter the wording of the clause to specify the residential land as being in Zones SD (Single Dwelling), MD (Multiple Dwelling), MR (Medium Density) and HR (High Density). The amendment also proposes that instead of requiring the abutting boundary to be “*screened to protect privacy*”, the development should be “*set back and screened in accordance with the requirements of Clause 8.3*”, the proposed amendments to which are discussed in the following section.

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

This clause provides that a use that is not a residential building on land in a zone other than Zones SD (Single Dwelling), MD (Multiple Dwelling), MR (Medium Density) and HR (High Density) but that abuts land in any of those zones or is across a street from land in those zones where that road reserve is 18m or less, the use must provide a setback to the boundary of not less than 5m. The amendment proposes to eliminate the requirement’s applicability when the land in the residential zone is across the street, as the road reserve is deemed to be an appropriate boundary.

The clause also currently requires that that 5m setback be landscaped to provide a visual screen to the adjacent land in the residential zone for a minimum depth of 3m. The amendment provides exceptions to this portion of the clause for when the development is for a child care centre or when the development is for a major remote town and meets certain service authority requirements. While the application details the reasons why sites in the major remote towns may not be able to comply, an explicit reasoning behind the inclusion of the exception for child care centres is not detailed.

Application Assessment

An assessment of each of the proposed changes is provided below.

Clause 1.3 (Exceptions) subclause 2(k)

The proposed amendments to exceptions for the number of sheds and the minimum cumulative floor area of sheds can be supported.

The proposal to reduce the secondary street setback from 2.5m to 1.5m is not supported and is discussed in more detailed in the section below on Clause 7.3 Building Setbacks.

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

The proposed amendment for subclause 2(u) to allow an exception for shade sails can be supported.

The proposed amendments for subclauses 2(v) and 2(w) to allow an exception for expansions to industrial and commercial uses are not supported in the current format. The following additional amendments are recommended to subclauses 2(v) and 2(w) for the provisions to be considered acceptable for not requiring a Development Permit.

There are concerns over the overall size of development that could be allowed under these exceptions. If the site area is 10,000m², the proposal would allow an expansion of 1,500m² without any planning review. Some industrial and commercial sites are quite large (and for commercial sites in particular, these sites may be located in prominent areas. It is considered that even a proposal for a 15% expansion warrants review when 15% of the site could be such a significant area. It is recommended that a maximum area of expansion be included in the exception and that all expansions over that size require Development Permits. The proposal for a maximum expansion of 200m² for industrial uses and 100m² for commercial uses on their own could be supported.

There are additional concerns related to previous approvals being granted for the development with variations that may be then affected by this exception proposal. To give an example, Council is aware that often variations are supported to such features as building setbacks because the applicant has proposed a larger setback on another portion of the site. If the applicant is then able to come back and fill in that previously open setback area without requiring a permit, then the reason for supporting the original variation may no longer exist. A savvy developer would quickly realise this anomaly and option for gaming the system to get a much larger development than would typically be approved. The way the current exception is worded does not prevent the above situation from happening and Council cannot support this exception until that situation is appropriately addressed by the exception.

The inclusion of the other requirements of the exception for subclause 2(v) and 2(w) can be supported.

However, subclause 2(v) and 2(w) should address that the expansion should not affect the stormwater drainage for the subject site, as does the existing Clause 2.10 related to carports and pergolas. While it is acknowledged that under the building regulations, building certifiers should address stormwater drainage with the local Council area when permitted development is constructed, actual practice shows that this is not happening and the stormwater drainage is currently only able to be regulated through the Development Permit process. Council appreciates the opportunity to review these essential plans at the

time of development application and does not wish to lose the ability to ensure appropriate stormwater drainage within the municipality that does not adversely affect neighbouring lots or Council's overall stormwater drainage infrastructure system. It is recommended that a provision be included that approved certification of stormwater drainage plans for the proposed expansion/extension be obtained prior to constructing the expansion.

Clause 1.3 (Exceptions) new subclause 2(x)

The proposed amendment for subclause 2(x) to allow an exception for expansion to multiple dwellings can be supported, provided that a similar provision is added to the requirements to address appropriate stormwater runoff, as detailed above in the discussion on subclauses 29v) and 2(w). For residential uses, the issue of appropriate stormwater drainage may be even more critical than for other types of uses. It is recommended that a provision be included that approved certification of stormwater drainage plans for the proposed expansion/extension be obtained prior to constructing the expansion.

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

The proposal to remove this clause from the NT Planning Scheme can be supported as proposed new Clause 1.3 (2)(x) would now address this situation, subject to Clause 1.3 (2)(x) being amended to address stormwater, as detailed in the section above.

Clause 3.0 (Definitions)

The amendment to the NT Planning Scheme to include the proposed definitions for "building setback", "fully screened", "major opening" and "serviced apartment" and to provide clarified definitions for "secondary street" and "supporting accommodation" can be supported as it is appropriate to locate definitions in the definitions section of the document and the proposed clarifications will give greater certainty to the subject definitions.

Clause 5.13 (Zone DV – Development)

The proposed amendment to make "caretaker's residence" and "home occupation" (which could include home based child care) discretionary uses within Zone DV (Development) can be supported as these uses are not typically compatible with the purpose of the zone and development review can be warranted.

Clause 5.21 (Zone CP – Community Purpose)

The proposal to make "supporting accommodation" a permitted use within Zone CP (Community Purpose) is not supported, as the purpose of the zone clearly indicates that *"the development of residential accommodation is only to be in association with and ancillary to the primary use of the land"*. No other residential uses are permitted uses within Zone CP (Community Purpose). It would appear that development review would be warranted to ensure that the supporting accommodation use is ancillary to another use on site in order for supporting accommodation to be in line with the purpose of the zone.

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

The proposed amendment to allow hospitals to be exempt from the standard building height requirements is supported as long as hospitals remain a discretionary use that will require appropriate development review for amenity impacts upon neighbouring uses.

Clause 6.11 (Garages and Sheds)

The proposal to eliminate this clause can be supported as the information is duplicated in other clauses of the NT Planning Scheme.

Clause 7.1.2 (Residential Height Limitations)

The proposal to eliminate the limitation of a three storey height limit for residential buildings in Zone MR (Medium Density Residential) across a road reserve from land in Zone SD (Single Dwelling) can be supported, as it is considered that a typical road reserve will generally always be wide enough to provide an appropriate separation between building types and that design controls elsewhere in the NT Planning Scheme should address issues of overlooking and appropriate building design.

This proposal to eliminate the prohibition on any part of a room over 7m in height for single dwellings is supported as there is no apparent benefit to and limited application for this clause given that single dwellings are typically restricted to 8.5m in height.

Clause 7.3 (Building Setbacks of Residential Buildings)

The proposal to move the definitions for “building setback” and “fully screened” to Clause 3.0 is supported as that clause holds all other definitions in the NT Planning Scheme.

The proposals to clarify where the clause applies to residential buildings and ancillary structures with and without walls is supported as this clarifying information is helpful to applying the clause to all types of development.

The proposal to reference the clause addressing industrial setbacks seems unnecessary as the purpose of Clause 7.3 is for residential buildings.

The proposal to clarify that a boundary to a public street to which access is prohibited is considered a side or rear boundary can be supported, as the note clarifies an existing practice.

The proposals to amend the setbacks for shade sails can be supported, as these structures have limited effect upon the streetscape and amenity and are limited in height by the new amendment.

