

LITCHFIELD COUNCIL



Community effort is essential

Council Meeting BUSINESS PAPER WEDNESDAY ~~20/11/2019~~ 18/03/2020

Meeting to be held commencing 6:30pm
In Council Chambers at 7 Bees Creek Road, Freds Pass

Daniel Fletcher, Chief Executive Officer

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

*Reminder that prior to the meeting each month the public are invited to the Councillor Open Space
Discussions at 5:30pm to 6:15pm in the Council's Gazebo*



LITCHFIELD COUNCIL MEETING

Notice of Meeting
to be held in the Council Chambers, Litchfield
on Wednesday 18 March 2020 at 6:30pm

Daniel Fletcher
Chief Executive Officer

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COUNCIL AGENDA

LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

1. Open of Meeting

Audio Disclaimer

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

2. Acknowledgement of Traditional Ownership

Council would like to acknowledge the traditional custodians of this land on which we meet on tonight. We pay our respects to the Elders past, present and future for their continuing custodianship of the land and the children of this land across generations.

3. Apologies and Leave of Absence

THAT Council notes and approves:

Leave of Absence	Cr {Insert}	{dates}
Apologies	Cr {Insert}	{date}

4. Disclosures of Interest

Any member of Council who may have a conflict of interest, or a possible conflict of interest regarding 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.

5. Confirmation of Minutes

THAT Council confirm the minutes of the meetings held:

- 19 February 2020, 9 pages; and
- 19 February 2020 (Confidential), 3 pages.



LITCHFIELD COUNCIL MEETING

Minutes of Meeting

held in the Council Chambers, Litchfield

on Wednesday 19 February 2020 at 6:30pm

Present	Maree Bredhauer Christine Simpson Kirsty Sayers-Hunt Doug Barden Mathew Salter	Mayor Deputy Mayor / Councillor Central Ward Councillor East Ward Councillor South Ward Councillor North Ward
Staff	Daniel Fletcher Nadine Nilon Silke Maynard Wendy Smith Debbie Branson	Chief Executive Officer Director Infrastructure and Operations Director Community & Corporate Services Manager Planning & Development Executive Assistant
Public	Nil	

1. OPENING OF THE MEETING

The Mayor opened the meeting and welcomed members of the public.

The Mayor advised that an audio recording of the meeting will be made for minute taking purposes as authorised by the Chief Executive Officer.

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the traditional custodians of the land on which the Council meet on. The Mayor also conveyed Council's respect to the Elders past, present and future for their continuing custodianship of the land and the children of the land across generations.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF INTEREST

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

No further disclosures of interest were declared.

5. CONFIRMATION OF MINUTES

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council confirm the minutes of the:

1. Council Meeting held 15 January 2020, 7 pages; and
2. Confidential Council Meeting held 15 January 2020, 1 page.

CARRIED (5-0)-1920/139

6. BUSINESS ARISING FROM THE MINUTES

Moved: Cr Barden
Seconded: Deputy Mayor Simpson

THAT Council receive and note the Action List.

CARRIED (5-0)-1920/140

7. PRESENTATIONS

Nil.

8. PETITIONS

Nil.

9. PUBLIC FORUM

Nil.

10. ACCEPTING OR DECLINING LATE ITEMS

10.1 Late Report – 19.3 Application of Common Seal to Sale Documents for Assessment 10071025

Moved: Cr Barden
Seconded: Cr Salter

THAT Council include the late report item 19.3 Application of Common Seal to Sale Document for Assessment 10071025, in the officer's reports for consideration.

CARRIED (5-0)-1920/141

10.2 Late Report – 19.4 Mango Roads Funding and Deed of Agreement

Moved: Cr Salter
Seconded: Cr Barden

THAT Council include the late report item 19.4 Mango Roads Funding and Deed of Agreement, in the officer's reports for consideration.

CARRIED (5-0)-1920/142

11. NOTICES OF MOTION

Nil.

12. MAYORS REPORT

Moved: Cr Sayers-Hunt
Seconded: Cr Barden

THAT Council receive and note the Mayor's monthly report.

CARRIED (5-0)-1920/143

13. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees provided an update where relevant.

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council note the Councillors' verbal report.

CARRIED (5-0)-1920/144

14. FINANCE REPORT

14.1 Litchfield Council Finance Report – January 2020

Moved: Cr Salter
Seconded: Deputy Mayor Simpson

THAT Council receive the Litchfield Council Finance report for the period ended 31 January 2020.

CARRIED (5-0)-1920/145

15. OFFICERS REPORTS

15.1 Draft Rating Policy FIN02

Moved: Cr Sayers-Hunt
Seconded: Cr Salter

THAT Council:

1. note the consultation results for the Draft Rating Policy FIN02;
2. acknowledge community members for their involvement in the consultation process; and
3. adopt the Draft Rating Policy FIN02.

CARRIED (5-0)-1920/146

15.2 February 2020 Summary Planning and Development Report

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council:

1. receive the January 2020 Summary Planning and Development Report; and
2. note for information the responses provided to relevant agencies within Attachments A-C to this report.

CARRIED (5-0)-1920/147

15.3 PA2019/0416, an Exceptional Development Permit Application to Allow the Use and Development of Leisure and Recreation (Rodeo and Outdoor Entertainment) at Lot 1 (1795) Stuart Highway, Noonamah, Hundred of Strangways

Moved: Cr Sayers-Hunt
Seconded: Cr Salter

THAT Council:

1. receive and note the report; and
2. endorse Attachment A, Council's Letter of Comment for PA2019/0416, an Exceptional Development Permit Application to Allow the Use and Development of Leisure and Recreation (Rodeo and Outdoor Entertainment) at Lot 1 (1795) Stuart Highway, Noonamah, Hundred of Strangways

CARRIED (5-0)-1920/148

15.4 PA2017/0401, a Development Application for Subdivision to Create 12 Lots in Two Stages at Lowther Road, Bees Creek

Moved: Deputy Mayor Simpson
Seconded: Cr Barden

THAT Council receive and note the report.

CARRIED (5-0)-1920/149

15.5 CEO's Monthly Report

Moved: Cr Barden
Seconded: Cr Salter

THAT Council receive and note the Chief Executive Officer's monthly report for January 2020.

CARRIED (5-0)-1920/150

15.6 Council Meeting – June 2020 – Change of Date

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council approve changing the Ordinary Council Meeting scheduled for Wednesday 17 June 2020 to Wednesday 24 June 2020 commencing at 6:30pm.

CARRIED (5-0)-1920/151

15.7 LGANT General Meeting – Call for Motions

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council:

1. note the LGANT call for motions and policy document; and
2. call for LGANT to formally request that the Minister for Local Government establish an inquiry, through the formation of a steering committee, to review the Northern Territory Local Government Rating System using the following Terms of Reference:

In investigating and making recommendations for this review, the review is to consider:

1. *The performance of the current rating systems and potential improvements, including consideration of:*
 - a. *The rating equity across and within communities, including consideration of apartments and other multi-dwellings;*
 - b. *Assessing the Asset Sustainability of councils and reducing the reliance on external grant funding;*
 - c. *The appropriateness and impact of the current rating categories (including mining and pastoral leases) and exemptions, any concessions or rebates currently offered;*
 - d. *The land valuation methodology used as the basis for determining rates in comparison to other jurisdictions;*
 - e. *As assessment on how well funding for depreciation of assets is being collected, allocated and spent;*
 - f. *The objectives and design of the rating system according to recognised principles of taxation.*
2. *Current examples of local government best practice rating policies and schemes;*
3. *The impact of the current and alternative frameworks for the rating system on communities and businesses and their capacity to pay; and*
4. *Any other matter the Commission considers relevant.*

CARRIED (5-0)-1920/152

15.8 Community Engagement Strategy Action Plan Year Two Anniversary

Moved: Cr Sayers-Hunt
Seconded: Deputy Mayor Simpson

THAT Council receive and note the Community Engagement Strategy Action Plan 12-month anniversary report.

CARRIED (5-0)-1920/153

15.9 LGANT Nomination of Delegates

Moved: Deputy Mayor Simpson
Seconded: Cr Sayers-Hunt

THAT Council:

1. appoint Mayor Bredhauer, as Council's principle delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council;
2. appoint Councillor Sayers-Hunt as delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council;
3. notify LGANT of the Council appointments.

CARRIED (3-2)-1920/154

15.10 Taminmin Library Update

Moved: Deputy Mayor Simpson
Seconded: Cr Sayers-Hunt

THAT Council note the Taminmin Library Update report.

CARRIED (5-0)-1920/155

16. COMMON SEAL

Nil.

17. OTHER BUSINESS

Nil.

18. PUBLIC QUESTIONS

Nil.

19. CONFIDENTIAL ITEMS

Moved: Cr Sayers-Hunt
Seconded: Cr Barden

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) regulations the meeting be closed to the public to consider the following Confidential Items:

19.1 Freds Pass Sport and Recreation Governance Arrangement Review – Appointment of Community Members to Community Reference Group

8(c)(iv) information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

THAT Council:

1. Endorses the following members to the Freds Pass Sport and Recreation Reserve Governance Arrangements Review Reference Group –
 - a) Joanne Burgess as the user group representative;
 - b) Karen Lewis as the ratepayer who is not affiliated with any user group on FPSRR or the Board; and
 - c) Anthony Dent as the FPSRR Board Representative.
2. Writes to inform individuals appointed to the Reference Group;
3. Writes to inform unsuccessful nominations of Council's decision and thanks each nominee for their application;
4. Writes to the Freds Pass Sport and Recreation Reserve Board to provide an update on the appointment of the members; and
5. Makes public this resolution Part 1 to 5 on the public record in the open section of the Minutes.

19.2 Land Beyond Landfill – Update February 2020

8(c)(iv) information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

19.3 Application of Common Seal to Sale Documents for Assessment 10071025

8(b) information about the personal circumstances of a resident or ratepayer.

19.4 Mango Roads Funding and Deed of Agreement

8(c)(iv) information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

CARRIED (5-0)-1920/156

The meeting was closed to the public at 7:46pm.

Moved: Cr Barden
Seconded: Cr Sayers-Hunt

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.

CARRIED (5-0)-1920/161

The meeting moved to Open Session at 8:09pm.

20. CLOSE OF MEETING

The Chair closed the meeting at 0:00pm.

21. NEXT MEETING

Wednesday 18 March 2020.

MINUTES TO BE CONFIRMED
Wednesday 18 March 2020

.....
Mayor
Maree Bredhauer

.....
Chief Executive Officer
Daniel Fletcher



COUNCIL AGENDA

LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

6. Business Arising from the Minutes

THAT Council receives and notes the Action List.

Resolution Number	Resolution	Action Officer	Meeting Date	Status
15/0175/02	Meeting Procedures By-Laws 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.	DCCS	19-11-15	Council continue to work with Parliamentary Counsel and Department of Housing & Community Develop (LG Division) to progress the By-law.
16/0203	Signage, Roadside Vans and Events on Council Land 1. Endorse a position that no approvals will be given for signage, roadside vans or events on council owned land until such time as appropriate policy, procedures and by-laws are developed. This excludes Council Reserves which are run under management by committee or under lease to an incorporated body; 2. Develop Council by-laws to cater for the regulation of a permit system for signage within the municipality and roadside vans and events on council owned land; 3. Develop policy and procedures to support any Council by-laws which are enacted; and 4. To commence work on these by-laws, policy and procedures in 2017/18 financial year.	DCCS	21-09-16	On hold until Meeting By-Laws are concluded.
17/0036/4	Litchfield Aquatic Facility Needs Analysis Report THAT Council engages the Northern Territory Government to work together to address the gap in aquatic services in the southern part of the Litchfield municipality, in particular the provision of Learn to Swim facilities.	DCCS	15-02-17	Special Purpose Grant Application lodged in Novemebr 2019 - awaiting outcome from Department of Local Government
1718/240	Berry Springs Water Advisory Committee - Council Representative THAT Council appoints Councillor Barden as its nominated representative to lodge an Expression of Interest for the Northern Territory Government Department of Environment and Natural Resources Berry Springs Water Advisory Committee.	CEO	16-05-18	Appointments are on hold due to a legal issue relating to the Water Act 1992 and the number of water advisory committees that can operated in a water control district. Waiting on further advice from NT Government.
1819/145	Recreation Reserve Leases and Funding Agreements Project THAT Council: 1.notes the update on the development of leases and funding agreements as part of the Recreation Reserves Leases project; 2.notes the draft lease agreement; 3.approves the fixation of the Common Seal with the Mayor and the CEO signing the lease agreements on behalf of Council, providing no material changes are made to the lease agreement; and 4.receive an update report on the progress made with each Reserve Management Committee and other User Groups on Council's Recreation Reserves in signing the lease agreement, no later than the June 2019 Council meeting.	DCCS	16-01-19	Meeting with Recreation Reserve Boards scheduelud for March to discuss leases and funding agreements
1920/032	Investigation of a Suitable Site for a Dump Point THAT Council: 1.approves an investigation into the development of Litchfield Municipality as an RV friendly destination; 2.investigates suitable sites for an RV friendly Park in the Municipality; 3.engages with the CMCA to explore the opportunity of becoming partners in an RV Park and dump point, in Litchfield Municipality; and 4.prepare a report for the October 2019 meeting outlining what the partnership arrangement could look like, along with the commitment requirement of Litchfield Council and the CMCA.	DIO	16-10-19	Underway. To be included in report from resolution 1920/068

1920/068	Dump Point and RV Park Investigation Update THAT Council: 1.receive and notes the update on the investigation of a potential site for a dump point and RV-friendly park within the Municipality; and 2.receive a further update report on potential dump point and RV-friendly sites by March 2020.	DIO		Underway.
1920/074	Proposed Road Opening Richards Road, Blackmore THAT Council: 1.proceed with the road opening process for Richards Road across 2335 Cox Peninsula Road, Blackmore and 2.authorise all appropriate documents to be signed and common seal affixed by the Mayor and Chief Executive Officer for the opening of the road, as required.	DIO	16-10-19	Authorisation from Minister received. Final documents are being prepared for signing.
1920/078	Mango Roads Project Update THAT Council: 1.receive and notes the update on the Mango Road project; 2.notes Council as being a partner of the project, alongside the Federal Government and Northern Territory Government; 3.notes the Northern Territory Government as coordinating the project delivery of the Mango Roads project; 4.provides in-principle support to contribute \$3 million to the Mango Roads project; 5.approves the use of up to \$250,000 from the Developer Contribution reserve in 2019/20 to fund the finalisation of designs and other works relating to the project, with any amount utilised being part of Council's \$3 million contribution; 6.request the Finance Manager to include funding of the Mango Roads project in the future budget register for consideration within the 2020/21 budget, at a value to be determined through budget considerations; and 7.write to Minister Canavan and Minister Lawler to express a desire to have the infrastructure bought forward to the 20/21 budget for immediate works.	16-10-19	DIO	DIO continuing project plan development in conjunction with NTG. Design consultant engaged to finalise designs and documentation for NTG tendering. Agreement with NTG for Council's financial contribution has been drafted and is under review. Letters to Ministers have been sent.
1920/146	Draft Rating Policy FIN02 THAT Council: 1.note the consultation results for the Draft Rating Policy FIN02; 2.acknowledge community members for their involvement in the consultation process; and 3.adopt the Draft Rating Policy FIN02.	19-02-20	DCCS	Complete - Policy published on website
1920/151	Council Meeting – June 2020 – Change of Date THAT Council approve changing the Ordinary Council Meeting scheduled for Wednesday 17 June 2020 to Wednesday 24 June 2020 commencing at 6:30pm.	19-02-20	CEO	Meeting rescheduled. Public Notice May 2020.