The proposal to amend the secondary street frontage setback for residential buildings of one or two storeys in the noted zones from 2.5m to 1.5m is not supported. There are strong concerns regarding the merits of this proposal. Typically, a 1.5m setback space ends up being dead space on a site; these small space are often used for storage or are unkempt because the space is too small for any active type use. These non-activated, back-of-house type spaces are not appropriate on a street frontage. A 1.5m secondary street frontage setback will not add to the amenity of the streetscape and is considered more likely to detract from the amenity of the neighbouring sites. In instances where a garage is located on a secondary street frontage, this proposal places that dominating feature extremely close to the site boundary, which is not considered a good outcome for the streetscape. Even a building wall is not considered appropriate at 1.5m from a street frontage as there are no design requirements in the NT Planning Scheme that would ensure the feature presents an aesthetically pleasing view for the other residents of the street. It is strongly recommended that the secondary street setback not be changed.

The proposal for an additional side and rear setback reduction for a portion of the boundary that has no major openings and is limited in height can be supported due to the limitations on height and length. It would not be recommended to support a 1.0m side setback for the entirety of the boundary; however, the ability to add variation in the wall plane for specific features can be considered to provide interest to the building massing.

The amendment requiring that verandahs and balconies with fully screened features to the subject boundary can be located at 1.5m from the boundary can be supported, as in that instance those features could act as a wall. It is noted that noise occurring on these features would likely carry across the 1.5m distance in the same manner as it would for the currently specified 3.0m setback and as such is not a setback concern.

Clause 7.3.2 (Distance between Residential Buildings on One Site)

While the principle behind this clause can be supported, it is considered that the actual wording of the amended clause remains quite confusing. The proposal for "*the distance between buildings is to be a calculated in accordance with Table A to Clause 7.3 as if there was a boundary between the buildings*" is unclear. The clause does not state where between the two buildings the imaginary boundary should be measured from or whether the boundary should be considered to be in the middle of the two buildings. It is recommended that either this wording be revised and/or diagrams illustrating the intent of the clause should be included to provide clarity.

The current wording also requires an applicant to cross reference against another clause in the NT Planning Scheme, while many of the proposals within this amendment seek to eliminate cross referencing to avoid confusion, so it is confusing to then include a new cross reference.

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

It appears clear from the background information provided in the application that this proposed amendment for reduced front setbacks is intended to resolve issues with the amount of applications received for single dwellings in Zone SD (Single Dwelling). However, the clause applies to the land use type of single dwellings, rather than dwellings in Zone SD (Single Dwelling). Therefore, it would apply to all single dwellings, regardless of the zone in which the dwelling sits. Council recommends that this clause be revised to note that it only applies to dwellings in Zone SD (Single Dwelling) and/or to dwellings covered by Table A to Clause 7.3. The proposal to create variety in setbacks and building design for one and two storey dwellings on larger lots can be supported but this proposal is not supported for dwellings over two storeys or for any dwellings in Zones H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living) or R (Rural) where the minimum front setback is currently 10m. This amendment would then allow that setback to be reduced from either 7.5m to 3m or from 10m to 3m. A 4.5m or 7m reduction is considered too great to approve without significant review and development consent. It is recommended that the title of this clause be amended to specifically state that it applies either only to single dwellings in Zone SD (Single Dwelling) or to sites covered by Table A to Clause 7.3.

It is further noted that the clause only provides amendments to front setbacks, which is recommended to be captured in the title to the clause.

Council can support the provision for the reduced setbacks to not apply to garages and non-habitable spaces as it is considered these features are appropriately located at the current setbacks and the bringing of the dominant features of garages forward toward the street would not be supported.

It is recommended that consideration be given to whether sheds may be included in the examples given of ancillary structures in section 2(b) of this clause. It is also recommended that an additional provision be included that notes that demountable structures, whether habitable or not, should not be permitted to achieve the additional reduced front setback, due to the nature of these structures.

It is recommended that diagrams illustrating examples of the appropriate implementation of both options for section 3 of this clause be included to provide clarity for applicants.

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

The proposal to amend the uses allowed to interchange within Zone CB (Central Business) to include office, restaurant, shop, leisure and recreation and licensed club and the uses allowed to interchange in Zone C (Commercial) to include restaurant, shop, and showroom sales is not supported in its current format. The application states that the uses proposed to be interchangeable in Zone CB (Central Business) have the same car parking rates; however, this is only true for Zone CB (Central Business) in Darwin and does not apply to Zone CB (Central Business) in Palmerston, Katherine, or Alice Springs. Either this clause should be amended to apply only within Zone CB (Central Business) in Darwin or the parking requirements in Clause 6.5.1 of the NT Planning Scheme should be amended for these uses for all areas of Zone CB (Central Business) in the Northern Territory.

However, there are concerns with amending the car parking ratios for other jurisdictions, as the Darwin CBD can be considered to be much more dense and contain a different mix of residential and other uses than the other Central Business zones. In particular, a leisure and recreation use, such as a gym, in Palmerston would require 10 car parking spaces per 100m² and an office would require 2.5 car parking spaces per 100m². It would not be suitable or likely feasible to interchange those uses.

The proposal to add showroom sales to interchangeable uses in Zone C (Commercial) is not supported as there is no background information provided within the application on the reason or need for this change; indeed the change is not mentioned at all except for within the amended clause. Council cannot support a change without any supporting information that indicates why the change is required. It is noted that this use does not have the same car parking requirements as restaurant or shop, requiring 4 car parking spaces per 100m² to the 6 car parking spaces per 100m² required for the other uses.

Clause 8.1.5 (Child Care Centres)

This proposed amendments to this clause is not supported at this time as it is unclear why the change is being made. Council supports the current requirement in the NT Planning Scheme that the boundary between a child care centre and an abutting residential site should be screened to protect privacy.

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

The proposal to eliminate the requirement for additional setbacks across a road reserve to residential land is supported, as the road reserve is considered to provide an appropriate boundary.

The proposal to eliminate the requirement for a landscaped setback in major remote towns is supported given the nature of development in those areas.

The proposal to eliminate the requirement for a 3m landscaped setback to provide a visual screen for child care centres is not supported as the reasoning behind this change is not clear within the application. The current requirement in the NT Planning Scheme for screening to protect privacy for child care centres contained in Clause 8.1.5 is supported and it is unclear how the proposed amendment improves upon this existing requirement. Additional details are requested prior to supporting this portion of the amendment.

Conclusion

It is recommended that Council provide detailed comments for each of the proposed amendments indicating which amendments are or are not supported and the reasoning behind each decision.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

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

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

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

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

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

The proposed NT Planning Scheme Amendment will:

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

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

Period of Exhibition and Lodging a Submission

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

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

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

Email: planning@nt.gov.au; or

Fax: (08) 8999 7189; or

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

For more information please telephone (08) 8999 8963.

Low risk / low impact development amendment

Review of development classifications and requirements for planning consent:

Explanatory document

Background/ Introduction

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

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

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

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

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

Summary of proposal

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

The amended provisions are discussed below:

AMENDED SUBDIVISION PROVISIONS OF THE NT PLANNING SCHEME

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

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

Discussion

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

Explanation of amendment

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

1.3 Exceptions

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

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

Discussion

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

Explanation of amendment

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

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

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

1.3 Exceptions

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

1.3 Exceptions

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

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

Discussion

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

Explanation of amendment

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

1.3 Exceptions

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

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

Discussion

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

Explanation of amendment

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

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

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

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

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

5. Clause 3.0 (Definitions)

Discussion

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

Explanation of amendment

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

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

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

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

3.0 Definitions

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

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

- the wall of a building;
- the outer surface of the railings of a balcony or a verandah;
- the outer surface of any support column of a ground level verandah; and
- the outer surface of any support column for structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.
- In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street** setback and the **secondary street** setback.
- In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street** setback and the **secondary street** setback.