LGANT General Meeting – Call for Motions				
1920/152	THAT Council: 1.note the LGANT call for motions and policy document; and 2.call for LGANT to formally request that the Minister for Local Government establish an inquiry, through the formation of a steering committee, to review the Northern Territory Local Government Rating System using the following Terms of Reference: In investigating and making recommendations for this review, the review is to consider: 1.The performance of the current rating systems and potential improvements, including consideration of: a.The rating equity across and within communities, including consideration of apartments and other multi-dwellings; b.Assessing the Asset Sustainability of councils and reducing the reliance on external grant funding; c.The appropriateness and impact of the current rating categories (including mining and pastoral leases) and exemptions, any concessions or rebates currently offered; d.The land valuation methodology used as the basis for determining rates in comparison to other jurisdictions; e.As assessment on how well funding for depreciation of assets is being collected, allocated and spent; f.The objectives and design of the rating system according to recognised principles of taxation. 2.Current examples of local government best practice rating policies and schemes; 3.The impact of the current and alternative frameworks for the rating system on communities and businesses and their capacity to pay; and 4.Any other matter the Commission considers relevant.			
	19-02-20	CEO	Complete - Call for Motion lodged with LGANT for consideration at the General Meeting.	
LGANT Nomination of Delegates				
1920/154	THAT Council: 1.appoint Mayor Bredhauer, as Council’s principle delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council; 2.appoint Councillor Sayers-Hunt as delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council; 3.notify LGANT of the Council appointments.			
	19-02-20	CEO	Complete - Nominations forwarded to LGANT	
Freds Pass Sport and Recreation Governance Arrangement Review – Appointment of Community Members to Community Reference Group				
1920/157	THAT Council: 1.endorse the following members to the Freds Pass Sport and Recreation Reserve Governance Arrangements Review Reference Group – a)Joanne Burgess as the user group representative; b)Karen Lewis as the ratepayer who is not affiliated with any user group on FPSRR or the Board; and c)Anthony Dent as the FPSRR Board Representative. 2.write to inform individuals appointed to the Reference Group; 3.write to inform unsuccessful nominations of Council’s decision and thanks each nominee for their application; 4.writes to the Freds Pass Sport and Recreation Reserve Board to provide an update on the appointment of the members; and 5.makes public this resolution Part 1 to 5 on the public record in the open section of the Minutes.			
	19-02-20	DCCS	Complete - all letters sent and first meeting scheduled	



COUNCIL AGENDA

LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

7 Presentations

8 Petitions

9 Public Forum

10 Accepting or Declining Late Items

11 Notices of Motion

12 Mayors Report

12.1 Mayor's Report



COUNCIL REPORT

Agenda Item Number:	12.1
Report Title:	Mayor's Monthly Report
Author & Recommending Officer:	Maree Bredhauer
Meeting Date:	18/03/2020
Attachments:	Nil

Executive Summary

A summary of the Mayor's attendance at meetings and functions representing Council for the period 20 February 2020 to 18 March 2020.

Summary

Date	Event	Content/Comment
20-2-20	Territory Boundless Possible	Ambassador Program
	Regional Deal Workshop 2	Scheduled Workshop
21-2-20	Rural Garden Club Annual General Meeting	Annual Meeting
24-2-20	Litchfield Women in Business Network Committee Meeting	Scheduled Meeting
25-2-20	Freds Pass Sport & Recreation Reserve Cricket Club Changeroom	Photo Opportunity
26-2-20	ABC Grass Roots	Scheduled Interview
3-3-20	Litchfield Women in Business Network Monthly Network Event	Monthly Event
4-3-20	Mayor's Luncheon	Scheduled Catchup
	Website Re-Development	Scheduled Appointment
	Resident Meeting – Waste Plastic Recycling Opportunity	Scheduled Appointment
	Australia Day Event 2020 Committee Meeting	Scheduled Meeting
	Strategic Discussions & Briefing Sessions	Monthly Meeting
6-3-20	TORPOC Meeting	Scheduled Meeting
	Judging Art – Litchfield Art Exhibition	

Date	Event	Content/Comment
	Litchfield Women in Business Network Launch – Litchfield Art Exhibition	Network Event
7&8-3-20	Litchfield Art Exhibition	Annual Event
10-3-20	Storytime – Taminmin Community Library	Celebrating International Womens Day
11-3-20	Risk Management & Audit Committee Meeting	Scheduled Meeting
12-3-20	Palmerston & Litchfield Seniors Association Inc Morning Tea	Monthly Event
15-3-20	Southport Annual General Meeting	Annual Meeting
16-3-20	LGANT Executive Meeting	Scheduled Meeting
17-3-20	Litchfield Council & Litchfield Local Members	Bi-Monthly Meeting
18-3-20	Open Space Discussion with Councillors	Monthly Meeting with the Community
	Council & Thorak Regional Cemetery Board Meeting	Monthly Meeting

Recommendation

THAT Council receives and notes the Mayor’s monthly report.



LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

Council Appointed Representatives provide a verbal update on activities over the past month relating to the committee meetings to which the Councillor has been formally appointed.

13 Verbal Reports from Council Appointed Representatives

Cr Barden	-	Freds Pass Upgrade Reference Group
Cr Simpson	-	Freds Pass Rural Show Committee
Cr Salter	-	Howard Park Reserve Committee
	-	Knuckey Lagoon Reserve Committee
Cr Sayers-Hunt	-	Freds Pass Sport & Recreation Reserve Governance Arrangements Review Reference Group
Mayor Bredhauer	-	Howard East Water Advisory Committee
	-	Litchfield Women in Business Network Committee
	-	Chair - Litchfield Australia Day Event Committee
	-	Local Government Association of the Northern Territory (LGANT)

Activity Area Plans

Mayor Bredhauer Cr Simpson	Coolalinga/Freds Pass Rural Activity Centre Area Plan Community Advisory Committee
Mayor Bredhauer Cr Barden	Humpty Doo Rural Activity Centre Area Plan Community Advisory Group

RECOMMENDATION

THAT Council note the Councillors' verbal report.



COUNCIL AGENDA

LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

14 Finance Report

14.1 Litchfield Council Finance Report {date}



COUNCIL REPORT

Agenda Item Number:	14.1
Report Title:	Litchfield Council Finance Report – February 2020
Author:	Arun Dias, Finance Manager
Recommending Officer	Silke Maynard, Director Community & Corporate Services
Meeting Date:	18/03/2020
Attachments:	Nil

Executive Summary

Total Revenue of \$14,021,234 for year as per the end of February reflects rates that were levied and recognised at the beginning of the financial year, payment of rates is received in instalments throughout the financial year. Total YTD revenue is 85% of the annual budget.

Total YTD Expenses of \$8,561,031 is 57% of the annual budget.

Council is currently undertaking a budget review process which will be presented in April 2020 to Council for formal adoption for the 2019/20 Budget. The amendments will reflect changes occurred during the financial year and any expected changes for the remainder of the financial year.

Recommendation

THAT Council receives the Litchfield Council Finance Report for the period ended 29 February 2020.

Background

Detailed financial information presented in the following pages.

Links with Strategic Plan

A Well-Run Council - Good Governance

Legislative and Policy Implications

Financial Reporting in line with *Local Government (Accounting) Regulations* and relevant Council policies.

Risks

Nil.

Financial Implications

Nil.

Community Engagement

Not applicable.

Finance Report

February 2020



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SECTION 1

CONSOLIDATED FINANCIAL STATEMENTS

The consolidated Financial Statements, including Thorak Regional Cemetery operations are presented in the same format as the full set of *End of Financial Year* Statements for greater transparency. This report is included in Litchfield Council's Annual Report.

The statements do not include capital revenue, this is reported in the Capital Budget Position table. Capital expenditure is capitalised as Infrastructure, Property, Plant & Equipment in the Balance Sheet upon completion of the projects.

CONSOLIDATED OPERATING STATEMENT at 29 February 2020

	2019/20 Annual Budget	2019/20 YTD Actuals	2019/20 Annual Forecast	Forecast Variance +ve (- ve)
REVENUE				
Rates	10,738,393	10,635,874	10,738,393	0
Stat Charges	111,700	115,937	111,700	0
User Charges	1,160,128	1,089,870	1,160,128	0
Grants	3,614,416	1,557,174	3,614,416	0
Inv Income	694,451	476,927	694,451	0
Reimbursements	0	38,675	0	0
Other Revenue	119,000	106,778	119,000	0
TOTAL REVENUE	16,438,088	14,021,234	16,438,088	0
EXPENSES				
Employee Costs	6,508,947	3,888,254	6,508,947	0
Auditors Fees	101,600	14,794	101,600	0
Bad Debts	930	1,768	930	0
Elected Member	242,264	132,136	242,264	0
Election Costs	0	0	0	0
Cemetery Operations	169,600	121,258	169,600	0
Contractors	4,080,589	2,193,038	4,080,589	0
Energy	259,300	136,207	259,300	0
Insurance	375,518	444,274	375,518	0
Maintenance	750,266	480,547	750,266	0
Legal Expenses	160,600	109,919	160,600	0
Donations and Community Support	127,900	65,032	127,900	0
Computer / IT Costs	369,435	191,650	369,435	0
Parts, Accessories & Consumables	324,600	182,791	324,600	0
Professional Fees	1,033,001	307,349	1,033,001	0
Sundry	485,900	292,015	485,900	0
TOTAL EXPENSES	14,990,450	8,561,031	14,990,450	0
RESULT	1,447,638	5,460,204	1,447,638	0

CONSOLIDATED BALANCE SHEET at 29 February 2020

	31-Jan-20	29-Feb-20	Movement
CURRENT ASSETS			
Cash & Cash Equivalents	1,996,338	2,591,136	594,798
Trade and Other Receivables	3,950,393	3,243,533	-706,859
Other Financial Assets	22,906,306	22,924,190	17,883
Other Current Assets	134,475	118,792	-15,683
TOTAL CURRENT ASSETS	28,987,512	28,877,651	-109,862
NON-CURRENT ASSETS			
Infrastructure, Property, Plant & Equipment	309,111,798	309,111,798	0
Other Non-Current Assets	3,739,185	3,739,185	0
TOTAL NON-CURRENT ASSETS	312,850,983	312,850,983	0
TOTAL ASSETS	341,624,484	341,728,633	-109,862
CURRENT LIABILITIES			
Trade and Other Payables	1,405,756	1,393,416	-12,340
Current Provisions	586,284	586,284	0
TOTAL CURRENT LIABILITIES	1,992,040	1,979,700	-12,340
NON-CURRENT LIABILITIES			
Non-Current Provisions	402,967	418,555	15,588
TOTAL NON-CURRENT LIABILITIES	402,967	418,555	15,588
TOTAL LIABILITIES	2,395,007	2,398,255	3,248
NET ASSETS	339,443,488	339,330,378	-113,110
EQUITY			
Accumulated Surplus	20,302,268	20,189,159	-113,109
Asset Revaluation Reserve	295,859,891	295,859,891	0
Other Reserves	23,281,329	23,281,329	0
TOTAL EQUITY	339,310,585	339,330,379	-113,109

Estimate of Net Cash position and Current ratio

The current ratio measures the liquidity of an entity. It observes the ability to pay short-term liabilities (debt and payables) with its short-term assets (cash and receivables). If the ratio is less than 1:1 Council is unable to pay its liabilities. Best practice is for the ratio to be between 1.5 and 3. As identified in Section 5 of this report, Litchfield Council's liquidity KPI is easily met with 29 February 2020 current ratio equalling 14.59

$$\begin{aligned}\text{Current ratio} &= \frac{\text{Current Assets (less: Provision for Doubtful debt)}}{\text{Current Liabilities}} \\ &= \frac{28,877,651}{1,979,700} = 14.59\end{aligned}$$

$$\text{Net Cash Position} = 28,877,650 - 2,398,254 = \$26 \text{ million}$$

SECTION 2

OPERATING POSITION BY DEPARTMENT

The 2019/20 rates and charges have been applied to properties and recognised in Council's accounts, which is reflected in both Finance and Waste Management year to date revenue totals.

Overall expenditures year to date is 57% of the annual budget. Some operational expenditures are not evenly spread across the financial year, with major operational road maintenance expenditure to occur close to the end of the financial year.

Note. This does not include Thorak Regional Cemetery.

	2019/20 YTD Budget	2019/20 YTD Actuals	2019/20 Annual Budget	2019/20 Annual Forecast	Forecast Variance +ve (-ve)
REVENUE					
Council Leadership	19,992	464	30,000	30,000	0
Corporate	0	25,463	0	0	0
Finance & Customer Service	8,178,816	8,456,258	9,045,441	9,045,441	0
Infrastructure & Assets	1,760,578	958,556	2,637,492	2,637,492	0
Planning & Development	51,168	30,504	61,748	61,748	0
Waste Management	3,099,426	3,104,577	3,178,680	3,178,680	0
Community	49,336	121,754	74,000	74,000	0
Community – Library	418,482	408,236	421,447	421,447	0
Mobile Workforce	0	3,368	0	0	0
Regulatory Services	98,444	116,256	112,700	112,700	0
TOTAL REVENUE	13,676,242	13,225,435	15,561,508	15,561,508	0
EXPENSES					
Council Leadership	797,095	653,658	1,111,896	1,111,896	0
Corporate	449,349	337,494	645,697	645,697	0
Information Services	324,077	260,242	513,091	513,091	0
Finance & Customer Service	1,199,510	1,130,619	1,584,930	1,584,930	0
Infrastructure & Assets	1,944,653	1,321,578	3,004,297	3,004,297	0
Planning & Development	507,653	434,947	728,387	728,387	0
Waste Management	1,996,136	1,732,297	2,991,436	2,991,436	0
Community	1,145,405	1,022,383	1,442,690	1,442,690	0
Community – Library	278,050	169,885	421,447	421,447	0
Mobile Workforce	875,081	574,881	1,287,337	1,287,337	0
Regulatory Services	272,584	246,717	388,831	388,831	0
TOTAL EXPENSES	9,789,593	7,884,702	14,120,039	14,120,039	0
OPERATING RESULT	3,886,649	5,340,733	1,441,469	1,441,469	0

NEW INITIATIVES

In addition to Council's year-on-year operating expenses Council resolved to undertake the following New Initiatives in 2019/20. The new initiatives expenditures are included in the operating result above. The table below highlights the expenditure compared to budget at the end of February 2020.

	2019/20 Budget	2019/20 Actuals	2019/20 Forecast	Comments	Status
Tourism Strategy (Visitor Experience Enhancement Program)	30,000	0	30,000	Strategy development underway	On Budget
Shared Path Plan	25,000	7,110	25,000	Project underway	On Budget
320 Arnhem Highway Master Plan – Stage 1	30,000	18,168	30,000	Project underway	On Budget
Chamber Refurbishment	10,000	8,458	10,000	1 x table to arrive in May 2020 and invoiced upon receipt	On Budget
New Website Development	45,000	0	45,000	Content & design workshops complete; content being analyzed for migration	On Budget
Mobile Workforce Review	30,000	13,861	30,000	MWF review is on track, estimated completion end of April 2020	On Budget
Litchfield Annual Art Exhibition	10,000	1,955	10,000	Art exhibition is scheduled for 7 & 8 March	On Budget
Council Chambers Audio / Video Upgrade	30,000	0	30,000	RFQ20-226 closing on 13th March 2020	On Budget
Community and Business Hub Strategic Business and Concept Plan	40,000	0	40,000	Not yet commenced	On Budget
Waste Management - prepare Disaster Waste Plan	20,000	0	20,000	Scoping brief under development	On Budget
Waste Management - explore incentives and education to boost recycling and food waste management.	20,000	0	20,000	Scoping brief under development	On Budget
Waste Management - Environmental Management Plan for Berry Springs Waste Transfer Station	10,000	0	10,000	Scoping brief under development	On Budget
TOTAL	300,000	49,552	300,000		

CAPITAL BUDGET POSITION

The table below compares capital revenue and expenditure to budget by the end of February 2020.

	2019/20 Annual Budget	2019/20 YTD Actuals	2019/20 Annual Forecast	Forecast Variance +ve (-ve)
REVENUE				
Infrastructure & Assets	1,344,743	710,554	1,344,743	0
Planning & Development	140,000	46,792	140,000	0
Mobile Workforce	35,000	34,987	35,000	0
Community	6,000,000	0	6,000,000	0
Regulatory Services	15,000	0	15,000	0
Waste Management	50,000	0	50,000	0
TOTAL REVENUE	7,584,743	792,333	7,584,743	0
EXPENSES				
Infrastructure & Assets	3,792,000	1,328,726	3,792,000	0
Waste Management	525,000	424,728	525,000	0
Mobile Workforce	175,000	4,123	175,000	0
Community	8,500,000	487,636	8,500,000	0
Regulatory Services	45,000	0	45,000	0
TOTAL EXPENSES	13,037,000	2,245,214	13,037,000	0
CAPITAL RESULT	(5,452,257)	(1,452,881)	(5,452,257)	0

CAPITAL PROJECTS 2019/20 – INFRASTRUCTURE & ASSETS

The table below is Council's capital projects for Infrastructure & Assets that are still in progress from previous year and current financial year in accordance with the 2019/20 Budget and Municipal Plan.