[Table continued on the following page].

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

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

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

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

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

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

“Supporting accommodation” means:

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

6. Clause 5.13 (Zone DV – Development)

Discussion

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

Explanation of amendment

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

5.13 Zone DV – Development

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

P = Permitted

S = Self Assessable

D = Discretionary

x = Prohibited

7. Clause 5.21 (Zone CP – Community Purposes)

Discussion

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

Explanation of amendment

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

5.21 Zone CP – Community Purposes

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

P = Permitted

S = Self Assessable

D = Discretionary

x = Prohibited

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

Discussion

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

Explanation of amendment

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

6.1 General Height Control

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

6.2 Building Heights in Alice Springs

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

9. Clauses 6.11 (Garages and Sheds)

Discussion

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

Explanation of amendment

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

~~6.11 — Garages and Sheds~~

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

10. Clause 7.1.2 (Residential Height Limitations)

Discussion

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

Explanation of amendment

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

7.1.2 Residential Height Limitations

1. The purpose of this clause is to ensure that residential development is of a height that:
 - (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
 - (b) does not unduly overlook adjoining properties.
2. The height of any point of a **residential building** is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
3. Subject to clause 6.2, the height of **residential buildings** that may be constructed on a site **is** to be determined in accordance with the table to this clause.
4. A **residential building** in Zone MR that ~~(a)~~ abuts land in Zone SD; ~~or~~
 - ~~(b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in Zone SD;~~
 - (c) is not to exceed a height of 3 **storeys** above **ground level**; or
 - (d) subject to clause 6.2, in any other circumstance 4 **storeys** above **ground level**.

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

11. Clause 7.3 (Building Setbacks of Residential Buildings)

Discussion

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

Explanation of amendment

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

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

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

7.3 Building Setbacks of Residential Buildings and Ancillary Structures

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

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

Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m for residential buildings and ancillary structures with external walls <u>and</u> 4.5m for verandahs, balconies and ancillary structures without external walls <u>or</u> 3m for shade sails, to a maximum height of 2.5m at the minimum setback
Secondary street frontage for 1 and 2 storey buildings	1.5m for residential buildings <u>and</u> 1.5m for verandahs, balconies and ancillary structures without external walls <u>or</u> 0.9m for shade sails, to a maximum height of 2.5m at the setback line
Side and rear lot boundaries for 1 and 2 storey buildings	1.5m, including ancillary structures without external walls <u>or</u> 1m, provided that the area of reduction: <ul style="list-style-type: none"> • does not include any major openings; • does not extend beyond a maximum height of 3.5m; and • does not extend beyond a maximum length of 9m. <u>and</u> 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback
<p>Building setback is measured from all boundaries to:</p> <ul style="list-style-type: none"> • the wall of a residential building; • the outer surface of the railings of a balcony or a verandah; • the outer surface of any support column of a ground level verandah; and • the outer surface of any support column of structures without external walls, except that the setback of a shade sail is measured to the outer extremity of the fabric. <p>No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries described in Table A to Clause 7.3.</p>	

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

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

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

Screens used to obscure a view should be:

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

Building setback is measured from all boundaries to:

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

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

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

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

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

Lot Boundary	Minimum Setback
<p>Building setback is measured from all boundaries to:</p> <ul style="list-style-type: none"> the wall of a residential building; the outer surface of the railings of a balcony or a verandah; the outer surface of any support column of a ground level verandah; and the outer surface of any support column of structures without external walls, except that the setback of a shade sail is measured to the outer extremity of the fabric. <p>No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries described in Table C to Clause 7.3.</p>	

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

Discussion

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

Explanation of amendment

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

7.3.2 Distance between Residential Buildings on One Site

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

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

Discussion

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

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

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

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

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

Explanation of amendment

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

Primary street setbacks have been expanded as follows:

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

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

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

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

Discussion

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

Explanation of amendment

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

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

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

15. Clause 8.1.5 (Child Care Centres)

Discussion

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

Explanation of amendment

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

8.1.5 Child Care Centres

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

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

Discussion

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

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

Explanation of amendment

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

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

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

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

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

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

I, DAVID TOLLNER, give notice under section 17 of the *Planning Act* of the following:

- (a) a proposal to amend the NT Planning Scheme, as described in (e), is to be exhibited;
- (b) the proposed amendment is to be exhibited at the office of the Department of Lands, Planning and the Environment, Ground Floor, Arnhemica House, 16 Parap Road, Parap;
- (c) the period of exhibition is for 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions regarding this exhibition should be made to:

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

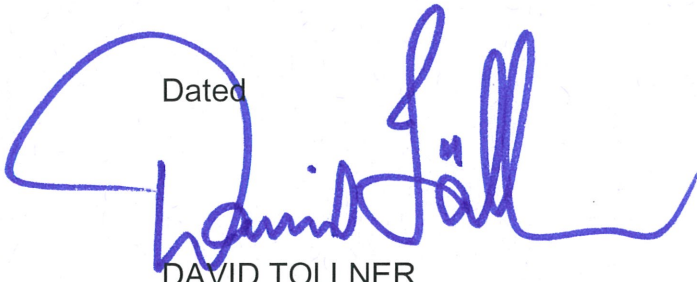
Fax: (08) 8999 7189 or

Email: planning.dlpe@nt.gov.au

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

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

Dated



DAVID TOLLNER
Minister for Lands and Planning

29/4/ 2016.

08 June 2016

Mr Michael Holmes
Acting Director
Lands Planning
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Michael

**PA2016/0169
Planning Scheme Amendment
for Low Risk/Low Impact Changes to the NT Planning Scheme**

Thank you for the Planning Scheme Amendment Application referred to this office on 12/05/2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council considers that due to the volume and complexity of proposals contained within this Planning Scheme Amendment proposal, it is not considered appropriate to provide a blanket statement of support or non-support for the application. Given that, Council provides the following detailed comments on each of the proposed amendments that indicates which amendments are or are not supported and the reasoning behind each decision.

a) Clause 1.3 (Exceptions) subclause 2(k)

The proposed amendments to exceptions for the number of sheds and the minimum cumulative floor area of sheds can be supported.

The proposal to reduce the secondary street setback from 2.5m to 1.5m is not supported and is discussed in more detailed in the section below on Clause 7.3 Building Setbacks.

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

The proposed amendment for subclause 2(u) to allow an exception for shade sails can be supported.

The proposed amendments for subclauses 2(v) and 2(w) to allow an exception for expansions to industrial and commercial uses are not supported in the current format. The following additional amendments are recommended to subclauses 2(v) and 2(w) for the provisions to be considered acceptable for not requiring a Development Permit.

There are concerns over the overall size of development that could be allowed under these exceptions. If the site area is 10,000m², the proposal would allow an expansion of 1,500m² without any planning review. Some industrial and

commercial sites are quite large (and for commercial sites in particular, these sites may be located in prominent areas. It is considered that even a proposal for a 15% expansion warrants review when 15% of the site could be such a significant area. It is recommended that a maximum area of expansion be included in the exception and that all expansions over that size require Development Permits. The proposal for a maximum expansion of 200m² for industrial uses and 100m² for commercial uses on their own could be supported.