Project (Infrastructure & Assets)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comments	Status of Variance
Projects carried forward from previous years							
Pavement repairs – Whitewood Road	31/03/2020	2018/19 427,000	426,037 (Life to Date Actual)	427,000	0	Completed, minor defect repairs underway	On Budget
Brougham Road flood damage repairs – NDRRA Project	30/06/2020	2018/19 768,529	64,342 (Life to Date Actual)	768,529	0	Design finalised	On Budget
TOTAL		1,195,529	490,379	1,195,529	0		
Projects commencing in 2019/20							
Whitewood Road Footpath Renewal	30/06/2020	110,000	393	110,000	0	Contract awarded; construction will commence just before Easter to minimise disruption to the school	On Budget

Project (Infrastructure & Assets)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comments	Status of Variance
LED Street Lighting Replacement Program	30/06/2020	60,000	0	60,000	0	Grant funding approved for \$160,000 to complete project. Light quantities finalised. Order to be placed in March, with 12-16-week delivery period	On Budget
Smart Controls for LED Lighting	30/06/2020	10,000	0	10,000	0	The smart controls will be installed in conjunction with luminaires	On Budget
Reseal Program	30/06/2020	900,000	699,463	900,000	0	Works complete with the exception of Girraween Road to be completed with intersection upgrade. Final invoices are being submitted for financial completion	On Budget
Re-sheeting of Roads	30/06/2020	400,000	157,312	400,000	0	Resheeting complete at Billabong Road, Acacia Gap Road & Tumbling Waters Road. Further assessment of gravel roads will be completed after the wet	On Budget
Whitestone Road Sealing	30/06/2020	400,000	11,873	400,000	0	design received, RFT documents are being completed	On Budget
Hillier Road Guard Rail	31/10/2019	85,000	75,245	85,000	0	Works complete; remaining funds to be used for guard rails at intersection projects	On Budget
Shoulder Widening of Various Roads	30/06/2020	300,000	222,764	300,000	0	Majority of programmed works complete, awaiting invoices	On Budget

Project (Infrastructure & Assets)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comments	Status of Variance
Stevens Road Pavement Upgrade	30/06/2020	500,000	9,683	500,000	0	design received RFT documents are being completed	On Budget
Whitewood Road Pavement Rehabilitation	30/06/2020	320,000	11,549	320,000	0	design received RFT documents are being completed	On Budget
Girraween and Hillier Road Intersection Upgrade	30/06/2020	398,000	11,412	398,000	0	design received RFT documents are being completed	On Budget
Pioneer Drive / Norm Lane Intersection Upgrade	30/06/2020	300,000	0	300,000	0	design received RFT documents are being completed	On Budget
Disability Access Automatic Doors - Council Offices	30/06/2020	9,000	0	9,000	0	Design for building permit being sourced	On Budget
TOTAL		3,792,000	1,199,694	3,792,000	0		

CAPITAL PROJECTS 2019/20 – WASTE MANAGEMENT

The table below is Council's capital projects for Waste Transfer Stations in accordance with the 2019/20 Budget and Municipal Plan.

Project (Waste Expenditure)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment	Status
Projects/Capital Purchases commencing in 2019/20							
Motor Vehicle Replacement	31/03/2020	45,000	0	45,000	0	Quotes received; order to be placed in March	On Budget
Howard Springs and Berry Springs Safety Improvements	30/06/2020	140,000	0	140,000	0	Design scope underway	On Budget
Waste Compactor Bin	30/04/2020	40,000	16,202	40,000	0	Initial works complete, remainder of works underway	On Budget
Loader Replacement	30/04/2020	300,000	0	300,000	0	Tender awarded, delivery scheduled for March	On Budget
TOTAL		525,000	16,202	525,000	0		

CAPITAL PROJECTS 2019/20 – MOBILE WORKFORCE

The table below is Council's capital projects for Mobile Workforce that are still in progress from previous year and current financial year in accordance with the 2019/20 Budget and Municipal Plan.

Project (Mobile Workforce Expenditure)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment	Status
Projects carried forward from previous years							
Mobile Workforce Shed	31/10/2019	2018/19 Grant	444,363 (Life to Date Actual)	450,000	(450,000)	Shed completed October 2019. Minor additions planned	Outside Budget*
TOTAL		0	444,363	450,000	(450,000)		
Projects/Capital Purchases commencing in 2019/20							
Tractor and Slasher Replacement	31/03/2020	140,000	0	140,000	0	Equipment received, invoices outstanding	On Budget
Mower Replacement	31/03/2020	35,000	4,123	35,000	0	Equipment received, invoices outstanding	On Budget
TOTAL		175,000	4,123	175,000	0		

*Mobile Workforce Shed was grant funded in prior year and is therefore showing outside the budget. This is not an overspent.

CAPITAL PROJECTS 2019/20 – REGULATORY SERVICES

The table below is Council's capital projects for Regulatory Services in accordance with the 2019/20 Budget and Municipal Plan.

Project (Regulatory Services Expenditure)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment	Status
Projects/Capital Purchases commencing in 2019/20							
Motor Vehicle Replacement	31/03/2020	45,000	0	45,000	0	Quotes received; order to be placed in March	On Budget
TOTAL		45,000	0	45,000	0		

CAPITAL PROJECTS 2019/20 – COMMUNITY & RECREATION RESERVES

The table below is Council's capital projects for Community & Recreation Reserves that are still in progress from previous years and current financial year in accordance with the 2019/20 Budget and Municipal Plan.

Projects (Community & Recreation Reserve Expenditure)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment	Status
Projects commenced in prior years							
Freds Pass Sport Recreation Reserve – Improvements	30/09/2019	2016/17 3,000,000 Grant	2,999,908 (Life to Date Actual)	3,000,000	0	Complete, and acquitted	On Budget
Howard Park Reserve – Irrigation Upgrade	31/10/2019	2017/18 20,000 Grant	20,010 (Life to Date Actual)	20,000	0	Complete, and acquitted	Outside Budget
Howard Park Reserve – Playground Upgrade	31/10/2019	2017/18 81,181 Grant	70,241 (Life to Date Actual)	69,970	11,211	Works complete, acquittal in agenda	On Budget
Humpty Doo Village Green – Furniture Upgrade	30/06/2020	2017/18 33,824 Grant	21,592 (Life to Date Actual)	33,824	0	Permit to Build is about to be issued for the Cummulal Hall alterations to achieve compliance.	On Budget
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Equine Facilities Upgrade)	30/06/2020	2018/19 380,000 Grant	42,350 (Life to Date Actual)	380,000	0	Master Plan complete and approved. Priorities have been confirmed and works commenced	On Budget
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Cricket Club Change Rooms)	30/04/2020	2018/19 500,000 Grant	6,084 (Life to Date Actual)	500,000	0	On construction site has commenced	On Budget

Projects (Community & Recreation Reserve Expenditure)	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment	Status
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Maintenance Shed)	31/03/2020	2018/19 135,000 Grant	105,245 (Life to Date Actual)	135,000	0	Complete	On Budget
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Roads and Carpark Upgrade)	30/06/2020	2018/19 760,000 Grant	50,649 (Life to Date Actual)	760,000	0	Tenders are being assessed with contract award in March	On Budget
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Building Certification)	30/06/2020	2018/19 115,000 Grant	54,180 (Life to Date Actual)	115,000	0	Building certification underway, with certificates obtained for Lakeview Hall, John Maley Pavilion Stage 1 and NHPC; issues persist with fire compliance for the market shed	On Budget
Freds Pass Sport Recreation Reserve – Infrastructure Upgrades (Project Management)	31/03/2020	2018/19 110,000 Grant	106,279 (Life to Date Actual)	110,000	0	Ongoing	On Budget
TOTAL		5,135,005	3,476,538	5,123,794	11,211		
Projects/Capital Purchases commencing in 2019/20							
Community and Business Hub	30/06/2020	7,000,000	0	7,000,000	0	Not Commenced, depended on grant funds	On Budget
TOTAL		7,000,000	0	7,000,000	0		

SECTION 3

CASH ON HAND & INVESTMENTS

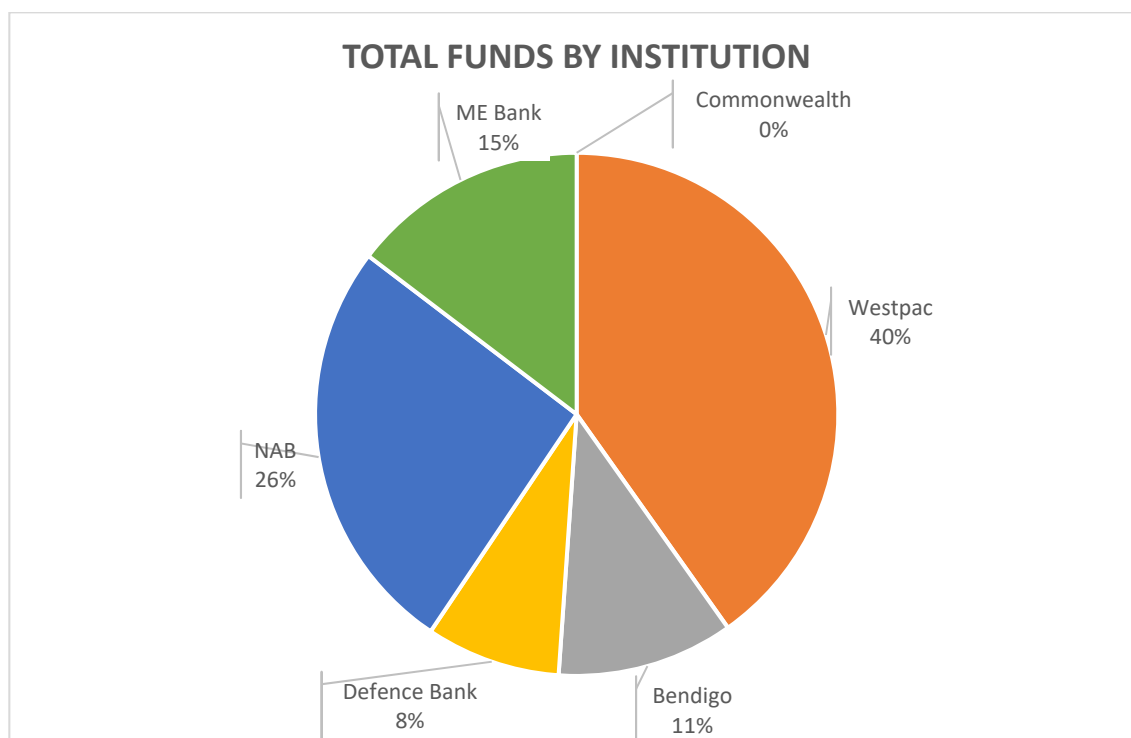
The table below represents a summary of the Cash on Hand & Investments held by Council as at 29 February 2020 and compares the balance as at 31 January 2020.

	31 January 2020	29 February 2020	Variance	Comment
Investments (Incl. Trust Account)	22,564,681	22,589,619	24,938	Matured funds (principal + interest) in February reinvested as cash is not needed
Business Maxi Account	805,839	805,891	52	Interest received
Operating Account	1,078,006	2,136,532	1,058,526	Surplus funds are available due to 3rd instalment Rates payment and some grants that were received, these funds will be invested as new Term Deposits in March 2020.
TOTAL	24,448,526	25,532,042	1,083,516	

Investment Schedule as at 29 February 2020

Council invests cash from its operational and business maxi accounts to ensure Council is receiving the best return on its cash holdings.

Date Invested	Invested Amount	Days Invested	Invested with	Interest Rate	Due Date	Expected return to Maturity Date
19.07.19	1,000,000	236	NAB	1.96%	11.03.20	12,673
07.08.19	1,000,000	230	NAB	1.77%	24.03.20	11,153
27.08.19	1,535,728	224	Westpac	1.76%	07.04.20	16,588
10.09.19	1,500,000	217	NAB	1.71	14.04.20	15,249
01.10.19	1,500,000	217	NAB	1.65%	05.05.20	14,714
01.10.19	1,000,000	224	NAB	1.64%	12.05.20	10,064
02.10.19	1,022,075	237	Bendigo	1.55%	26.05.20	10,286
15.10.19	1,500,000	231	ME Bank	1.55%	02.06.20	14,714
20.12.19	231,226	186	NAB	1.60%	23.06.20	1,885
23.10.19	1,600,279	244	Bendigo	1.50%	23.06.20	16,046
12.11.19	1,000,000	238	Westpac	1.60%	07.07.20	10,433
27.11.19	1,000,000	230	Defence Bank	1.65%	14.07.20	10,397
28.11.19	1,000,000	236	Defence Bank	1.65%	21.07.20	10,668
03.12.19	1,020,559	245	ME Bank	1.55%	04.08.20	10,618
11.12.19	1,000,000	251	ME Bank	1.59%	18.08.20	10,934
10.01.20	1,100,000	231	Westpac	1.70%	01.09.20	11,835
14.01.20	2,027,814	245	Westpac	1.63%	15.09.20	22,186
07.02.20	1,500,000	242	ANZ	1.56%	16.10.20	15,515
19.02.20	1,051,938	244	Westpac	1.57%	20.10.20	11,040
TOTAL INVESTMENTS	22,589,619					237,207



FINANCIAL RESERVES

All movements throughout the year are based on the forecasted results to 30 June 2020. A revised position of the final reserve balance for 30 June 2020 will be presented as part of the budget review process.

	Preliminary Balance at 1 July 2019	Transfer To	Transfer From	Net Movement	Balance at 30 June 2020
Externally Restricted Reserves					
Developer Contribution Reserve	842,260	139,701	-80,882	58,819	901,079
Unexpended Grants and Contributions	5,331,520	-	-3,248,119	-3,248,119	2,083,401
Internally Restricted Asset Related Reserves					
Asset Reserve	11,094,709	-	-1,102,105	-1,102,105	9,992,604
Internally Restricted Other Reserves					
Waste Management Reserve	4,603,914	\$289,471	(436,177)	289,471	4,893,385
Election Reserve	100,000	-	-	0	100,000
Disaster Recovery Reserve	500,000	-	-	0	500,000
Strategic Initiatives Reserve	500,000	-	-90,000	-90,000	410,000
TOTAL	22,972,403	429,172	-4,957,283	-4,528,111	18,444,292

SECTION 4

DEBTORS

Total Debtors as at 29 February 2020 is \$8,577 compared to \$5,481 as at 31 January 2020, an increase of \$3,096. The increase attributed to Waste and Reserves January 2020 invoices that were posted in February 2020.

Category	Current	30 Days	60 Days	90 Days and over	Balance
Waste	4,760	272	0	723	5,755
Infrastructure & Other Sundry Debtors	428	0	0	2,392	2,820
Recreation Reserves	2,375	103	0	(132)	2,346
TOTAL	7,563	375	0	2,983	8,577
%	88%	4%	0%	35%	100%

Action summary of 90 Days and Over Debtors:

Communicating with Debtor	732
Credit to be applied to Cricket Clubs 1 st Invoice when Season Commences in March 2020	(132)
Referred to Debt Collection Agency	2,392
TOTAL	2,983

FINES AND INFRINGEMENTS

As at 29 February 2020 Council has 70 infringements outstanding with a balance of \$17,553 a decrease of \$793 compared to 31 January 2020. This is due to payments received.

	June 2019	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020	February 2020	
Number of Infringements outstanding	78	76	80	84	82	77	77	75	70	
Balance of Infringements outstanding	20,855	20,288	20,554	21,048	22,112	19,290	19,290	18,346	17,553	

Three (3) have been newly issued, one (1) has been sent with a courtesy letter, one (1) has been sent with a reminder notice, one (1) has been re-sent to Fines Recovery Unit (FRU), sixty-two (62) infringements are with Fines Recovery Unit (FRU) waiting for payment, and two (2) are partially paid.

All infringement courtesy letters have been sent in accordance with Council's policy.

OUTSTANDING RATES

Council's Debt Recovery Policy FIN05 guides the collection of outstanding rates. Recovery of rates continues to be an area of focus with Council's performance in recovering outstanding rates improving each month. Council continues to use the services of the current Debt Collector for rate assessments, presently 202 are placed with them totalling \$1.32 million in rates to be collected. Of these, 82 are on payment plans and 3 are in mortgagee repossessions. Rates in arrears have decreased by \$26,133 in the month of February.

Of this outstanding debt:

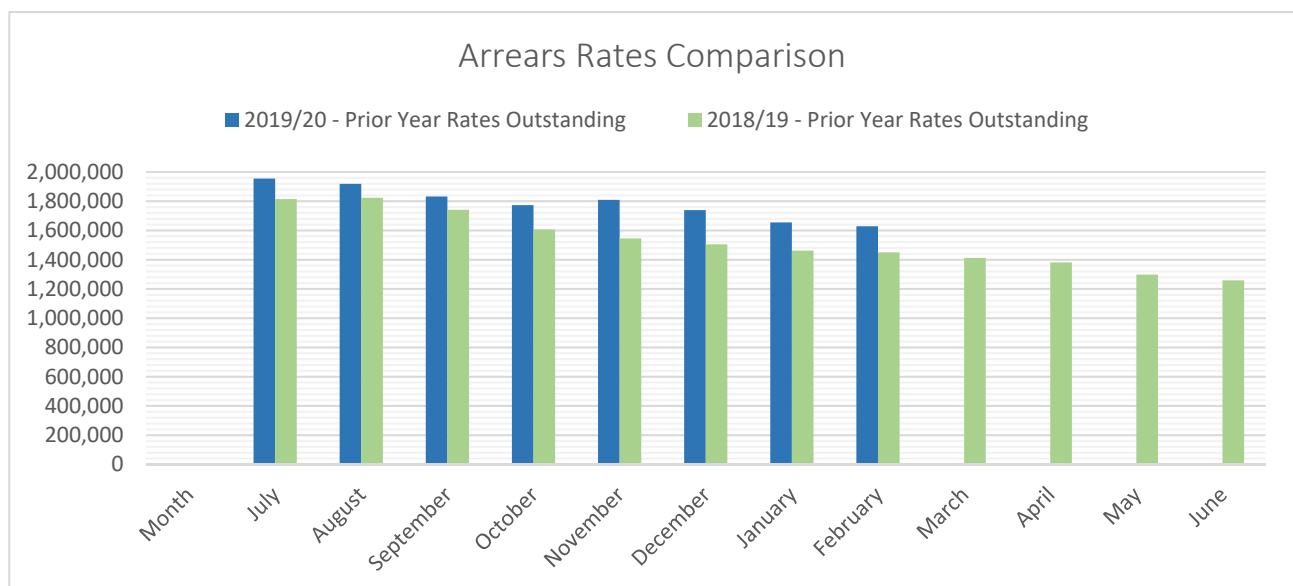
- 43 properties are owned by the one ratepayer owing over \$153,000, these are with our debt collectors
- 3 properties owe over \$47,000 each (totalling \$156,901 combined arrears rates) two of these are with HWL Lawyers in the first stages of selling the properties, and the third one is under investigation for sale of land.
- 36 properties owe over \$10,000 each, totalling \$482,109
- 50 properties owe over \$5,000 each, totalling \$335,676

PRIOR YEAR RATES

The below table illustrates the split of prior year outstanding rates:

	Beginning 2019/20 Prior Years Outstanding	Previous Month (January 2020)	Current Month (February 2020)	Monthly Variance
COMMERCIAL	50,725	60,511	59,131	(1,380)
GAS PLANT	0	0	0	(0)
MINING	58,510	85,208	85,919	(711)
NON-RATEABLE MINING	7,119	0	0	0
NON-RATEABLE WASTE	19,666	33,458	32,398	1,060
PASTORAL	0	0	0	0
RURAL RESIDENTIAL	1,688,116	1,408,575	1,382,786	(25,789)
URBAN RESIDENTIAL	86,445	66,378	67,763	(1,385)
TOTAL	1,910,581	1,654,130	1,627,997	(26,133)

The graph below tracks the prior year's rates owing in the 2019/2020 financial year by month and compares outstanding prior years rates to the same time in the previous financial year 2018/2019.