There are additional concerns related to previous approvals being granted for the development with variations that may be then affected by this exception proposal. To give an example, Council is aware that often variations are supported to such features as building setbacks because the applicant has proposed a larger setback on another portion of the site. If the applicant is then able to come back and fill in that previously open setback area without requiring a permit, then the reason for supporting the original variation may no longer exist. A savvy developer would quickly realise this anomaly and option for gaming the system to get a much larger development than would typically be approved. The way the current exception is worded does not prevent the above situation from happening and Council cannot support this exception until that situation is appropriately addressed by the exception.

The inclusion of the other requirements of the exception for subclause 2(v) and 2(w) can be supported.

However, subclause 2(v) and 2(w) should address that the expansion should not affect the stormwater drainage for the subject site, as does the existing Clause 2.10 related to carports and pergolas. While it is acknowledged that under the building regulations, building certifiers should address stormwater drainage with the local Council area when permitted development is constructed, actual practice shows that this is not happening and the stormwater drainage is currently only able to be regulated through the Development Permit process. Council appreciates the opportunity to review these essential plans at the time of development application and does not wish to lose the ability to ensure appropriate stormwater drainage within the municipality that does not adversely affect neighbouring lots or Council's overall stormwater drainage infrastructure system. It is recommended that a provision be included that approved certification of stormwater drainage plans for the proposed expansion/extension be obtained prior to constructing the expansion.

c) Clause 1.3 (Exceptions) new subclause 2(x)

The proposed amendment for subclause 2(x) to allow an exception for expansion to multiple dwellings can be supported, provided that a similar provision is added to the requirements to address appropriate stormwater runoff, as detailed above in the discussion on subclauses 2(v) and 2(w). For residential uses, the issue of appropriate stormwater drainage may be even more critical than for other types of uses. It is recommended that a provision be included that approved certification of stormwater drainage plans for the proposed expansion/extension be obtained prior to constructing the expansion.

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

The proposal to remove this clause from the NT Planning Scheme can be supported as proposed new Clause 1.3 (2)(x) would now address this situation, subject to Clause 1.3 (2)(x) being amended to address stormwater, as detailed in the section above.

e) Clause 3.0 (Definitions)

The amendment to the NT Planning Scheme to include the proposed definitions for “building setback”, “fully screened”, “major opening” and “serviced apartment” and to provide clarified definitions for “secondary street” and “supporting accommodation” can be supported as it is appropriate to locate definitions in the definitions section of the document and the proposed clarifications will give greater certainty to the subject definitions.

f) Clause 5.13 (Zone DV – Development)

The proposed amendment to make “caretaker’s residence” and “home occupation” (which could include home based child care) discretionary uses within Zone DV (Development) can be supported as these uses are not typically compatible with the purpose of the zone and development review can be warranted.

g) Clause 5.21 (Zone CP – Community Purpose)

The proposal to make “supporting accommodation” a permitted use within Zone CP (Community Purpose) is not supported, as the purpose of the zone clearly indicates that *“the development of residential accommodation is only to be in association with and ancillary to the primary use of the land”*. No other residential uses are permitted uses within Zone CP (Community Purpose). It would appear that development review would be warranted to ensure that the supporting accommodation use is ancillary to another use on site in order for supporting accommodation to be in line with the purpose of the zone.

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

The proposed amendment to allow hospitals to be exempt from the standard building height requirements is supported as long as hospitals remain a discretionary use that will require appropriate development review for amenity impacts upon neighbouring uses.

i) Clause 6.11 (Garages and Sheds)

The proposal to eliminate this clause can be supported as the information is duplicated in other clauses of the NT Planning Scheme.

j) Clause 7.1.2 (Residential Height Limitations)

The proposal to eliminate the limitation of a three storey height limit for residential buildings in Zone MR (Medium Density Residential) across a road reserve from land in Zone SD (Single Dwelling) can be supported, as it is considered that a typical road reserve will generally always be wide enough to provide an appropriate separation between building types and that design controls elsewhere in the NT Planning Scheme should address issues of overlooking and appropriate building design.

This proposal to eliminate the prohibition on any part of a room over 7m in height for single dwellings is supported as there is no apparent benefit to and limited application for this clause given that single dwellings are typically restricted to 8.5m in height.

k) Clause 7.3 (Building Setbacks of Residential Buildings)

The proposal to move the definitions for “building setback” and “fully screened” to Clause 3.0 is supported as that clause holds all other definitions in the NT Planning Scheme.

The proposals to clarify where the clause applies to residential buildings and ancillary structures with and without walls is supported as this clarifying information is helpful to applying the clause to all types of development.

The proposal to reference the clause addressing industrial setbacks seems unnecessary as the purpose of Clause 7.3 is for residential buildings.

The proposal to clarify that a boundary to a public street to which access is prohibited is considered a side or rear boundary can be supported, as the note clarifies an existing practice.

The proposals to amend the setbacks for shade sails can be supported, as these structures have limited effect upon the streetscape and amenity and are limited in height by the new amendment.

The proposal to amend the secondary street frontage setback for residential buildings of one or two storeys in the noted zones from 2.5m to 1.5m is not supported. There are strong concerns regarding the merits of this proposal. Typically, a 1.5m setback space ends up being dead space on a site; these small space are often used for storage or are unkempt because the space is too small for any active type use. These non-activated, back-of-house type spaces are not appropriate on a street frontage. A 1.5m secondary street frontage setback will not add to the amenity of the streetscape and is considered more likely to detract from the amenity of the neighbouring sites. In instances where a garage is located on a secondary street frontage, this proposal places that dominating feature extremely close to the site boundary, which is not considered a good outcome for the streetscape. Even a building wall is not considered appropriate at 1.5m from a street frontage as there are no design requirements in the NT Planning Scheme that would ensure the feature presents an aesthetically pleasing view for the other residents of the street. It is strongly recommended that the secondary street setback not be changed.

The proposal for an additional side and rear setback reduction for a portion of the boundary that has no major openings and is limited in height can be supported due to the limitations on height and length. It would not be recommended to support a 1.0m side setback for the entirety of the boundary; however, the ability to add variation in the wall plane for specific features can be considered to provide interest to the building massing.

The amendment requiring that verandahs and balconies with fully screened features to the subject boundary can be located at 1.5m from the boundary can be supported, as in that instance those features could act as a wall. It is noted that noise occurring on these features would likely carry across the 1.5m distance in the same manner as it would for the currently specified 3.0m setback and as such is not a setback concern.

I) Clause 7.3.2 (Distance between Residential Buildings on One Site)

While the principle behind this clause can be supported, it is considered that the actual wording of the amended clause remains quite confusing. The proposal for *"the distance between buildings is to be a calculated in accordance with Table A to Clause 7.3 as if there was a boundary between the buildings"* is unclear. The clause does not state where between the two buildings the imaginary boundary should be measured from or whether the boundary should be considered to be in the middle of the two buildings. It is recommended that either this wording be revised and/or diagrams illustrating the intent of the clause should be included to provide clarity.

The current wording also requires an applicant to cross reference against another clause in the NT Planning Scheme, while many of the proposals within this amendment seek to eliminate cross referencing to avoid confusion, so it is confusing to then include a new cross reference.

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

It appears clear from the background information provided in the application that this proposed amendment for reduced front setbacks is intended to resolve issues with the amount of applications received for single dwellings in Zone SD (Single Dwelling). However, the clause applies to the land use type of single dwellings, rather than dwellings in Zone SD (Single Dwelling). Therefore, it would apply to all single dwellings, regardless of the zone in which the dwelling sits. Council recommends that this clause be revised to note that it only applies to dwellings in Zone SD (Single Dwelling) and/or to dwellings covered by Table A to Clause 7.3. The proposal to create variety in setbacks and building design for one and two storey dwellings on larger lots can be supported but this proposal is not supported for dwellings over two storeys or for any dwellings in Zones H (Horticulture), A (Agriculture), RR (Rural Residential), RL (Rural Living) or R (Rural) where the minimum front setback is currently 10m. This amendment would then allow that setback to be reduced from either 7.5m to 3m or from 10m to 3m. A 4.5m or 7m reduction is considered too great to approve without significant review and development consent. It is recommended that the title of this clause be amended to specifically state that it applies either only to single dwellings in Zone SD (Single Dwelling) or to sites covered by Table A to Clause 7.3.

It is further noted that the clause only provides amendments to front setbacks, which is recommended to be captured in the title to the clause.

Council can support the provision for the reduced setbacks to not apply to garages and non-habitable spaces as it is considered these features are appropriately located at the current setbacks and the bringing of the dominant features of garages forward toward the street would not be supported.

It is recommended that consideration be given to whether sheds may be included in the examples given of ancillary structures in section 2(b) of this clause. It is also recommended that an additional provision be included that notes that demountable structures, whether habitable or not, should not be permitted to achieve the additional reduced front setback, due to the nature of these structures.

It is recommended that diagrams illustrating examples of the appropriate implementation of both options for section 3 of this clause be included to provide clarity for applicants.

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

The proposal to amend the uses allowed to interchange within Zone CB (Central Business) to include office, restaurant, shop, leisure and recreation and licensed club and the uses allowed to interchange in Zone C (Commercial) to include restaurant, shop, and showroom sales is not supported in its current format. The application states that the uses proposed to be interchangeable in Zone CB (Central Business) have the same car parking rates; however, this is only true for Zone CB (Central Business) in Darwin and does not apply to Zone CB (Central Business) in Palmerston, Katherine, or Alice Springs. Either this clause should be amended to apply only within Zone CB (Central Business) in Darwin or the parking requirements in Clause 6.5.1 of the NT Planning Scheme should be amended for these uses for all areas of Zone CB (Central Business) in the Northern Territory.

However, there are concerns with amending the car parking ratios for other jurisdictions, as the Darwin CBD can be considered to be much more dense and contain a different mix of residential and other uses than the other Central Business zones. In particular, a leisure and recreation use, such as a gym, in Palmerston would require 10 car parking spaces per 100m² and an office would require 2.5 car parking spaces per 100m². It would not be suitable or likely feasible to interchange those uses.

The proposal to add showroom sales to interchangeable uses in Zone C (Commercial) is not supported as there is no background information provided within the application on the reason or need for this change; indeed the change is not mentioned at all except for within the amended clause. Council cannot support a change without any supporting information that indicates why the change is required. It is noted that this use does not have the same car parking requirements as restaurant or shop, requiring 4 car parking spaces per 100m² to the 6 car parking spaces per 100m² required for the other uses.

o) Clause 8.1.5 (Child Care Centres)

This proposed amendment to this clause is not supported at this time as it is unclear why the change is being made. Council supports the current requirement in the NT Planning Scheme that the boundary between a child care centre and an abutting residential site should be screened to protect privacy.

p) Clause 8.3 (Setbacks for Commercial Uses adjacent to Land in Zones SD, MD, MR or HR)

The proposal to eliminate the requirement for additional setbacks across a road reserve to residential land is supported, as the road reserve is considered to provide an appropriate boundary.

The proposal to eliminate the requirement for a landscaped setback in major remote towns is supported given the nature of development in those areas.

The proposal to eliminate the requirement for a 3m landscaped setback to provide a visual screen for child care centres is not supported as the reasoning behind this change is not clear within the application. The current requirement in the NT Planning Scheme for screening to protect privacy for child care centres contained in Clause 8.1.5 is supported and it is unclear how the proposed amendment improves upon this existing requirement. Additional details are requested prior to supporting this portion of the amendment.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.11	Report Number:	16/0137
Report Title:	PA2016/0321, a Development Application for subdivision and consolidation to create 4 lots plus 1 lot for the purpose of a lease in excess of 12 years at Section 4768, Section 5124, Section 5215, Section 5126, Section 5127, Section 5131, and Section 5132 (883 and 881) Stuart Highway and (2, 4, 6, 14, and 16) Mander Road, Holtze, Hundred of Bagot		
Meeting Date:	16/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Attachment A: Development Application PA2016/0321. Attachment B: Council's letter of comment for PA2016/0321, a Development Application for Subdivision and Consolidation to Create 4 Lots and 1 Lot for the Purpose of a Lease in Excess of 12 Years at Section 4768, 5124, 5125, 5126, 5127, 5131, 5132 (883) Stuart Highway Holtze, Hundred of Bagot.		

Summary

The purpose of this report is to provide a summary and assessment to Council of PA2016/0321, a Development Application for subdivision and consolidation to create 4 lots plus 1 lot for the purpose of a lease in excess of 12 years at Section 4768, Section 5124, Section 5215, Section 5126, Section 5127, Section 5131, and Section 5132 (883 and 881) Stuart Highway and (2, 4, 6, 14, and 16) Mander Road, Holtze, Hundred of Bagot, included as Attachment A.

The application proposes a subdivision of land, which requires a Development Permit.

The report also presents for Council endorsement the *Letter of Comment* on PA2016/0321 provided to the consent authority on 03/06/2016, included as Attachment B.

It is recommended that Council support the application subject to various Conditions Precedent on the Development Permit, including labelling of the proposed driveway access, provision of a Traffic Impact Assessment and detailed stormwater management plan, and provisions regarding the ultimate responsibility of the private access drive across Lot 1.