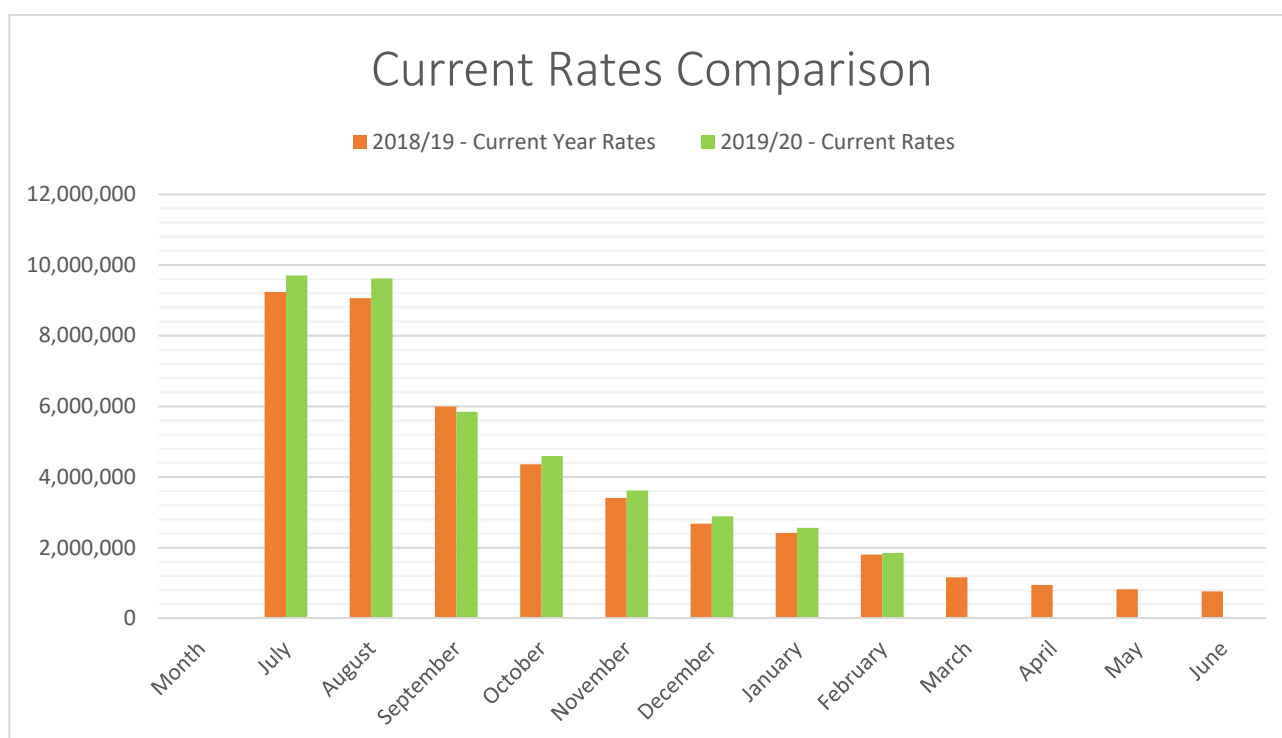
CURRENT YEAR RATES

The below table illustrates the split of current year outstanding rates:

	Prior Month (January 2020)	Current Month (February 2020)	Variance	Due Dates
Instalment 1	361,135	332,246	(28,889)	27/09/2019
Instalment 2	555,975	474,105	(81,870)	29/11/2019
Instalment 3	1,641,649	1,043,710	(597,939)	28/02/2020
TOTAL	2,558,759	1,850,061	(708,698)	

The third instalment notice was sent out on the 21 January 2020 for the final instalment of rates that were due and payable 28 February 2020. A total of \$1,850,061 is to be collected for the remainder of the year. Rates and charges collected in the month of February totalled \$708,698.










The graph below tracks the current years rates owing for the 2019/20 financial year by month and compares current outstanding rates to the same time in the previous financial year 2018/19.






SECTION 5

FINANCE KEY PERFORMANCE INDICATORS (KPI)

Council's 2019/20 Municipal Plan includes a number of KPIs for the Finance area to meet; these are listed and reported on in the table below.

Key Performance Indicator	Target	Status	Comment
Compliance with management, statutory and regulatory budgeting and reporting	100%		All budgeting and reporting are compliant to date
Monthly and annual financial reporting, including audit	Unqualified audit		Audit for 2018-19 finalised.
Current years rates outstanding as at 30 June 2019	<15%		Currently at 17%
Prior Years' Rates outstanding as at 30 June 2020	<\$1m		Currently at \$1.6m.
Own source coverage ratio – lowering Council's dependency on government grants and other funding sources.	>60%		Budgeted at 40%.
Liquidity ratio	>1:1		14.59:1 as at 29/02/2020
Current Ratio	>1		14.59 as at 29/02/2020
Debt Service Ratio	<1		Forecast is 0%
Asset sustainability ratio	>60%		Budgeted at 39%.

-  KPI met
-  KPI in progress, on track
-  KPI not met

SECTION 6

CREDITORS PAID

Creditor accounts paid in February 2020 (excluding staff payments in line with employee contracts) are listed in the table below.

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
Payroll 17	12/02/2020	LC Staff	LC Staff	Payroll Week Ending 12/02/2020	144,461
Payroll 18	26/02/2020	LC Staff	LC Staff	Payroll Week Ending 26/02/2020	146,027
1020.335-01	7/02/2020	335	AUSTRALIA AND NEW ZEALAND BANKING GROUP	Term Deposit - Maturity Date 06 Oct 2020	1,500,000
1021.335-01	10/02/2020	335	AUSTRALIA AND NEW ZEALAND BANKING GROUP	Term Deposit - Maturity Date 10 Aug 2020	334,571
DD290120	3/02/2020	73	STATEWIDE SUPERANNUATION PTY LTD	Jan 2020 - Pay 14, 15 & 16, Cycle 1 & 2	74,217
1018.374-01	6/02/2020	374	AUSTRALIAN TAXATION OFFICE (ATO)	PAYG Withheld Pay 16, Cycle 1 & 2	53,399
1026.1702-01	27/02/2020	1702	JMT BUILDERS	FPSRR - Maintenance Shed 2nd Instalment	51,845
1024.374-01	20/02/2020	374	AUSTRALIAN TAXATION OFFICE (ATO)	PAYG Withheld - Pay 17, Cycle 1 & 2	51,251
1023.268-01	13/02/2020	268	BYRNE CONSULTANTS	Mango Roads Detailed Design and Construction	48,707
1026.87-01	27/02/2020	87	TOP END LINEMARKERS PTY LTD	Line Marking - Various Roads - Litchfield Council Area	48,524
1026.374-01	27/02/2020	374	AUSTRALIAN TAXATION OFFICE (ATO)	PAYG Withheld Pay 18, Cycle 1 & 2	48,421
DD170220	17/02/2020	73	STATEWIDE SUPERANNUATION PTY LTD	Feb 2020 - Pay 17, Cycle 1 & 2	24,625
DD280220	28/02/2020	73	STATEWIDE SUPERANNUATION PTY LTD	Feb 2020 - Pay 18, Cycle 1 & 2	23,020
1026.556-01	27/02/2020	556	CITY OF PALMERSTON	Dec 19 - Provision of Library Services	22,500
1026.867-01	27/02/2020	867	ALL ASPECTS RECRUITMENT & HR SERVICES	Temp Staff - Gatekeepers WTS WE: 12 Jan 2020	22,349
1024.514-01	20/02/2020	514	VEOLIA ENVIRONMENTAL SERVICES	Jan 2020 - Waste Transfer to Shoal Bay from HDWTS, HSWTS & BSWTS	19,339
1018.525-01	6/02/2020	525	ACTIVE TREE SERVICES	Damaged Tree Removal & Debris - Various Locations Litchfield Council Area	17,744
DD270220	28/02/2020	248	WESTPAC CARDS & DIRECT DEBITS	Feb 2020 - Litchfield Council Corporate Credit Card	16,489
1024.770-01	20/02/2020	770	HAYS SPECIALIST RECRUITMENT (AUST)	Temp Staff - HR Officer WE: 26 Feb 2020	13,903
1023.1717-01	13/02/2020	1717	TROPICS CONSULTANCY GROUP	Project 320 Arnhem Masterplan	13,200

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1026.849-01	27/02/2020	849	WEX AUSTRALIA (PUMA CARD)	Jan 2020 - Litchfield Council Fuel Account	13,059
1023.1099-01	13/02/2020	1099	DAVE'S MINI DIGGA HIRE	Clean Culverts & Drains - Various Locations Litchfield Council Area	12,650
1023.87-01	13/02/2020	87	TOP END LINEMARKERS PTY LTD	Line marking - Various Locations Litchfield Council Area	10,865
1018.414-01	6/02/2020	414	TOTAL EXCAVATIONS	Shoulder Road Repairs & Debris Cleaning - Various Locations Litchfield Council Area	10,648
1026.132-01	27/02/2020	132	AIRPOWER NT PTY LTD	400HR Service Kubota FS3690 - CC44JN	9,137
1026.1709-01	27/02/2020	1709	FAHL ER PTY LTD	Industrial Relations Advice	9,070
1018.1065-01	6/02/2020	1065	MRS M H BREDHAUER	Jan 2020 - Mayor Allowances	7,918
1019.1736-01	6/02/2020	1736	TROJON CONTRACTORS (MSKK PTY LTD)	Supply, Install Fencing & Double Gates - Thorak Cemetery	6,974
1023.1723-01	13/02/2020	1723	CARDNO (NT)	Litchfield Bike Path Plan - 1st Progress Payment	6,927
22012020	20/02/2020	248	WESTPAC CARDS & DIRECT DEBITS	Jan 2020 - Litchfield Council Corporate Credit Card	6,924
1026.770-01	27/02/2020	770	HAYS SPECIALIST RECRUITMENT (AUST)	Temp Staff - Asset Management Officer WE: 18 Feb 2020	6,676
1026.414-01	27/02/2020	414	TOTAL EXCAVATIONS	Debris Cleaning - Various Locations Litchfield Council Area	6,584
1026.162-01	27/02/2020	162	CIVICA PTY LTD	Apr 2020 - Authority Program - Licence Fee	6,260
1023.953-01	13/02/2020	953	HWL EBSWORTH LAWYERS	Jan 2020 - Legal Fees – Sale of land outstanding rates	6,029
1023.170-01	13/02/2020	170	NTRS (NT RECYCLING SOLUTIONS)	Jan 2020 - Collect Recycling from HDWTS, BSWTS & HSWTS	5,714
1024.1099-01	20/02/2020	1099	DAVE'S MINI DIGGA HIRE	Clean Culverts & Drains - Various Locations Litchfield Council Area	5,665
1018.85-01	6/02/2020	85	TELSTRA	Jan 2020 - Litchfield Council, Taminmin Library & Thorak Cemetery - Internet, Data & Mobiles	5,581
1023.867-01	13/02/2020	867	ALL ASPECTS RECRUITMENT & HR SERVICES	Temp Staff - Finance Project Officers WE: 26 Jan 2020	5,058
1024.249-01	20/02/2020	249	TERRITORY RURAL	Purchase: 40 drums of 20lt Glyphosate	4,928
1027.1736-01	27/02/2020	1736	TROJON CONTRACTORS (MSKK PTY LTD)	Supply & Install Fencing - Thorak Cemetery	4,692
1018.78-01	6/02/2020	78	POWER & WATER CORPORATION	Dec 19 - HSWTS, HPRR & KLRR	4,509
1026.690-01	27/02/2020	690	TOTAL HYDRAULIC CONNECTIONS (NT) PTY LTD	Repairs: Lock Cable, Front Axle Swivel, Bobcat & Hydraulic Pump	4,500
1019.183-01	6/02/2020	183	CHRIS'S BACKHOE HIRE PTY LTD	Jan 2020 - Grave Digging - Thorak Cemetery	4,488
1018.867-01	6/02/2020	867	ALL ASPECTS RECRUITMENT & HR SERVICE	Temp Staff - Gatekeepers x 3 for WTS's WE: 26 Jan 2020	4,112
1024.87-01	20/02/2020	87	TOP END LINEMARKERS PTY LTD	Rural Road Upgrade to Emanuel Rd, Humpty Doo	4,043

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1023.1320-01	13/02/2020	1320	RUSSELL KENNEDY LAWYERS	Legal Advice on Employment Matters	3,931
1018.690-01	6/02/2020	690	TOTAL HYDRAULIC CONNECTIONS (NT) PTY LTD	Diagnose & Repair Overheating Issues - SV3869	3,683
1023.1324-01	13/02/2020	1324	JKW LAW PRACTICE PTY LTD	Advice on Uncollected Goods on Side Roads of Litchfield Council Property	3,361
1026.119-01	27/02/2020	119	SHADE & PLAY PTY LTD	Replace: 2 Shade Sails - Litchfield Council Office	3,158
1025.307-01	20/02/2020	307	RANDFLEX PTY LTD	Ash/Urn containers, Presentation Boxes - Thorak Cemetery Customers	2,980
1024.414-01	20/02/2020	414	TOTAL EXCAVATIONS	Debris Cleaning - Wallaby Holtze Rd, Holtze	2,904
1023.1174-01	13/02/2020	1174	INVESTIGATION COMPLIANCE & ENFORCEMENT	Investigations, Compliance & Enforcement Training - Ranger	2,900
1023.525-01	13/02/2020	525	ACTIVE TREE SERVICES	Storm Clean Up - Corner of Girraween Rd	2,879
1018.1064-01	6/02/2020	1064	MRS C M SIMPSON	Jan 2020 - Councillor Allowances	2,762
1018.971-01	6/02/2020	971	MUGAVIN CONTRACTING PTY LTD	Floodway mobility repair access - Redcliffe Rd	2,750
1023.1581-01	13/02/2020	1581	SALARY PACKAGING AUSTRALIA	Salary Sacrifice - Employee Vehicles WE 11 Feb 2020	2,659
1026.1581-01	27/02/2020	1581	SALARY PACKAGING AUSTRALIA	Salary Sacrifice - Employee Vehicles WE: 26 Feb 2020	2,659
1018.770-01	6/02/2020	770	HAYS SPECIALIST RECRUITMENT (AUST)	Temp Staff - Asset Management Officer WE 26 Jan 2020	2,592
1026.525-01	27/02/2020	525	ACTIVE TREE SERVICES	Crew for Emergency Clean Up & Remove Branches from Storm - Ewart Rd & Abrus Rd	2,590
1026.926-01	27/02/2020	926	JACANA ENERGY	Jan 2020 - Electricity for HPRR, BSWTS, HSWTS & Litchfield Council Office	2,589
1018.90-01	6/02/2020	90	INDUSTRIAL POWER SWEEPING	Footpath Sweeping - Thorngate Rd & Surrounding Areas	2,565
1026.78-01	27/02/2020	78	POWER & WATER CORPORATION	Jan 2020 - Water for HPRR, HDWTS & 3xStandpipes for MWF Herbicide Spraying	2,469
1018.384-01	6/02/2020	384	MS C VERNON	Jan 2020 - Consultancy Services for Authority Program	2,420
1027.436-01	27/02/2020	436	DELTA ELECTRICS NT PTY LTD	Move Existing Generator to New Location - Thorak Cemetery	2,373
1018.1617-01	6/02/2020	1617	PRESTIGE AUTOMOTIVE NT PTY LTD	Repair Wipers on Kubota Skid Steer at HDWTS	2,360
1023.690-01	13/02/2020	690	TOTAL HYDRAULIC CONNECTIONS (NT) PTY LTD	Replace Leaking Hose on HSWTS Backhoe	2,283
1026.1564-01	27/02/2020	1564	FOURIER TECHNOLOGIES PTY LTD	Purchase: Office 365 Licencing for Litchfield Council Employees	2,270
1024.151-01	20/02/2020	151	HARVEY NORMAN COMPUTERS/ELECTRICAL	Purchase: Dishwasher (to replace broken one)	2,246
1023.770-01	13/02/2020	770	HAYS SPECIALIST RECRUITMENT (AUST)	Temp Staff - Asset Management Officer WE 02 Feb 2020	2,215

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1024.506-01	20/02/2020	506	TURBO'S TYRES	Supply & Fit Tractor Tyres - SV4594	2,118
1023.612-01	13/02/2020	612	CREMASCO CIVIL PTY LTD	Repair Broken Fence - Madsen Rd	2,046
DC280220	28/02/2020	248	WESTPAC CARDS & DIRECT DEBITS	Feb 2020 - Thorak Cemetery Corporate Credit Card	1,974
1024.690-01	20/02/2020	690	TOTAL HYDRAULIC CONNECTIONS (NT) PTY LTD	Dismantle & Replace Leaking Valve - Hyundai Loader HDWTS	1,951
1018.1068-01	6/02/2020	1068	MR D S BARDEN	Jan 2020 - Councillor Allowances	1,910
1023.926-01	13/02/2020	926	JACANA ENERGY	Dec 19 - Electricity - HPRR, HSWTS & BSWTS	1,889
1026.512-01	27/02/2020	512	SELTHER SHAW PLUMBING PTY LTD	Replace Toilet Female Suit - HPRR & Fix Lines - 85 Wells Creek Rd	1,689
00413259	19/02/2020	1666	NT CONCESSION & RECOGNITION UNIT	Refund of 2019/2020 Rates Concessions	1,688
1023.1141-01	13/02/2020	1141	NORTHERN GROUND MAINTENANCE	Jan 2020 - Lawn Mowing Service - HPRR	1,595
1018.498-01	6/02/2020	498	MR M I G SALTER	Jan 2020 - Councillor Allowances	1,580
1026.1088-01	27/02/2020	1088	TALENT PROPELLER	Advertising - WTS Gatekeeper Positions	1,540
1026.566-01	27/02/2020	566	FRIENDS OF THE TAMINMIN LIBRARY	Sponsorship - Friends of Taminmin Library	1,500
1022.250-01	13/02/2020	250	NT MOTORCYCLE CENTRE	Purchase & Assembly: Fuel Pump - A5045	1,492
1023.506-01	13/02/2020	506	TURBO'S TYRES	Repair Mower Tyre - CC44JN, Supply & Fit Tyre - F3690SN & Purchase Tyres - CC45FT	1,475
1026.806-01	27/02/2020	806	ZIPPY CLEANING & MAINTENANCE SERVICE	Feb 2020 - Cleaning of Litchfield Council Offices	1,426
1025.144-01	20/02/2020	144	ORIGIN	LPG Delivery - Thorak Cemetery WE: 31 Jan 2020	1,363
1023.282-01	13/02/2020	282	ECOFLEX NT PTY LTD (TOP END TYRE SERVICE)	Remove Tyres from Rims at HDWTS	1,357
1026.249-01	27/02/2020	249	TERRITORY RURAL	Bulk Purchase Metsulfuron (Ken Met)	1,320
1024.926-01	20/02/2020	926	JACANA ENERGY	Jan 2020 - Electricity HPRR, HSWTS & BSWTS	1,277
1018.111-01	6/02/2020	111	STICKERS AND STUFF	Coloured Crayons for School Education Activities - Taminmin Library	1,245
1023.78-01	13/02/2020	78	POWER & WATER CORPORATION	Oct to Dec 19 - Water - KLRR & HSWTS	1,242
1023.450-01	13/02/2020	450	HUMPTY DOO VETERINARY HOSPITAL PTY LTD	12x De-Sexing Vouchers - Animal Management New Initiative	1,200
1018.55-01	6/02/2020	55	CHUBB FIRE & SECURITY PTY LTD	Annual Monitoring & Preventative Maintenance - Litchfield Council Office	1,196
1018.436-01	6/02/2020	436	DELTA ELECTRICS NT PTY LTD	Service: Generator Litchfield Council Office	1,194
1026.1334-01	27/02/2020	1334	OUTER EDGE PHOTOGRAPHY	Party Animals & Photographer - Jan 2020 Australia Day Function	1,162

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1018.926-01	6/02/2020	926	JACANA ENERGY	Nov & Dec 19 - Electricity - HSWTS & KLRR	1,146
1026.851-01	27/02/2020	851	OFFICEWORKS	Purchase: Doncaster High Back 3-Lever Ergonomic Chairs - Litchfield Council Office	1,112
1024.1755-01	20/02/2020	1755	GIO	Refund Workers Compensation Claim	1,092
1023.512-01	13/02/2020	512	SELTOR SHAW PLUMBING PTY LTD	Repairs to Cisterns in Toilets - KLRR & Howard Hall HPRR	1,069
1018.1063-01	6/02/2020	1063	MRS K J SAYERS-HUNT	Jan 2020 - Councillors Allowance	1,039
1024.187-01	20/02/2020	187	NORSIGN	Purchase: 'Water Over Road' Sign & Corflute Program Signs - Jan 2020 Australia Day Function	974
1023.326-01	13/02/2020	326	EYESIGHT SECURITY P/L	Nov to Dec 19 - Opening & Closing - Thorak Cemetery Gates	853
1018.1552-01	6/02/2020	1552	COMICS NT	Purchase: Assorted Resources - Taminmin Library	796
1024.1471-01	20/02/2020	1471	RICOH AUSTRALIA PTY LTD	Feb 2020 - Photocopier Rental Charges - Taminmin Library	794
1023.1047-01	13/02/2020	1047	REMOTE AREA TREE SERVICES PTY LTD	Works after Storm Damage - FPSRR	792
1023.51-01	13/02/2020	51	SOUTHERN CROSS PROTECTION PTY LTD	Jan 2020 - Security Patrols - HDWTS & Litchfield Council Office	790
1018.1493-01	6/02/2020	1493	RAINBOW OF BALLOONS	Face Painting & Balloons - Jan 2020 Australia Day Function	780
1027.1181-01	27/02/2020	1181	ODD JOB BOB	Labour & Materials to Repair Wall & Chapel Ceiling - Thorak Cemetery	710
1018.98-01	6/02/2020	98	ALL RURAL MECHANICAL	Service Automatic Transmission - Waste Ute - CC08CS	708
1023.515-01	13/02/2020	515	JC ELECTRONIC SECURITY PTY LTD	Repair: Camera - Litchfield Council Dog Pound	697
1023.1471-01	13/02/2020	1471	RICOH AUSTRALIA PTY LTD	Feb 2020 - Photocopier Rental Charges - Litchfield Council Office	677
1019.1695-01	6/02/2020	1695	FULL MOBILE MECHANICS - MICHAEL RILEY	Remove & Replace Starter Motor - Iseki Mower SXG326 - Thorak Cemetery	666
1023.1023-01	13/02/2020	1023	AUSLINE ENGINEERING	Manufacture: 2x PTO Shafts for Slashers incl. Guards	664
1023.1750-01	13/02/2020	1750	PAINT AND CREATE DARWIN	School Holiday Program Painting - Taminmin Library	660
1027.849-01	27/02/2020	849	WEX AUSTRALIA (PUMA CARD)	Jan 2020 - Thorak Cemetery Fuel Account	639
1026.1237-01	27/02/2020	1237	THE BOOKSHOP DARWIN	Purchase: Assorted Books - Taminmin Library	633
1022.189-01	13/02/2020	189	H.D. ENTERPRISES P/L (HD PUMP SALES AND SERVICE)	Repair Pressure Pump - Thorak Cemetery	610
1018.1575-01	6/02/2020	1575	GDS CARPENTRY & CONSTRUCTIONS PTY LTD	Repair Door & Hole in the Roof - HDWTS	608
1026.1674-01	27/02/2020	1674	FRESH START - FOR CLEANING	Cleaning of KLRR WE: 19 Feb 2020	608
1018.512-01	6/02/2020	512	SELTOR SHAW PLUMBING PTY LTD	Install Dishwasher & Investigate Leak - Litchfield Council Office	596

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1018.619-01	6/02/2020	619	HOWARD SPRINGS BAKERY	Lamingtons - Jan 2020 Australia Day Function	590
1024.1756-01	20/02/2020	1756	MR A D YOFFA	Rates Refund - Account in Credit	581
1023.1714-01	13/02/2020	1714	FLEETCHOICE	Salary Sacrifice - Employee Vehicle WE: 12 Feb 2020	559
1026.1714-01	27/02/2020	1714	FLEETCHOICE	Salary Sacrifice - Employee Vehicle WE: 26 Feb 2020	559
1026.1762-01	27/02/2020	1762	THE TWISTED BAKER & FOOD'LL DO CATERING	Catering - Regional Deal Meeting Litchfield Council	550
1026.1023-01	27/02/2020	1023	AUSLINE ENGINEERING	Pull Apart Roller & Replacement Parts - Massie Ferguson Tractor	539
1018.1230-01	6/02/2020	1230	TRUE NORTH STRATEGIC COMMUNICATION	2019 Community Survey Report Additional Analysis	532
1023.828-01	13/02/2020	828	HOWARD SPRINGS VETERINARY CLINIC	De-Sexing Vouchers - Animal Management New Initiative, Euthanasia and Disposal Services	525
1022.205-01	13/02/2020	205	SAFeway TEST & TAG (DAVID MILNER)	Test & Tag (88 items) - Litchfield Council Office	517
1026.1764-01	27/02/2020	1764	SOFTBALL NT - NT SOFTBALL ASSOCIATION	Community Initiative Grant - Care Support for Parents with Children	500
1023.132-01	13/02/2020	132	AIRPOWER NT PTY LTD	On-site service FS3690 Mower - CD35SG	492
1022.1707-01	13/02/2020	1707	DARWIN SHEET METAL	Manufacture: 6 Black Steel Trays	484
1023.1222-01	13/02/2020	1222	LARRAKIA NATION ABORIGINAL CORPORATION	Welcome to Country Ceremony - Jan 2020 Australia Day Function	450
1027.1412-01	27/02/2020	1412	HAPPIER ENDINGS	Transportation of Deceased Bodies to Thorak Cemetery	450
1025.455-01	20/02/2020	455	MINI-TANKERS AUSTRALIA PTY LTD	Fuel - Backhoe SV3127 Thorak Cemetery	440
1027.806-01	27/02/2020	806	ZIPPY CLEANING & MAINTENANCE SERVICE	Feb 2020 - Cleaning of Chapel & Office - Thorak Cemetery	426
1024.1237-01	20/02/2020	1237	THE BOOKSHOP DARWIN	Purchase: Assorted Books - Taminmin Library	409
1026.1274-01	27/02/2020	1274	GRACE RECORD MANAGEMENT (AUSTRALIA)	Jan 2020 - Monthly Storage Fee for Archived Records	407
1026.389-01	27/02/2020	389	LITCHFIELD VET HOSPITAL	4x De-Sexing Vouchers - Animal Management New Initiative	400
1023.1697-01	13/02/2020	1697	RSPCA	Impound Transfers from Litchfield Council to RSPCA	390
1024.1008-01	20/02/2020	1008	OUTBACK BATTERIES P/L	Purchase: Replacement Batteries Hino Tipper Truck CA65OL	389
1022.326-01	13/02/2020	326	EYESIGHT SECURITY P/L	Jan 2020 - Opening & Closing - Thorak Cemetery Gates	384
1026.1617-01	27/02/2020	1617	PRESTIGE AUTOMOTIVE NT PTY LTD	Repair Reversing Camera on Kubota Skid steer	370
1018.1002-01	6/02/2020	1002	ROOFCLAD CONSTRUCTIONS	Roof Condition Report for Litchfield Council Office	363
1018.1674-01	6/02/2020	1674	FRESH START - FOR CLEANING	Cleaning KLRR WE: 29 Jan 2020	360
1023.1674-01	13/02/2020	1674	FRESH START - FOR CLEANING	Cleaning KLRR WE: 05 Feb 2020	360

Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1024.1674-01	20/02/2020	1674	FRESH START - FOR CLEANING	Cleaning KLRR WE: 12 Feb 2020	360
1024.1757-01	20/02/2020	1757	MR T J JESSOP	Rates Refund - Account in Credit	359
1024.560-01	20/02/2020	560	JOBFIT HEALTH GROUP PTY LTD	Pre-Employment Medical Examination - MWF Casual Operator	356
1018.1730-01	6/02/2020	1730	DARLS ART	Contemporary Australian Indigenous Art Workshop & Mentoring - Taminmin Library	350
1025.1700-01	20/02/2020	1700	SAGE CONSTRUCTIONS PTY LTD	Purchase: 10m Fill Sand incl. Delivery - Thorak Cemetery	350
1023.1186-01	13/02/2020	1186	ADVANCED SAFETY SYSTEMS AUSTRALIA PTY LTD	Jan 2020 - ASSA Subscription & Set Up Costs for New Users	347
1018.61-01	6/02/2020	61	GREENTHEMES INDOOR PLANT & HIRE	Plant Hire - Jan 2020 Australia Day Function	337
DD200320	19/02/2020	276	ACMA - AUSTRALIAN COMMUNICATIONS & MEDIA AUTHORITY	ACMA License - HSWTS	330
1026.205-01	27/02/2020	205	SAFEWAY TEST & TAG (DAVID MILNER)	Test & Tag - MWF Electrical Equipment	318
1024.535-01	20/02/2020	535	TOP END WINDSCREENS & TINTING	Replace Resident's Passenger Window & Tint Service - MWF	315
1026.1278-01	27/02/2020	1278	SEEK LIMITED	SEEK Job Advertisement for - WTS Gatekeeper Position	314
1018.1212-01	6/02/2020	1212	FAIRY JILL'S	Balloon Making Workshop Holiday Program - Taminmin Library	308
1024.130-01	20/02/2020	130	MOBILE LOCKSMITHS	Purchase: Keys for WTS & Litchfield Council Office Building	297
1024.282-01	20/02/2020	282	ECOFLEX NT PTY LTD (TOP END TYRE SERVICE)	Remove Tyres from Rims at HDWTS	290
00413260	21/02/2020	74	LITCHFIELD COUNCIL PETTY CASH	Jan 2020 - Reimburse Litchfield Council Petty Cash Float	289
1024.90-01	20/02/2020	90	INDUSTRIAL POWER SWEEPING	Street Sweep - Intersection of Avocet Rd & Thornbill Rd, Howard Springs	289
1027.226-01	27/02/2020	226	BARNYARD TRADING PTY LTD	Purchase: Thermidor (Landscaping Product) - Thorak Cemetery	277
1018.1603-01	6/02/2020	1603	TICK OF APPROVAL PTY LTD	Building Certification Services - FPSRR	275
1027.1053-01	27/02/2020	1053	CSG BUSINESS SOLUTIONS PTY LTD	Jan 2020 - Photocopier Rental Charges - Thorak Cemetery	268
1023.1753-01	13/02/2020	1753	MISS D K MCGOUGH	Rates Refund - Account in Credit	267
1019.941-01	6/02/2020	941	EVERLON BRONZE	Plaque - Thorak Cemetery Customer	259
1023.1396-01	13/02/2020	1396	CSE CROSSCOM PTY LTD (T/A COMM8)	Feb 2020 - Tracking System Data Access	255
1026.1494-01	27/02/2020	1494	STOCKWELL WATER & GAS PTY LTD	Install New Tap – HSWTS	253
Cheque No.	Chq Date	Creditor	Payee	Description	Amount