Recommendations

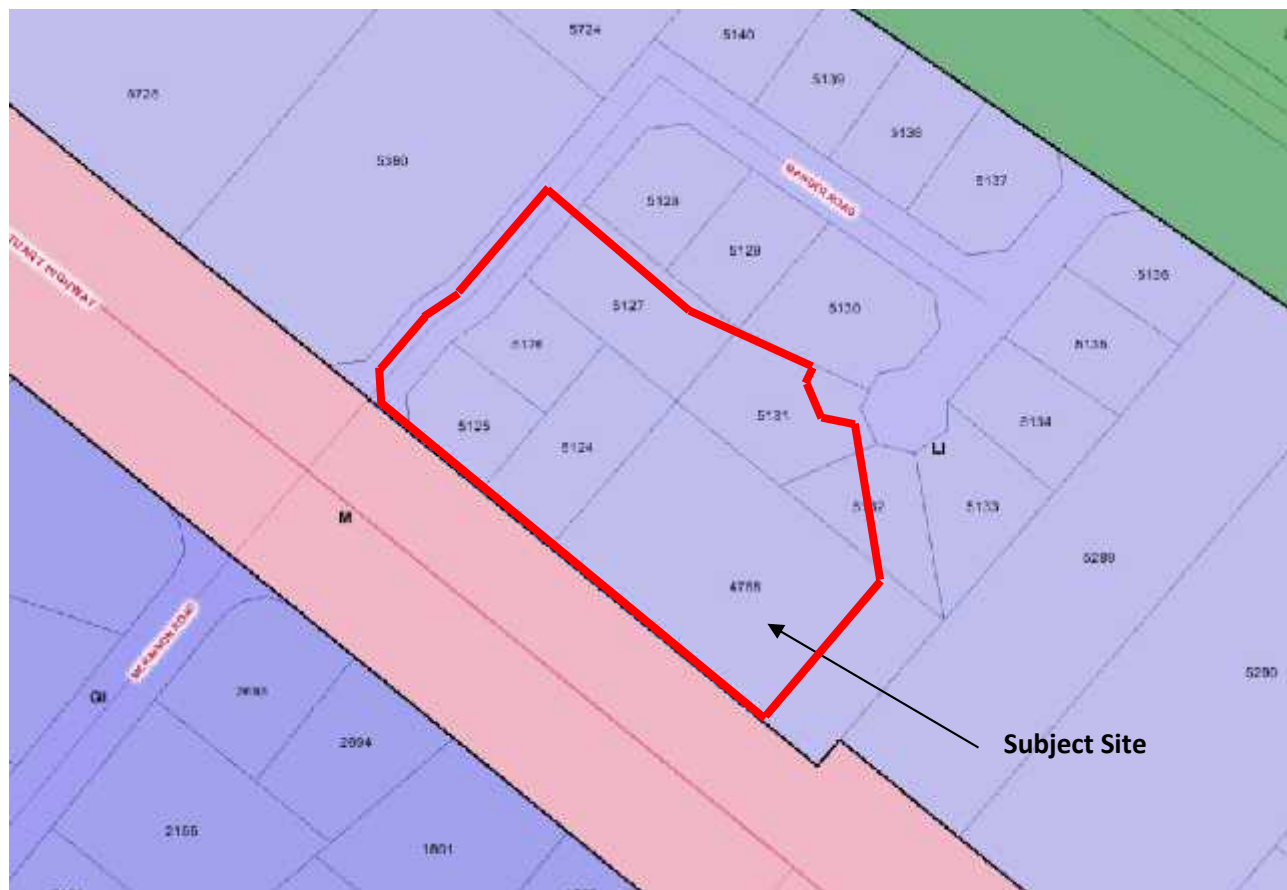
THAT Council:

1. endorse Attachment B, Council's Letter of Comment for PA2016/0321, a Development Application for subdivision and consolidation to create 4 lots plus 1 lot for the purpose of a lease in excess of 12 years at Section 4768, Section 5124, Section 5215, Section 5126, Section 5127, Section 5131, and Section 5132 (883 and 881) Stuart Highway and (2, 4, 6, 14, and 16) Mander Road, Holtze, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report.

Background

Site and Surrounds

The subject site is a collection of seven parcels along the Stuart Highway and Mander Road in Holtze, as shown in the following map. All seven lots highlighted in the following image are subject of this application.



Source: NT Atlas and Spatial Directory

The subject sites are located in Zone LI (Light Industrial) and surrounded on three sides by other sites in the same zone. To the south, the subject site is bordered by the Stuart Highway. The site is currently undeveloped while surrounding sites are developed with light industrial uses.

Site Development History

Previous planning approvals have been granted for the site for a warehouse (in 1999) and for a tavern with takeaway food and showroom/warehouse (in 2002). However, these permits have expired without the development taking place on site.

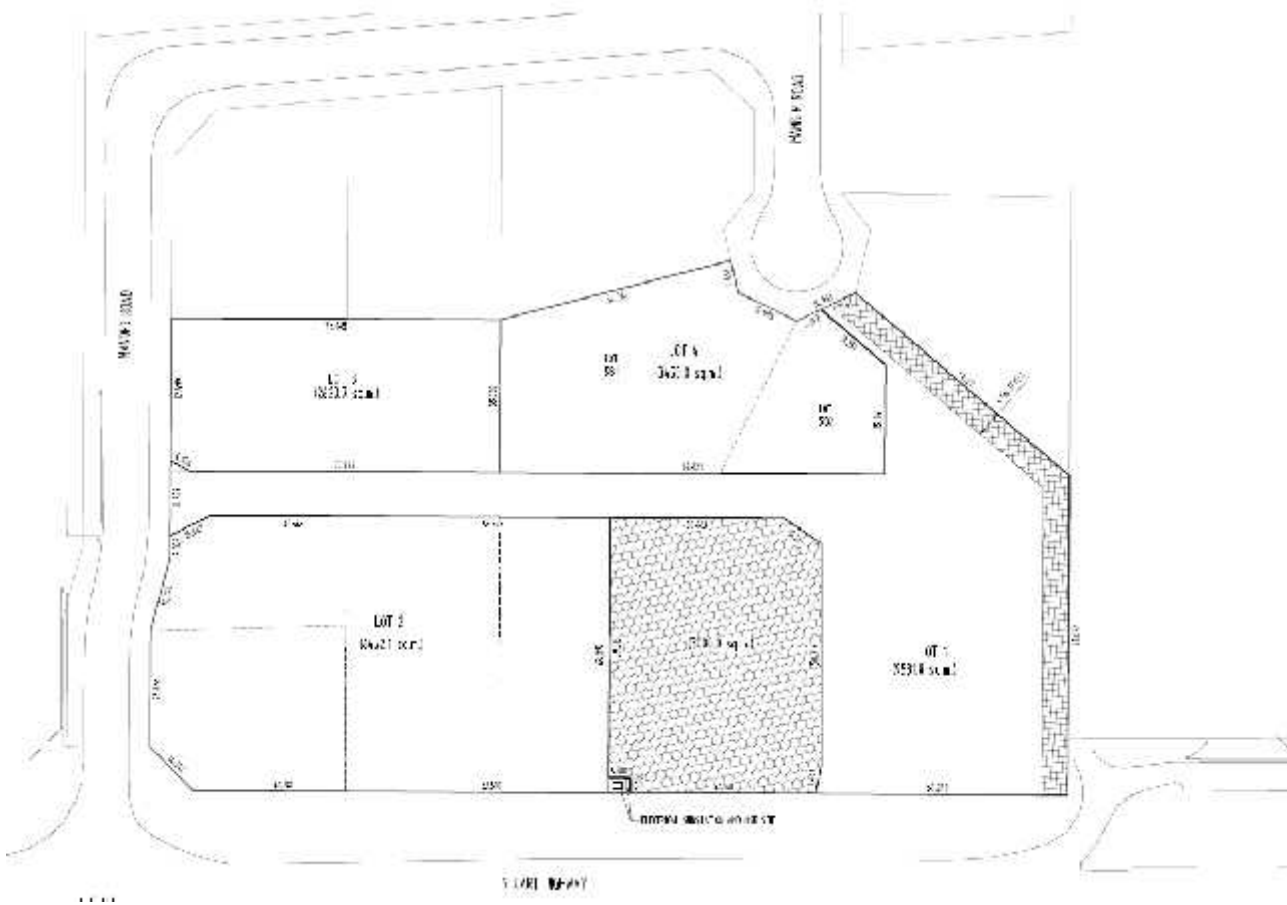
A previous application from 2010 for 10 buildings for the purpose of light industry, warehouses, and office and showroom sales was held over and an application in 2012 for a park and ride facility was deferred.

In 2010, an application for the consolidation of the seven parcels was approved; however, this permit was not carried through to completion of the consolidation.

A recent application for a bottleshop on Section 4768 adjacent the Stuart Highway was granted approval in May 2016.

Current Proposal

The application proposes the consolidation and re-subdivision of the seven existing parcels to create four separate lots. Within one of the newly created lots, an area is also proposed for a lease in excess of 12 years.