1018.581-01	6/02/2020	581	FOOD'LL DO	Catering - Municipal Plan Workshop - 15 Feb 2020	249
1026.815-01	27/02/2020	815	JEFFRESS ADVERTISING	NT News Advertisement FPSRR Roads and Carparks	248
1024.581-01	20/02/2020	581	FOOD'LL DO	Catering - 2020/21 Budget Workshop - 1 Feb 2020	245
1026.1566-01	27/02/2020	1566	WINC AUSTRALIA PTY LTD	Replenish Stationery for Litchfield Council Office	237
1024.522-01	20/02/2020	522	FARMWORLD NT PTY LTD	Replace: 3x Inner Air Filters	235
23012020	20/02/2020	248	WESTPAC CARDS & DIRECT DEBITS	Jan 2020 - Thorak Cemetery Corporate Credit Card	229
1018.886-01	6/02/2020	886	MR R J FREEMAN	Remove Tyres from Rims at HDWTS	225
1018.1076-01	6/02/2020	1076	TDC (NT) PTY LTD - T/AS TERRITORY DEBT COLLECTORS	Debt Recovery Costs - 10024198	220
1018.790-01	6/02/2020	790	BOBTOW TILT TRAY SERVICES	Transport Tractor from Hopewell Rd to HDWTS	220
1018.940-01	6/02/2020	940	ABG PTY LTD	Registration Check for Massey Fergusson SV4275	220
1018.132-01	6/02/2020	132	AIRPOWER NT PTY LTD	Purchase: MWF Machine Grease	213
1023.1566-01	13/02/2020	1566	WINC AUSTRALIA PTY LTD	Stationery Replenishment for Council Office	207
1023.1076-01	13/02/2020	1076	TDC (NT) PTY LTD - T/AS TERRITORY DEBT COLLECTORS	Jan 2020 - Debt Recovery Costs	204
1018.389-01	6/02/2020	389	LITCHFIELD VET HOSPITAL	2x De-Sexing Vouchers - Animal Management New Initiative	200
1025.514-01	20/02/2020	514	VEOLIA ENVIRONMENTAL SERVICES	Jan 2020 - Monthly Waste Collection - KLRR	196
1027.851-01	27/02/2020	851	OFFICEWORKS	Replenish Stationery for Thorak Cemetery	194
1027.126-01	27/02/2020	126	WATER DYNAMICS (NT) PTY LTD	Purchase: Single Station Timer for Reticulation Services - Thorak Cemetery	193
1024.886-01	20/02/2020	886	MR R J FREEMAN	Remove Tyres from Rims at HDWTS	188
1024.855-01	20/02/2020	855	TENDERLINK	Tenderlink Advertisement - FPSRR Roads	185
1023.874-01	13/02/2020	874	VTG WASTE & RECYCLING	Jan 2020 - Monthly Waste Collection - HPRR	184
1018.367-01	6/02/2020	367	BUNNINGS GROUP LIMITED	Purchase: Consumable Hardware Items - MWF	182
1023.1428-01	13/02/2020	1428	HANNA'S COOLING PTY LTD (B&A HANNA)	Inspect & Reset Air-Controller - Litchfield Council Office	176
1026.92-01	27/02/2020	92	ST JOHN AMBULANCE AUSTRALIA (NT)	First Aid Service - Jan 2020 Australia Day Function	165
1026.367-01	27/02/2020	367	BUNNINGS GROUP LIMITED	Purchase: Consumable Hardware Items - MWF	162
1023.1752-01	13/02/2020	1752	K LEONARD-BOND	Refund of Plot - Thorak Cemetery	158
Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1018.1566-01	6/02/2020	1566	WINC AUSTRALIA PTY LTD	Stationery Replenishment Litchfield Council Office	155

1018.522-01	6/02/2020	522	FARMWORLD NT PTY LTD	Replace: Fuel Hose Line for Fuel Pod	155
1023.1344-01	13/02/2020	1344	PROSEGUR AUSTRALIA PTY LTD	Litchfield Council Banking Collection - WE: 10 Jan 2020	153
1024.1344-01	20/02/2020	1344	PROSEGUR AUSTRALIA PTY LTD	Litchfield Council Banking Collection - WE: 31 Jan 2020	153
1022.220-01	13/02/2020	220	THE BIG MOWER	Replace: Whipper Snipper Heads for 3 Machines	143
1026.790-01	27/02/2020	790	BOBTOW TILT TRAY SERVICES	Transport Nissan Ute CC45FS - Litchfield Council Office to Greys Auction Yard	143
1019.287-01	6/02/2020	287	HARVEY DISTRIBUTORS	Purchase: Heavy Duty Garbage Bags & Cleaning Items	143
1018.1733-01	6/02/2020	1733	MELODY MEL MUSIC - MELAINE REID	Musical Sessions & Craft/Games School Holiday Program - Taminmin Library	130
1026.886-01	27/02/2020	886	MR R J FREEMAN	Remove Tyres from Rims at HDWTS	128
1026.1143-01	27/02/2020	1143	WORKPRO (RISK SOLUTIONS AUSTRALIA)	Pre-Employment Police Checks - 2x New Employees	121
1024.1040-01	20/02/2020	1040	SUPERCHEAP AUTO	Purchase: Snatch Straps, Anti-Freeze & Red & Green Coolant	116
1018.840-01	6/02/2020	840	AIRCON CLEANING	Clean Air Conditioning Unit - HDWTS	110
1023.940-01	13/02/2020	940	ABG PTY LTD	Registration Inspection for BSWTS Backhoe	110
1026.940-01	27/02/2020	940	ABG PTY LTD	Registration Check for Hyundai Loader HDWTS	110
1023.876-01	13/02/2020	876	NT ICE	Purchase: Bags of Ice - MWF	109
00413261	26/02/2020		MR DANIEL REDDEN	Dog Registration Partial Refund - Deceased Dogs	105
1026.522-01	27/02/2020	522	FARMWORLD NT PTY LTD	Repairs to Silvan Spray Unit	104
1023.389-01	13/02/2020	389	LITCHFIELD VET HOSPITAL	1x De-Sexing Vouchers - Animal Management New Initiative	100
1027.928-01	27/02/2020	928	RSEA PTY LTD	Swinch Hydration Powder & Replacement Signage	99
1023.56-01	13/02/2020	56	COLEMANS PRINTING PTY LTD	Purchase: Referral Business Cards	94
1023.560-01	13/02/2020	560	JOBFIT HEALTH GROUP PTY LTD	Pre-Employment Medical Examination - 1x New Employee	92
1023.1373-01	13/02/2020	1373	CAMS LANDSCAPING AND LANDCARE	Irrigation Maintenance - HPRR	88
1027.1459-01	27/02/2020	1459	TERRITORY SPRINGWATER AU PTY LTD	Bottled Water - Foyer & Chapel - Thorak Cemetery	88
1018.189-01	6/02/2020	189	H.D. ENTERPRISES P/L (HD PUMP SALES AND SERVICE)	Diagnose & Repair Motor Issues on Spray Unit - MWF ATV Buggy	83
1024.1431-01	20/02/2020	1431	TRANSFORM ELECTRICAL	Remove & Replace Faulty Light	77
1026.161-01	27/02/2020	161	TERRITORY TRAILER MAN	Trailer Repairs for Tail Lights & Hub Seals	77
Cheque No.	Chq Date	Creditor	Payee	Description	Amount
1018.1344-01	6/02/2020	1344	PROSEGUR AUSTRALIA PTY LTD	Litchfield Council Banking Collection - WE: 10 Jan 2020	77

1026.1344-01	27/02/2020	1344	PROSEGUR AUSTRALIA PTY LTD	Litchfield Council Banking Collection - WE: 14 Feb 2020	77
1024.189-01	20/02/2020	189	H.D. ENTERPRISES P/L (HD PUMP SALES AND SERVICE)	Purchase: Consumable Hardware Items - MWF	75
1026.1763-01	27/02/2020	1763	MS D WATTS	Dog Registration Partial Refund - Deceased Dog	72
1026.1760-01	27/02/2020	1760	MR R E CALNAN	Dog Registration Partial Refund - Deceased Dog	70
1018.1245-01	6/02/2020	1245	RURAL RUBBISH REMOVAL	Jan 2020 - Monthly Waste Collection - KLRR	62
1026.565-01	27/02/2020	565	CURBY'S (NT) PTY LTD	Purchase: Name Badges (Acrylic Overlay with Magnets)	59
1023.25-01	13/02/2020	25	LAND TITLES OFFICE	Title Search - Lovelock Rd Drainage Plan	57
1024.1754-01	20/02/2020	1754	MRS C A MCINTYRE	Dog Registration Partial Refund - Deceased Dog	56
1023.1294-01	13/02/2020	1294	CLEAN FUN PTY LTD (DARWIN LAUNDRIES)	Service: Wash, Dry & Fold Linens	55
1018.1632-01	6/02/2020	1632	SADDLEWORLD NT (MARLLI FAMILY TRUST)	Purchase: Super Coat - Dog Food for Impounded Dogs	52
1026.1765-01	27/02/2020	1765	MS K SAUNDERS	Bond Refund - Key Deposit HPRR	50
1023.1751-01	13/02/2020	1751	WHITES PRODUCE GROUP	Purchase: Hay Bales Jan 2020 Australia Day Function	50
1018.220-01	6/02/2020	220	THE BIG MOWER	Replace: Air Filters & Filter Plates for Mowers	48
1024.78-01	20/02/2020	78	POWER & WATER CORPORATION	Jan 2020 - 3xStandpipes for MWF Herbicide Spraying	47
1022.1459-01	13/02/2020	1459	TERRITORY SPRINGWATER AU PTY LTD	Bottled Water - Foyer & Chapel - Thorak Cemetery	44
1024.1566-01	20/02/2020	1566	WINC AUSTRALIA PTY LTD	Purchase: Rapid 20EX Electric Stapler Black Grey	44
1024.192-01	20/02/2020	192	MAGIQ SOFTWARE	Realignment: 5 Additional Licences for InfoXpert)	42
1024.1624-01	20/02/2020	1624	MR P TRIMBLE	Bond Refund - Collar	40
1026.1471-01	27/02/2020	1471	RICOH AUSTRALIA PTY LTD	Feb 2020 - Photocopier Rental Charges - Taminmin Library	35
1024.220-01	20/02/2020	220	THE BIG MOWER	Replace: Air and Fuel Filters for Honda Mower	34
1018.1133-01	6/02/2020	1133	NT WATER FILTERS	Bottled Water - Foyer - Litchfield Council Office	31
1023.367-01	13/02/2020	367	BUNNINGS GROUP LIMITED	Purchase: Consumable Hardware Items - MWF	12
1023.731-01	13/02/2020	731	VOCUS COMMUNICATIONS (AMCOM PTY LTD)	Mar 2020 - Supply Vocus IP Allocations	5
1024.731-01	20/02/2020	731	VOCUS COMMUNICATIONS (AMCOM PTY LTD)	Feb 2020 - Supply Vocus IP Allocations	5
Total					2,999,741



COUNCIL AGENDA

LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

15 Officers Reports

- 15.1 March 2020 Summary Planning and Development Report
- 15.2 Comments to NT Legislation Scrutiny Committee on Planning Amendment Bill 2020
- 15.3 Northern Territory Subdivision Development Guidelines and Council Subdivision and Development Policy
- 15.4 Mira Square - Application for Crown Land
- 15.5 RV/Caravan Park and Dump Point Investigation Update
- 15.6 Proposed Road Opening Richards Road, Blackmore – Section 1719
- 15.7 Uniform Companion Animal Legislation in the Northern Territory
- 15.8 FIN07 Community Grants Policy Draft
- 15.9 HPRR Playground Upgrades Acquittal
- 15.10 Litchfield Council Advocacy Strategy 2020 – 2022
- 15.11 CEO's Monthly Report
- 15.12 NGA20 Notice of Motion



COUNCIL REPORT

Agenda Item Number:	15.1
Report Title:	March 2020 Summary Planning and Development Report
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Wendy Smith, Manager Planning and Development
Meeting Date:	18/03/2020
Attachments:	A: Letter of Comment on PA2020/0013 B: Letter of Comment on PA2020/0022 C: Letter of Comment on EMP32367-32368 D: Letter of Comment on 2020/3000 E: Letter of Comment on 2020/9003

Executive Summary

The purpose of this report is to provide to Council a summary of planning and development applications received, and comments provided, for the period of 8 February 2020 to 4 March 2020.

The following is a summary of all planning and development applications received and comments provided during the noted period.

Type of Application	No. Applications
Development Applications	2
Mining Applications	2
Sale, Lease, or Occupation of Crown Land Applications	1
Liquor Licence Applications	1

Letters of comment for the noted applications are provided for information in the attachments to this report.

Recommendation

THAT Council:

1. receive the March 2020 Summary Planning and Development Report; and
2. note for information the responses provided to relevant agencies within Attachments A-E to this report.

Background

DEVELOPMENT APPLICATIONS

The *NT Planning Act* requires that all Development Applications within Council's municipality be advertised to Council for comment. Council assesses whether the application meets Council's requirements for roads, drainage, and waste collection and comments on the expected impact of the proposal on the amenity of Council's residents.

The following is a summary of all Development Applications received and comments provided during the noted period.

Council Outcome on Development Applications	No. Applications
Development applications supported, subject to normal Council conditions	1
Development applications supported, subject to specific issues being adequately addressed	1
Development applications not supported/objected to for reasons related to Council issues	0
Development applications objected to for reasons not directly related to Council issues	0
Note: Additional detail is provided below on all development applications.	

For all development applications, should the applications be approved by the consent authority, the applications may be subject to Council's normal Development Permit conditions regarding areas of Council authority, including, but not necessarily limited to, access and stormwater drainage.

Development Applications supported, subject to normal Council conditions

The table below describes the Development Applications that are supported by Council.

Application Number, Address, and Attachment Reference	Purpose and Summary
PA2020/0013 Lot 35 (270) Kentish Road, Livingstone, Hundred of Cavenagh Attachment A	Independent Unit with an Independent Effluent Disposal System The independent unit is under 80m ² in floor area. There are not expected to be any negative effects upon amenity of the neighbourhood or Council infrastructure as a result of the proposal.

Development Applications supported, subject to specific issues being adequately addressed

The table below describes the Development Applications that are supported by Council only if the specific issues outlined are adequately addressed.

Application Number, Address, and Attachment Reference	Purpose and Summary	Specific Issues to be Addressed
PA2020/0022 Lot A (45) Gulnare Road and Lot 14 (75) Gulnare Road, Bees Creek, Hundred of Strangways Attachment B	Clearing of Native Vegetation The application proposes clearing of limited vegetation on the site adjacent the crocodile farm off Gulnare Road for the distribution of wastewater in accordance with an Environmental Protection Licence process.	While Council supports appropriate economic development within the community, it is important to ensure that there are no adverse effects from neighbouring property due to stormwater runoff.

MINING APPLICATIONS

For all mining applications, Council has provided standard comments, with areas of access and stormwater drainage addressed where required.

The table below describes the Mining Applications to which Council has responded during the noted period.

Application Number, Address, and Attachment Reference	Type of Application and Proposed Mined Material	Comments Provided
EMP32367/2020 NT Portions 5911 Gunn Point Road, Shoal Bay Attachment C	Mining application to extract sand, soil and gravel	Council supports the application provided access, traffic, and stormwater are appropriately addressed in accordance with Council requirements.
EMP32368/2020 NT Portions 5911 Gunn Point Road, Shoal Bay Attachment C	Mining application to extract sand, soil and gravel	Council supports the application provided access, traffic, and stormwater are appropriately addressed in accordance with Council requirements.

SALE, LEASE, AND OCCUPATION OF CROWN LAND APPLICATIONS

The table below describes the new applications for Sale of Crown Land to which Council has responded during the noted period.

Address and Attachment Reference	Purpose and Summary	Comments Provided
3000/2020 Section 2889 (580) Stuart Highway, Freds Pass, Hundred of Strangways Attachment D	Occupational Licence for the Purpose of Storage and Carpark The site is adjacent Freds Pass Reserve and the Reserve Board are requesting a renewal of an existing licence for the same use.	Council supports the granting of the application as it is a continuation of the same use of the site and there are not expected to be any negative effects upon amenity or Council infrastructure as a result of the proposal.

LIQUOR LICENCE APPLICATIONS

The table below describes the new applications for amendments to existing liquor licences or new applications for special event liquor licences to which Council has responded during the noted period.

Application Reference, Address, and Attachment Reference	Purpose and Summary	Comments Provided
2020/9003 Section 4631 (565) Pioneer Drive, Herbert, Hundred of Strangways Attachment E	Material alterations to licenced premises	Council provided a letter indicating no comments on the material alterations proposed as there is not expected to be any impact upon Council infrastructure or the amenity of the surrounding neighbourhood.

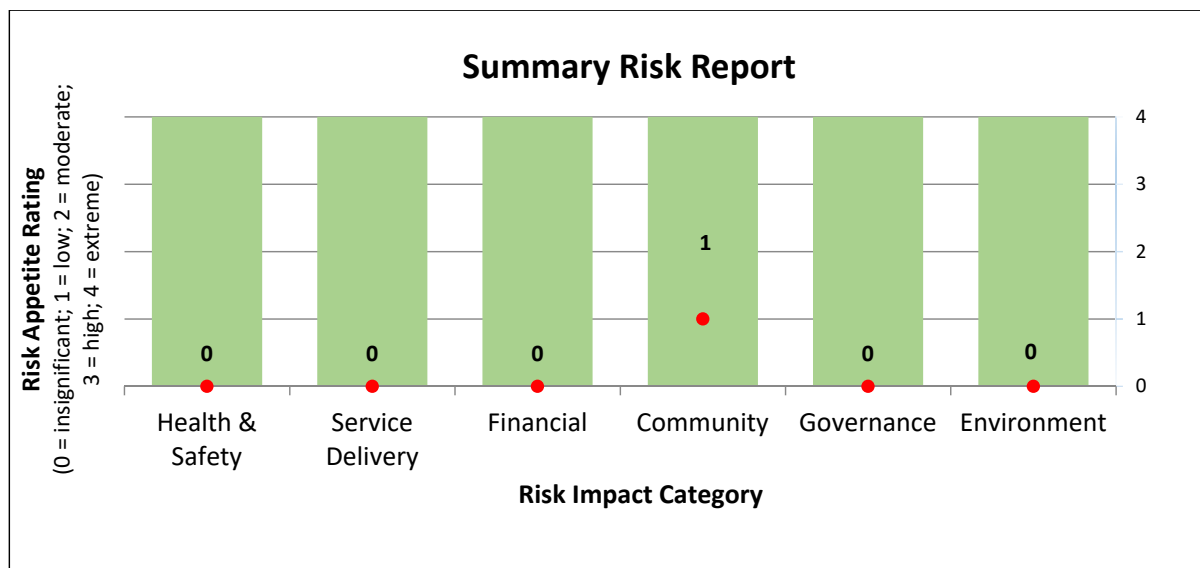
Links with Strategic Plan

A Great Place to Live - Development and Open Space

Legislative and Policy Implications

Not applicable to this report

Risks



Financial Implications

Not applicable to this report

Community Engagement

Not applicable to this report

11 February 2020

Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Development Application

PA2020/0013

**Lot 35 (270) Kentish Road, Livingstone, Hundred of Cavenagh
Independent Unit in Excess of 80m² and with an Independent Effluent Disposal System**

Thank you for the Development Application referred to this office on 30/01/2020, 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 floor area of the dwelling, not including the verandah, is less than 80m², which complies with the NT Planning Scheme and assists in ensuring that the independent unit remains ancillary to the single dwelling on the subject site.
- b) There are not expected to be any negative effects upon stormwater drainage as a result of the proposal.

Should the application be approved, the following condition(s) 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 Director Infrastructure and Operations, Litchfield Council, at no cost to Litchfield Council.
- b) No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and public street, to the satisfaction of the Director Infrastructure and Operations, Litchfield Council.

- 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 Director Infrastructure and Operations, Litchfield Council.

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

- a) Fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at www.litchfield.nt.gov.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 road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Nadine Nilon
Director Infrastructure and Operations

11 February 2020

Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801



RE: Letter of Comment Development Application

PA2020/0022
Lot A (45) Gulnare Road and Lot 14 (75) Gulnare Road,
Bees Creek, Hundred of Strangways
Clearing of Native Vegetation

Thank you for the Development Application referred to this office on 07/02/2020, 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) Council supports the development of appropriate economic development activity within the municipality.
- b) There are not expected to be any negative effects upon Council roads as a result of the proposal.

The noted support is only given provided the following issues are adequately addressed:

- a) The application indicates that the reason for clearing the native vegetation is to provide for wastewater treatment necessary for the operation of the adjacent crocodile farm.

Exceptional Development Permit EDP14/0007B for the crocodile farm operation included a condition to consolidate all lots involved in the crocodile farm operation into a single lot. As that consolidated lot for the crocodile farm is a separate lot to the two lots proposed for the wastewater treatment area, it is again requested that all facilities required to operate the crocodile farm be consolidated into one single lot.

- b) The application proposes the clearing of native vegetation to provide for a trial of spreading wastewater across the site to test for best soil infiltration from the wastewater. As additional water is being added to the site, Council requires a Condition Precedent for a stormwater management plan that shows, among other items:
 - That no concentrated stormwater flow will leave the site and
 - That post-development flows do not exceed pre-development flows.

Council notes that while Council expects no contaminated water to be improperly disposed of on site or to leave the site, Council is not the organisation responsible for assessing and

regulating contaminated run-off, nor is Council responsible for any odour concerns resulting from wastewater disposal. Council supports the appropriate regulation of such items by the relevant agencies.

Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:

- a) 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.

Should the application be approved, the following condition(s) 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 Director Infrastructure and Operations, Litchfield Council, at no cost to Litchfield Council.
- b) 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 Director Infrastructure and Operations, Litchfield Council.
- c) An Occupancy Permit under the Building Act must not be issued until Lot A and Lot 14 (75 and 45 Gulnare Road) Bees Creek, Hundred of Strangways have been consolidated and a new title issued for the consolidated lot.

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

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.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 road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Nadine Nilon
Director Infrastructure and Operations

17 February 2020



Ms Annette Smith
Department of Primary Industry and Resources
GPO Box 4550
Darwin NT 0801

Dear Ms Smith

RE: Letter of Comment Mining Application

**EMP32367 and EMP32368
NT Portions 5911 Gunn Point Road, SHOAL BAY,
Mining Application extract sand, soil and gravel**

Thank you for the Extractive Mineral Permit Application referred to this office on 12/02/2020, 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) For any access 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) For 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 shall require the upgrading of the subject road(s) to Council's requirements.
- c) Council requires an Environmental Management Plan, to Council's satisfaction, which should address, but may not be limited to stormwater runoff including containment of contaminants.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully

Wendy Smith
Planning and Development Manager



14 February 2020

Development Assessment Services
 Department of Infrastructure, Planning and Logistics
 GPO Box 1680
 Darwin NT 0801

RE: Letter of Comment Development Application

2020/3000

**Section 2889 (580) Stuart Highway, Freds Pass, Hundred of Strangways
 Occupational Licence for the Purpose of Storage and Car Parking**

Thank you for the Development Application referred to this office on 10/02/2020, 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) We understand the site has had a previous similar licence in place and support is given for the continuation of that use.
- b) There are not expected to be any negative effects upon the amenity of the surrounding area as a result of the proposal.
- c) There are not expected to be any negative effects upon Council infrastructure as a result of the proposal.

Should the application be approved, the following notes are recommended for information to the applicant:

- a) A *Works Permit* is required from Litchfield Council before commencement of any work within a Council road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- b) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Wendy Smith', is written over a light blue horizontal line.

Wendy Smith
 Manager Planning and Development



2 March 2020

Licensing NT
Department of the Attorney-General and Justice
Northern Territory Government
GPO BOX 1154
Darwin NT 0801

RE: Application for Material Alterations to Licenced Premises

**2020/9003
Section 4631 (565) Pioneer Drive, Herbert, Hundred of Strangways
Two Material Alterations to Licenced Premises**

Thank you for the application for material alterations to licenced premises referred to this office on 02/03/2020, regarding 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.

In this instance, council has no comments in relation to the suitability of the material alterations proposed, as there is not expected to be any impact upon Council infrastructure and limited, if any, impact upon the amenity of the surrounding neighbourhood.

For all liquor licence applications, Council wishes to note the recent investigations and reports into the consumption of alcohol in the Northern Territory and notes support for limiting the harmful use of alcohol in the community.

If you require any further discussion in relation to this application, please contact me on 08 8983 0600.

Yours faithfully

Wendy Smith
Manager Planning and Development



COUNCIL REPORT

Agenda Item Number:	15.2
Report Title:	Comments to NT Legislation Scrutiny Committee on Planning Amendment Bill 2020
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Wendy Smith, Manager Planning and Development
Meeting Date:	18/03/2020
Attachments:	A: Litchfield Council Comments on Planning Amendment Bill 2020 B: Planning Amendment Bill 2020

Executive Summary

This report presents to Council proposed amendments to the NT *Planning Act 1999* and requests endorsement of comments in response to the proposed changes.

The NT Government has undertaken three stages of consultation on planning reform. The information gathered through that consultation has informed a proposed Planning Amendment Bill 2020 that was presented to NT Parliament in February 2020 and was referred to the NT Legislation Scrutiny Committee for review, which included solicitation of public comments due 11 March 2020.

Some of the proposed changes to the Act directly affect Council's interaction with planning in the Northern Territory, including:

- changes to Council's appointment of Development Consent Authority (DCA) members,
- the process for Council to make submissions on planning applications and when Council is invited to NT Planning Commission hearings or Development Consent Authority meetings on those applications, and
- the content of Council's Developer Contribution Plans.

Other changes relate more broadly to how the planning system is structured and how the public interacts with that system.

This report summarises changes between the November 2019 *Draft Bill of Amendments (Draft)* and the February 2020 *Planning Amendment Bill 2020 (Amendment Bill)* and notes whether it is recommended Council support, object to, or require additional information to clarify those changes.

Attachment A presents to Council the detailed information provided to the Legislation Scrutiny Committee on all proposed changes in the *Amendment Bill*, the potential effect of those changes, and Council comments in relation to all changes. Attachment B provides Council with currently proposed changes to Planning Act as of February 2020 which can be compared to the existing version of the Planning Act 1999, available at <https://legislation.nt.gov.au/en/Legislation/PLANNING-ACT-1999>

Recommendation

THAT Council note for information Attachment A – Litchfield Council Comments on Planning Amendment Bill 2020.

Background

In November 2017, the NT Government undertook Stage 1 consultation on planning reform. Council participated in the consultation and provided comments on the current planning system. In mid-2018, NTG produced a Directions Paper and proposed Phase 1 Priority Reforms for the planning system as Stage 2 consultation. Council endorsed comments on those documents in August 2018.

In late 2019, NTG undertook Stage 3 consultation on the planning reform, including a draft bill of amendments to the *Planning Act 1999 (Act)*. Council provided a detailed table of comments on the proposed changes to the *Act* in November 2019. This report updates those comments based on changes made to the draft bill and presented to NT Parliament as the *Planning Amendment Bill 2020*.

Summarised below are the main changes to the document between the November 2019 *Draft Bill of Amendments (Draft)* and the February 2020 *Planning Amendment Bill 2020 (Amendment Bill)*. Attachment A details all proposed changes between the existing *Planning Act 1999* and the *Planning Amendment Bill 2020*, the potential effect of those changes, and recommended Council comments in relation to the changes. Comments on areas other than those noted below remain largely, if not wholly, unchanged from Council's November 2019 comments on the *Draft*.

Minister Appointment of Council-selected DCA Members

Currently, the *Act* requires the Minister to appoint whomever the Council nominates as representatives to the DCA. The November 2019 *Draft* gave the Minister the option to not appoint DCA members selected by Council and to appoint whomever the Minister chose. The *Amendment Bill* requires Council to nominate at least one more person than the number of vacancies to be filled on the DCA and requires the Minister to appoint Council's nominees. It is unclear how the Minister will appoint from the Council nominees where there are more nominations than the number of vacancies. In addition, it is unclear how the alternate will be chosen, or whether an additional member is required to be nominated.

It can be supported that the Minister must nominate Council's selected community representatives, as the Council is likely in the best place to select individuals that will represent the views of the local community. However, clarification is requested on the number of nominations and process of final selection of those nominees.

Termination of a DCA Member's Appointment by Council

The *Amendment Bill* includes provisions for the Council to request that a nominee appointed by Council have the member's appointment terminated.

This provision can be supported, provided there would be criteria for the request for termination of a member's appointment and/or a requirement for a list of reasons for the request for termination. These criteria or reasons are considered essential to ensure that local Council's provide evidence for the reason for termination to ensure transparency.

DCA Member's Voting

The *Draft* proposed recording for public information the individual votes on Development Applications. The *Amendment Bill* proposes instead to record the number of votes for or against, or abstaining from, and whether any member declared a conflict of interest, without linking individual members to individual votes.

This change is commended, as Council had raised concerns of publishing individual voting records leading to situations where members feel politically influenced to make a decision, rather than evaluating an application on merit.

Code of Conduct

The *Draft* introduced the development of a Code of Conduct to which DCA members would be required to be held. The *Amendment Bill* expands the application of that Code of Conduct to members of the NT Planning Commission. This change can be supported.

Requirements for Planning Scheme Amendment Applications

The *Amendment Bill* clarifies factors that must be addressed in a Planning Scheme Amendment Application, rectifying portions of the *Draft* that were unclear. This change can be supported.

Hearing Provisions for Concurrent Applications

Council previously noted that the provisions related to hearings for Planning Scheme Amendment applications and Exceptional Development Permit applications should also apply to Concurrent Applications. This change has been made. This change can be supported.

Transition Provisions

The *Amendment Bill* includes more detailed information on changes required to a variety of other NTG Acts as a result of the *Amendment Bill*, as well as providing clarification on which version of the Act planning applications will be required to adhere. These changes can be supported.

Development Application Requirements

The *Amendment Bill* includes new provisions on what must be submitted with a Development Application, including the name and contact details of the land owner, any person making the application on behalf of the land owner, and "any person who would directly benefit from the development". The measure for determining whether an individual would directly benefit from a development is unclear.

It is understood that the intent of including this provision is to ensure transparency and avoid unintended lack of disclosure of conflicts of interest when parties may not realise the full extent of parties involved in the development. However, the current phrasing is unclear and would likely draw questions as to the feasible extent of implementation. For example, a subsidy company that is currently involved in the future development proposed and would reap direct financial benefit could be feasible to note; however, an individual or company who may be the future renter of a new independent unit or commercial warehouse may be a more difficult and private link to establish or meet any burden of proof. Review of the wording of this requirement to more clearly reflect the intent of the clause and ensure enforceability of the clause is recommended.

Decisions on Concurrent and Development Applications

The *Draft* provided that the Minister and DCA may consent to applications that were contrary to the strategic planning framework set up by the planning scheme, namely that the proposal “was not foreseen by the strategic framework” or “unusual or exigent circumstances that make the development appropriate”. There were questions around the wording, intent, and reasonable application of these provisions raised by Litchfield Council and others during the Draft consultation process. The above explanatory provisions have been removed, leaving the Minister or DCA with no reference points as to when it may be appropriate to consent to an application that is not in accordance with the strategic framework.

One of the objectives of the Act as stated in the *Amendment Bill* is to “ensure strategic planning is applied”. Further, it is understood that part of the intent of the planning reform changes is to ensure that strategic planning is enshrined more stringently within the Act and the planning scheme. It is therefore unclear how explicitly allowing the Minister and DCA to make decisions contrary to the strategic framework, with no criteria against which to measure or report against those decisions, can be supporting the objectives of the Act.

If there is a reason to make a decision contrary to the strategic planning framework, it may be better to change the framework than to allow for the ability to contravene the planning decisions made based presumably upon best practice planning theory and community consultation. Should these provisions remain, clarification is required on when it would be suitable for these powers to make decision contrary to adopted strategic planning framework should be allowed.

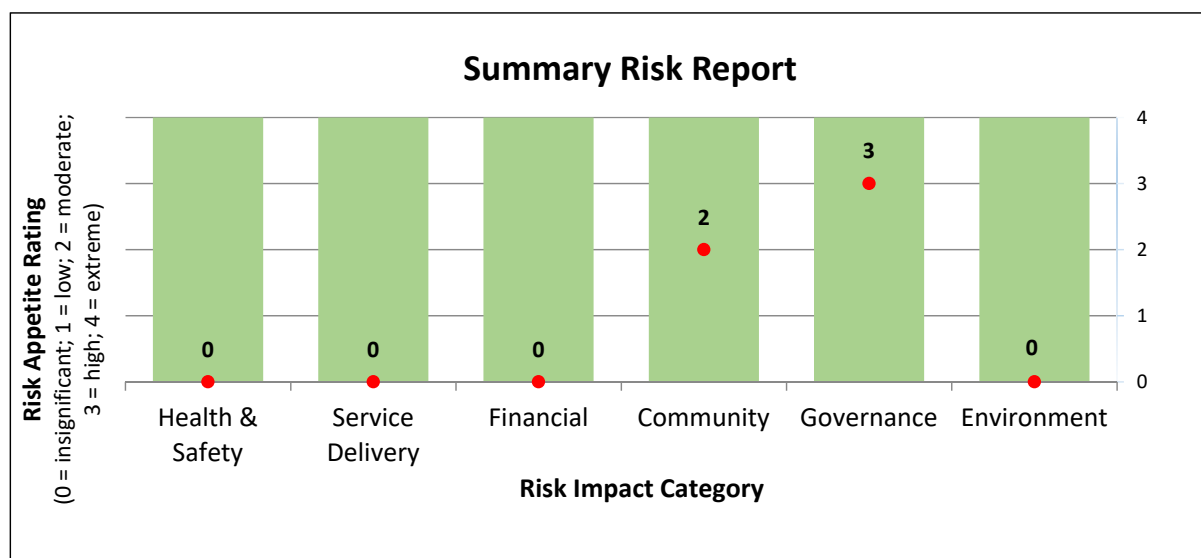
Links with Strategic Plan

A Great Place to Live - Development and Open Space

Legislative and Policy Implications

Changes to the NT Planning Act 1999 will affect the way in which Council responds to planning applications and appoints nominees to the Development Consent Authority, among other areas, as detailed in Attachment A.

Risks



Community

Planning decisions affect the day-to-day experience of Council's residents in the places that they live, work, and play. Council's responses are made to support transparency and the interests of Council's residents. The intent of Council's support and opposition to proposals, as detailed in Attachment A, is to have positive benefits for the local community.

Governance

Changes to the NT Planning Act 1999 will affect the way in which Council responds to planning applications and appoints nominees to the Development Consent Authority, among other areas, as detailed in Attachment A.

Financial Implications

Not applicable to this report.

Community Engagement

Not applicable to this report.



11 March 2020

Legislation Scrutiny Committee
Committee Secretary
GPO Box 3721
Darwin NT 0801
LSC@nt.gov.au

Planning Amendment Bill 2020

Thank you for the opportunity to provide comments on the *Planning Amendment Bill 2020*.