Source: PA2016/0321

The application indicates that the reconfiguration of the existing boundaries will facilitate the overall proposal for the broader site to serve as a “one-stop-shop” as an integrated highway service centre. The intent is to provide a single facility to stock up on food, fuel, alcohol and equipment and to provide a storage facility for boats caravans and other equipment. It is noted that the current proposal is only for subdivision and consolidation of the existing parcels.

The application states that each parcel will be able to be individually accessed and will provide for stormwater drainage without reliance on the adjacent parcels.

Access to Lot 1 is provided from an extended access drive off Mander Road, from Stuart Highway, and from the cul-de-sac at the end of Mander Road (entrance only). Access to Lots 2 and 3 is from Mander Road and access to Lot 4 is from the Mander Road cul-de-sac.

A full understanding of the stormwater drainage plans for the site remains unclear from the information provided within the application.

It is also understood that while a Traffic Impact Assessment has been prepared for the site this report requires updating to reflect the current subdivision layout. Council should request a Traffic Impact Assessment to Council's standards, in order to best understand the potential future impacts upon Council infrastructure.

Similar to the above comments on access, each proposed individual lot should cater for individual stormwater drainage to the local street network system. The stormwater drainage plan provided with the application is unclear on drainage for some portions of the site and does not currently meet Council's standards. However, it is considered that requirement for the provision of a detailed stormwater management plan to Council's standards as a Condition Precedent on any Development Permit issued for the site could appropriately address these concerns.

Conclusion

It is recommended that Council support the application subject to various Conditions Precedent on the Development Permit, including labelling of the proposed driveway access, provision of a Traffic Impact Assessment and detailed stormwater management plan, and provisions regarding the ultimate responsibility of the private access drive across Lot 1.

Links with Strategic Plan

1. Effective Leadership and Governance

Legislative and Policy Implications

Nil.

Risks

Nil.

Financial Implications

Nil.

Recommending Officer: Peter Reeve, Acting General Manager Infrastructure and Planning

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

08 June 2016

Mr Steven Kubasiewicz
Development Assessment Services
Department of Lands and Planning and the Environment
GPO Box 1680
Darwin NT 0801

Dear Steve

PA2016/0321
Section 4768 (883) Stuart Highway,
Section 5124 (881) Stuart Highway,
Section 5125 (2) Mander Road,
Section 5126 (4) Mander Road,
Section 5127 (6) Mander Road,
Section 5131 (14) Mander Road,
Section 5132 (16) Mander Road,
Holtze, Hundred of Strangways
Subdivision and consolidation to create 4 lots and 1 lot for the purpose of a lease in
excess of 12 years

Thank you for the Development Application referred to this office on 20/05/2016, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Development Permit for the following reasons:

- a) The proposal appears consistent with the requirements of the NT Planning Scheme.
- b) While Council has some concerns over the proposals for ultimate connection to Council's infrastructure, these concerns should be able to be adequately addressed, as detailed in the section below.

provided the following issues are adequately addressed:

- a) Council requires all documentation related to the application, including servicing reports and traffic impact assessments, to remove references to the "new access road" existing within Lot 1 and refer to this access as a "driveway" in order to reduce future confusion over the purpose of and responsibility for this driveway access.

Council further requests that an advisory note be placed on the title for Lot 1 indicating the status of this access as a driveway and that there is no expectation or intent to turn the access driveway over to Litchfield Council at any time in the future.

- b) As discussed with the applicant and land owner, Council requests additional details on the design and look of the proposed driveway access through Lot 1, including sketch elevations and/or 3D images.
- c) While the proposal appears to meet Council's requirements in relation to driveway access, Council will require a fully updated Traffic Impact Assessment to Council's standards, as indicated in the required Conditions Precedent section below. Council will not accept the proposed road connections until such time as the TIA is approved by Council.
- d) There are some outstanding concerns with the stormwater drainage plans presented in the application. Council will require a full stormwater drainage management plan for the entire site, to Council's standards, as indicated in the required Conditions Precedent section below.

Due to concerns over the current plan, Council will require detailed design, including cross sections, indicative levels, dimensions, etc. prior to approving the stormwater management plan for the site.

Council will also require all internal stormwater drainage pits to be dry sump, which should be reflected appropriately on plans for the site.

Council will also require drainage easements for drains currently proposed on Lots 2, 3, and 4, and may require easements over Lot 1, depending on the final drainage design proposed. These easements can be finalised as part of the stormwater drainage design indicated in the required Conditions Precedent section.

- e) Council notes that the latest plans provided to Council include development signs and that within Litchfield Municipality, development signs require a Development Permit.

Should the application be approved, the Council requests the following conditions be included as Condition Precedents in any Development Permit issued by the consent authority:

- a) The crossovers and driveways shall meet Litchfield Council's requirements.
- b) Litchfield Council requests that prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).
 - i. The plan shall demonstrate how all stormwater is to be collected on the site and discharged underground to Litchfield Council's stormwater drainage system.
 - ii. It is necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
 - iii. The plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
 - iv. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.
- c) Litchfield Council requires a Traffic Management Plan for the construction phase of the development to the satisfaction of the General Manager Infrastructure and

Planning, Litchfield Council. The plan must address traffic control and haulage routes proposed for the development.

- d) Litchfield Council requires a comprehensive Traffic Impact Assessment Report, to be prepared by a suitably qualified traffic engineer in accordance with the AustRoads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The Traffic Impact Assessment report is to also include swept paths for any vehicles Class TB2 or larger (as defined in AustRoads 94) entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development to the requirements of Litchfield Council. The developer will be required to institute all required upgrade measures at no cost to Litchfield Council.

Should the application be approved, the following conditions pursuant to the Planning Act and Council's responsibility under the Local Government Act are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) **Litchfield Council requests that the Authority require a monetary contribution is paid to Litchfield Council in accordance with its Development Contribution Plan for roads and drainage to upgrade infrastructure as a result of this development.** The site falls within Development Contributions Plan for Roads and Drainage - Catchment Area 3. The developer will be required to pay Litchfield Council a contribution towards roads and drainage works in accordance with the above Catchment Area.
- b) Engineering design and specifications for the proposed and affected roads, including street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, street-scaping and landscaping of nature strips, shall be to the approval of the General Manager Infrastructure and Planning, Litchfield Council, with all approved works constructed at the developer's expense, to the requirements of Litchfield Council.

Note: Design drawings should be approved by Litchfield Council prior to construction of the works.

- c) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- d) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.au.

- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's street network.

If you require any further discussion in relation to this application please do not hesitate to contact me on 08 8983 0632.

Yours faithfully



Peter Reeve
Acting General Manager Infrastructure and Planning

Agenda Item Number:	13.12	Report Number:	16/0138
Report Title:	Risk Management & Audit Committee Meeting Report		
Meeting Date:	15/06/2016	Record Number:	2KNW6MYD5VHJ-1174427650-1
Attachments:	Minutes of Risk & Audit Committee meeting held on Wednesday 11 May 2016		

Summary

The Minutes of the Risk Management & Audit Committee held on 11 May 2016 is attached for Council's review.

Recommendations

THAT Council

1. receive the minutes of the Risk Management & Audit Committee meeting held on 11 May 2016
2. adopts the alternative Risk Management Framework as per 9.1 (2) of the Risk Management & Audit Committee meeting minutes 11 May 2016.

Background

The Risk Management & Audit Committee is formed pursuant to Part 5.2 of the Local Government Act and Section 10 of the Local Government (Accounting) Regulations.

The Risk Management & Audit Committee met on 29 October 2015 and recommended that Council adopt the Better Practice Model as its financial risk management framework.

At the Council meeting held 19 November 2015, Council adopted the recommendation by the Risk Management and Audit Committee to adopt the Better Practice Model as its financial risk management procedures.

The next meeting of the Risk Management and Audit Committee was held 11 May 2016. The six month delay between meetings was largely due to the process and challenges related to the appointment of election of a new council and the appointment of a new Council CEO and senior management.

At the meeting held on the 11 May 2016, the Better Practice Model Risk Management Framework was discussed. It was agreed by the Committee that this framework, whilst robust, was considered more suitable for much larger Councils. An alternative framework based on the model currently adopted by the City of Darwin was considered. This framework includes the assessment, mitigation and monitoring of both strategic and operational risks and would align these to Litchfield Councils new Municipal Plan. Although the City of Darwin is a larger organisation the model framework was considered by the Committee to be more scalable, suitable and relevant to Litchfield Council than the Better Practices Model.

The minutes of the above-mentioned meeting are attached.

Links with Strategic Plan

5. Effective Council Management

Legislative and Policy Implications

Local Government Act & Local Government (Accounting) Regulations

Risks

No risk identified

Financial Implications

No financial implications identified

Recommending Officer:	Stuart Totham – Director of Community and Corporate Services
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Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

**MINUTES OF THE RISK MANAGEMENT AND AUDIT
COMMITTEE MEETING OF THE LITCHFIELD COUNCIL
HELD ON WEDNESDAY 11 MAY 2016
AT COUNCIL CHAMBERS, BEES CREEK ROAD, FRED'S PASS**

Present:	Iain Summers	Chairperson
	Kirsty Hunt (Councillor)	Committee Member
	Letchimi Wright (Councillor)	Committee Member
	Maree Bredhauer (Mayor)	In Attendance
Staff:	Kaylene Conrick	Chief Executive Officer
	Stuart Totham	Acting Director Community and Corporate Services
	Karina Gates	Acting Finance Manager

1. OPENING OF MEETING:

The Chairperson, Iain Summers opened the Meeting at 5.05 p.m.

2. APOLOGIES AND LEAVE OF ABSENCE:

Nil

3. CONFIRMATION OF MINUTES:

THE COMMITTEE resolved that the minutes of the Risk Management and Internal Audit Committee Meeting held Thursday 29 October 2015, 4 pages, are confirmed in full with policy changes adopted.

MOVED: I. Summers

SECONDED: Cr Wright

CARRIED

.....
This is page **1** of **5** of the Risk Management and Audit Committee Meeting held WEDNESDAY 11 MAY 2016

.....
CHAIRPERSON

4. **BUSINESS ARISING FROM THE MINUTES:**

Table of Resolutions and Actions from 2015 was discussed and noted. The Chair reminded the Committee of the Terms of Reference for the Risk Management and Audit Committee. It was noted, Litchfield Council's Annual Report was submitted to the Minister on 9 February 2016.

5. **CONFLICT OF INTEREST:**

As with previous meetings, Chair Iain Summers, advised that his daughter works for the Council's External Auditors, UHY Haines Norton Adelaide.

6. **PRESENTATIONS:**

Nil

7. **ACCEPTING OR DECLINING LATE ITEMS:**

Nil

8. **NOTICES OF MOTION:**

Nil

9. **OFFICERS REPORTS AND ITEMS FOR DISCUSSION**

9.1 RISK MANAGEMENT FRAMEWORK

1. THAT the Committee receive Item 6.
2. THAT the Risk Management & Audit Committee advises that Council adopt an alternative Risk Management Framework as presented. The Framework will include assessment, mitigation and monitoring of both strategic and operational risks that align with the Council's new Strategic Plan for 2016/17 with the addition of a due date column for actions.

.....
This is page 2 of 5 of the Risk Management and Audit Committee Meeting held WEDNESDAY 11 MAY 2016

.....
CHAIRPERSON

3. THAT the Risk Management & Audit Committee advises that Council adopt FIN09 Risk Management Policy, and the CEO and Senior Management develop Risk Management Framework compliant with the Policy and present this to the Risk Management and Internal Audit Committee for review by next meeting.

MOVED: I. Summers

SECONDED: Cr Hunt

CARRIED

9.2 2015 AUDIT MANAGEMENT LETTER

1. THAT the Committee receive Item 7.
2. THAT the Committee request all responses to observations be in progress and evidence is presented to verify all issues addressed by next meeting. Except, it was agreed by the Committee that a separate bank account is not necessary for Thorak Regional Cemetery.

The Committee noted that Audit Observation 4 and 16 are outside the Risk Management & Audit Committee's Terms of Reference and are to be addressed by management.

MOVED: I. Summers

SECONDED: Cr Hunt

CARRIED

9.3 INTERNAL AUDIT AND COMPLIANCE PLAN

1. THAT the Committee receive Item 8.
2. THAT the Committee request the development of a draft Internal Audit and Compliance Plan for the 2016/17 financial year to be presented at the Risk Management and Audit Committee's next meeting.

.....
This is page **3** of **5** of the Risk Management and Audit Committee Meeting held WEDNESDAY 11 MAY 2016

.....
CHAIRPERSON

Discussion took place regarding a draft Internal Audit and Compliance Plan and its interaction with Risk Management Framework.

MOVED: I. Summers

SECONDED: Cr Wright

CARRIED

9.4 2016/17 MUNICIPAL PLAN REPORT KPI'S

1. THAT the Committee receive Item 9.
2. THAT the Committee requests that the CEO and Senior Management develop a Performance Report that provides tracking of Council against the Key Performance Indicators in the Municipal Plan and that more information around the system in place to provide the data for the measurement of the KPI is provided to ensure the volatility of the reported result. This Report is to be tabled at the next Risk Management and Audit Committee Meeting.

MOVED: I. Summers

SECONDED: Cr Wright

CARRIED

9.5 BERRY SPRINGS WASTE TRANSFER STATION SAFETY AUDIT

1. THAT the Committee receive Item 10.
2. THAT the Committee requested that a report containing Management comments and actions as a result of the Berry Springs Waste Transfer Station Safety Audit to be presented to the Committee and for these items to be included in the Risk Register under development.

MOVED: I. Summers

SECONDED: Cr Hunt

CARRIED

.....
This is page 4 of 5 of the Risk Management and Audit Committee Meeting held WEDNESDAY 11 MAY 2016

.....
CHAIRPERSON

9.6 2016 COMMITTEE MEETINGS

1. THAT the Committee receive Item 11.
2. THAT the Committee recommend Meetings to be scheduled as follows:

Thursday 25 August 2016 from 5:00pm to 6:30pm

Thursday 27 October 2016 from 5:00pm to 6:30pm

Thursday 15 December 2016 from 5:00pm to 6:30pm

MOVED: I. Summers

SECONDED: Cr Wright

CARRIED

10 OTHER BUSINESS

Nil

The next meeting was scheduled for the morning of 25 August 2016.

The meeting closed at 6.10pm.

This is page 5 of 5 of the Risk Management and Audit Committee Meeting held WEDNESDAY 11 MAY 2016

CHAIRPERSON

14. Common Seal

15. Other Business

16. Public Questions

17. Closure of Meeting to the Public

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the Public to consider the Confidential Items on the Agenda. The Confidential items contain information classified as confidential due to it being:

- information about the personal circumstances of a resident or ratepayer;
- information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

17.1 Awarding of the Tender Construction of Pony Club Shed

17.2 Application Rate Concession

17.3 Outstanding Debt Charge

That pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be re-opened to the public.

18. Close of Meeting