Litchfield Council has reviewed the *Planning Amendment Bill 2020* and has prepared the information below and the attached table detailing Council's comments on the changes proposed.

Council has structured this submission in two parts:

- A summary included below addressing Council's most significant areas of interest in the *Planning Amendment Bill 2020 (Amendment Bill)* and
- A table detailing all proposed changes to the *Planning Act 1999*, the potential effect of those changes, and Council comments in relation to each change. The far right column of the table details whether Council supports or objects to the proposed change, whether more information is required to be able to evaluate the effect of the change, or where alternatives are proposed to better address the particular matter.

Should you have any questions regarding this submission, please contact Litchfield Council's Planning and Development division.

Summary of Comments on Areas of Significant Interest to Council

Appointment of Development Consent Authority (DCA) Members – Section 89 and Section 91
Under the current Act, Council nominates two members, plus one alternate member to the DCA. The Minister must appoint those members.

The *Amendment Bill* requires Council to nominate at least one more person than the number of vacancies to be filled on the DCA (Section 91(2)) and requires the Minister to appoint Council's nominees (Section 89(1)).

It is unclear if there is an error in stating the Minister must appoint Council's nominees when Council appoints more than the vacancy rate, or if the intent is for Council to nominate a greater number of options and the Minister is required to select from those options. It is also unclear whether Council would nominate an individual as alternate that must be appointed or whether the Minister would select the alternate from the additional number nominated by Council.

It is **supported** that the Minister must nominate Council's selected community representatives, as the Council is likely in the best place to select individuals that will represent the views of the local community. However, **clarification is required** on the number of nominations and final selection of those nominees by the Minister, for the reasons detailed above.

Restrictions on DCA Members' Employment -Section 87 and Section 89

There are currently no restrictions on DCA members' employment.

Under the *Amendment Bill*, employees of Council and employees of the Agency administering the Planning Act are not eligible to be on the DCA. This change would affect one of the DCA members for Litchfield, Council's nominee of Council's Manager Planning and Development, who would no longer be eligible for future appointment to the DCA.

Council understands that there may be a perception of bias for employees of any agency administering planning applications or from whom formal comments on applications are requested. As such, it would logically follow that the provisions on prohibitions of employment for DCA members be extended to exclude any employees of any service authority to which an application is referred for formal comment from being appointed to a DCA.

As such, restrictions on local authority and Agency employees on DCA can be **supported**, and it is recommended that **additional changes** be made to include further restrictions in the *Amendment Bill* that all employees of service authorities are prohibited from being DCA members.

DCA Members' Removal from Office – Section 100A

The *Amendment Bill* provides for situations in which the Minister terminates the appointment of a member to the DCA. It is supported that there be provisions in the Act that allow for the termination of an appointment. However, it is recommended that **additional changes** be made such that, if the Minister chooses to terminate the appointment of a member nominated by the local authority, the Minister must provide written reasons for the termination to the local authority. Similarly, should it be the local authority who requests that an appointment of a community member nominated by that authority be terminated, the local authority should provide written reasons to the Minister to support that request. These requirements would support transparency in the membership process and avoid the potential and/or perceived politicisation of nominations by either the Minister or local Councils.

Minutes of DCA Meetings – Section 103

The *Amendment Bill* proposes to record the number of votes for or against, or abstaining from, and whether any member declared a conflict of interest, without linking individual members to individual votes.

This approach is **supported**, as there were significant concerns regarding the proposals to publish individual voting records, which could lead to situations where members feel that they may be politically obliged to make a decision rather than evaluating an application on merit.

Process of Consideration of Council's Comments on Applications – Section 22, Section 30M, and Section 49

Under the *Planning Act 1999*, all Council comments on applications are considered a submission. If Council makes a submission, a DCA meeting or NTPC hearing must be held and Council must be invited. If Council does not submit comments, Council is not required to be invited to any DCA meeting or NTPC hearing that is held.

Under the *Amendment Bill*, Council can give the authority "advice or comment" on applications or make a "submission" on applications. "Any advice or comments...is taken not to be a submission...if the advice or comment does not oppose or contradict the application".

For DCA meetings, if Council makes a "submission", Council must be invited to a DCA meeting, but if Council makes a "comment/view", Council is not required to be invited to a DCA meeting.

For NTPC hearings, if Council makes a “submission”, Council must be invited to an NTPC hearing only if NTPC “is satisfied that a hearing would provide further useful information”. If Council provides “advice or comment” and no public submissions are received, no NTPC hearing is required to be held.

Whilst it is understood that it is not the intent to restrict Council’s opportunity to attend a hearing, Council is concerned that there is a risk for Council’s opportunity to be aware of and a hearing and address Council’s comments on an application only if Council opposes the application based solely on the information provided in the initial application is **not supported**. This approach may limit Council’s ability to understand an application and the community’s views and provide support for or refute community views.

Further, there is concern over how the NTPC would determine that “a hearing would provide further useful information”. In several recent hearings, Council has been able to revise comments during the hearing based on new understanding of the amendment revealed during the hearing and based on community views raised during the hearing. This proposed change is **not supported**.

Further, it is unclear on what basis the NTPC may decide that a hearing will not “provide further useful information”. Transparency has been a leading theme throughout the Planning Reform process, and while it is not believed that the intent of this provision is to withhold transparency, that could be the effect of the provision. The minimal administrative time required to confirm a desire to attend a hearing would be preferred by Council. Without additional changes to specify under what circumstances it would be appropriate to not hold a hearing, this change is **not supported**.

Rejection of Service Authority and Local Authority Advice – Section 50

The *Amendment Bill* includes a new provision that the consent authority may reject any advice or comment it receives from a service authority or local authority. The consent authority is not the authority on infrastructure owned by a service authority or local authority. The consent authority does not have the expertise to be able to make comment on the suitability, or financial implications, of the imposition of an infrastructure requirement or lack thereof by a service or local authority. There could be significant financial and other consequences for the service or local authority should comments related to their infrastructure be rejected by the consent authority. A service authority and a local authority must have autonomy related to infrastructure under their ownership. Council **strongly objects** to this provision.

Independence – Section 12B

The *Amendment Bill* includes some information on the independence of the NT Planning Commission (NTPC). However, the NTPC cannot be independent when the NTPC holds the hearing on applications put forward by the NTPC, such as Area Plans and Subregional Plan applications. There will always be questions of perceived bias and reluctance to recommend changes to plans originally recommended by the NTPC. **Additional changes** to the Act are recommended to ensure true independence in the strategic planning process.

Electronic Publication – Section 139A

The *Amendment Bill* and the existing *Planning Act 1999* set out when notification of an application must appear in a newspaper local to the development or amendment proposed. However, Section 139A overrides those requirements by stating that the requirement to publish in a newspaper may be satisfied by publishing the document on a website or other electronic platform.

Council **strongly objects** to this proposal for a number of reasons:

- Publishing only in electronic format unfairly disadvantages those individuals without internet access, or adequate internet access, as well as individuals not familiar with computer use.
- Many elderly residents do not feel comfortable with use of internet and many rural residents do not have adequate access to internet.
- Internet access is limited or unavailable in many parts of the NT, including within the rural areas of Litchfield. Many mobile blackspots have been identified in the rural area.
- Newspapers are still a well-used form of communication that many individuals review on a daily basis.
- The NT Government cannot expect private citizens to regularly log on to a planning website (and a liquor licence application website, gaming website, water licence website, etc) to find information about what is going on in their community.

This provision would reduce transparency and could be viewed as an attempt to get fewer public submissions on applications.

Development Application Requirements – Section 46

The *Amendment Bill* includes new provisions on what must be submitted with a Development Application, including the name and contact details of the land owner, any person making the application on behalf of the land owner, and “any person who would directly benefit from the development”. The measure for determining whether an individual would directly benefit from a development is unclear.

It is understood that the intent of including this provision is to ensure transparency and avoid unintended lack of disclosure of conflicts of interest when parties may not realise the full extent of parties involved in the development. However, the current phrasing is unclear and would likely draw questions as to the feasible extent of implementation. For example, a subsidy company that is currently involved in the future development proposed and would reap direct financial benefit could be feasible to note; however, an individual or company who may be the future renter of a new independent unit or commercial warehouse may be a more difficult and private link to establish or meet any burden of proof. **Additional changes** to the wording of this requirement to more clearly reflect the intent of the clause and ensure enforceability of the clause are recommended.

Decisions on Concurrent and Development Applications- Section 30W and Section 52

One of the objectives of the Act as stated in the *Amendment Bill* is to “ensure strategic planning is applied”. Further, it is understood that part of the intent of the planning reform changes is to ensure that strategic planning is enshrined more stringently within the *Act* and the planning scheme.

It is therefore unclear how explicitly allowing the Minister and DCA to make decisions contrary to the strategic framework, with no criteria against which to measure or report against those decisions, can be supporting the objectives of the *Act*. If there is a reason to make a decision contrary to the strategic planning framework, it may be better to change the framework than to allow for the ability to contravene the planning decisions made based presumably upon best practice planning theory and community consultation. Should these provisions remain, **additional changes** are required on when it would be suitable for these powers to make decision contrary to adopted strategic planning framework should be allowed.

Changes to Developer Contribution Plans (DCP)

The current Act requires DCPs to collect money for infrastructure and subsequently construct that infrastructure. The *Amendment Bill* proposes that Councils can construct infrastructure required to service an area, as detailed in a DCP, and subsequently collect funds from new development

to reimburse Council for the costs of previously providing the infrastructure constructed. This proposed change is **supported** as it allows Councils to provide necessary infrastructure when required to service residents and support development, rather than having to wait for an area to be fully developed, yet un-serviced, to fund the needed infrastructure.

Enforcement – Part 7

There are a range of new provisions in the *Amendment Bill* to better enhance the enforcement abilities for activities against the Act. The new provisions will allow, among other items, the ability for enforcement officers to enter premises, take photos and/or collect items from the property to prove illegal uses, and issue on the spot notices and fines. DCA will have new powers to issue show cause notices and other enforcement actions, as well as enhanced fines. The proposed changes to enforcement can be **supported** in full.

Timeframes – Section 25, Section 46, and Section 47

The *Amendment Bill* institutes new timeframes intended to ensure that applications do not sit for an unlimited time without decisions.

Requests for additional information for deferral of development applications include a 30-day timeframe (with some opportunity for extension), after which the application can be considered abandoned and terminated if no information is provided. This provision is **supported**.

The proposed amendments also include allowing significant development applications to be publicly advertised for a period of 28-days instead of the current 14-days. This will allow the public to have an extended time period to comment on larger development proposals with greater community impact. This proposal is **supported**.

For applications for which the Minister is the consent authority, there is a new proposed timeframe of 90 days from the time the Minister receives the report from the NTPC for the Minister to make a decision on the application. While this timeframe is **supported**, **additional changes** are recommended to include additional timeframes for how long the applicant must wait for a hearing on the application and how long the NTPC may take after the application to prepare the report for the Minister. Additions of these timeframes, however long, would give more certainty to applicants and allow for applicants to make decisions without unknown timeframes.

Existing Use Rights – Section 37A and Section 37B

The proposed amendments also include stronger provisions for DCA to be able to determine existing use rights and to issue certification of, and conditions on, those rights. While the idea of clearer direction on existing use rights is supported, the current provision allows DCA to make these decisions but does not give clear criteria on how assessment of existing uses should be measured. This provision is **supported in principle**; however, it is recommended that **additional changes** be made to include criteria for determining existing use rights, to give clear direction for DCA members and the public.

Regulations

There are a variety of provisions within the *Amendment Bill* on which Council cannot provide full assessment, as these provisions are dependent upon proposed amendments to the *Planning Regulations*, which have yet to be made available for public review. Examples of areas within the *Amendment Bill* where this issue is of concern to Council include, but may not be limited to:

- Section 46 – Development Applications,
- Section 47 – Public Notice of Development Application,
- Section 47B – Development application requiring limited notice,
- Section 47C – Development application requiring only local notice,
- Section 73 – Discount, interest rate etc.),

- Section 84 – Functions and powers of Development Consent Authority,
- Section 89 – Appointment of Members within Council Area,
- Section 111 – Review of Decisions of Consent Authority, and
- Section 135B – Administrative Decisions.

For these areas, Council **cannot give support** without having reviewed the regulations.

Thank you for your attention to the above matters, as well as other detailed in the attached table of comments. Once again, should wish to discuss any of the comments provided, do not hesitate to contact Council.

Yours faithfully



Daniel Fletcher
Chief Executive Officer

Serial 118
Planning Amendment Bill 2020
Ms Lawler

A Bill for an Act to amend the *Planning Act 1999* and related legislation

NORTHERN TERRITORY OF AUSTRALIA

PLANNING AMENDMENT ACT 2020

Act No. [] of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2020

An Act to amend the *Planning Act 1999* and related legislation

[Assented to [] 2020]
[Introduced [] 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Planning Amendment Act 2020*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Planning Act 1999

3 Act amended

This Part amends the *Planning Act 1999*.

4 Section 2A replaced

Section 2A

repeal, insert

2A Purpose and objectives

The purpose of this Act is to establish a system to facilitate planning for the orderly use and development of land to achieve the following objectives:

- (a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;
- (b) to ensure that strategic planning reflects the wishes and needs of the community;
- (c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;
- (d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community;
- (e) to promote the sustainable development of land;
- (f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes;
- (g) to maintain the health of the natural environment and ecological processes;
- (h) to protect the quality of life of future generations;
- (i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community;
- (j) to promote good design and amenity of buildings and other works;
- (k) to assist the conservation and enhancement of places, areas, buildings, other works and landforms that are of cultural, aesthetic, architectural or historical value;
- (l) to respect and encourage fair and open decision making and public access to processes for review of planning related decisions.

5 Section 3 amended (Interpretation)

- (1) Section 3(1), definitions ***base period of the permit, Chairman, Deputy Chairman*** and ***former Act***

omit

- (2) Section 3(1)

insert

authorised officer means a person appointed under section 76.

base period of the permit, in relation to a development permit or an exceptional development permit, means the period commencing on the date of consent and ending on:

- (a) the date specified in the permit as the date on which the permit will lapse; or
- (b) if no date is specified in the permit as the date on which the permit will lapse – the date 2 years after the relevant date of consent.

Chair means the person appointed as the Chair of the Development Consent Authority under section 88(1) and includes a Deputy Chair acting under section 88(3) or (4).

community member means a member of the Development Consent Authority who is appointed under section 89(1)(a) and includes an alternate community member acting under section 89(2).

Deputy Chair means a person appointed as a Deputy Chair of the Development Consent Authority under section 88(2).

element, in relation to a planning scheme, means any written provision, image, map, plan, design, diagram, requirement or other component of which a planning scheme is constituted.

enforcement notice means a notice issued under section 77.

strategic framework, see section 9A.

- (3) Section 3(1), definition ***member***, paragraph (b)(i)

omit

Chairman

insert

Chair

- (4) Section 3(1), definition **service authority**

omit

a local authority,

- (5) Section 3(2)

omit

section 79

insert

section 80B

- (6) Section 3(2), at the end

insert

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act

6 Section 5A inserted

After section 5

insert

5A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 5A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

7 Section 6A inserted

After section 6, in Part 1

insert

6A Persons and bodies performing functions under Act

- (1) The Minister's functions under this Act are primarily the following:
 - (a) to make and amend specific planning schemes under Part 2;
 - (b) to make interim development control orders under Part 3;
 - (c) to perform the functions of a consent authority in the circumstances specified in section 4;
 - (d) to appoint members of the various bodies that perform functions under this Act;
 - (e) to appoint persons who perform administrative or enforcement functions under this Act;
 - (f) to prescribe fees, approve forms and perform administrative functions under this Act.
- (2) The Planning Commission's functions under this Act are specified in section 81B and relate primarily to the following:
 - (a) to develop strategic planning for the Territory and maintaining the NT Planning Scheme;
 - (b) to assist the Minister in carrying out the purpose and objectives of this Act.
- (3) A consent authority's function under this Act is to make decisions relating to applications to develop land.
- (4) The Development Consent Authority's function under this Act is to perform the functions of a consent authority in those places where it is established.

8 Section 9 replaced

Section 9

repeal, insert

9 Planning scheme

- (1) A planning scheme must further the purpose and objectives of this Act.
- (2) A planning scheme must establish the planning provisions that apply to an area of land, which may include the following:
 - (a) policies to be applied to the use or development of land;
 - (b) provisions that permit, prohibit, restrict, impose conditions on or otherwise control the use or development of land;
 - (c) provisions necessary or convenient to give effect to the planning scheme;
 - (d) maps, plans, designs and diagrams.
- (3) A planning scheme may be comprised of the following elements:
 - (a) a strategic framework for the land to which the planning scheme applies;
 - (b) overlay provisions;
 - (c) zone provisions;
 - (d) use and development requirements;
 - (e) interpretive provisions and administrative guidelines.
- (4) An element of a planning scheme may apply in relation to all or part of the land to which the planning scheme applies.
- (5) A planning scheme may refer to, adopt or incorporate, with or without modification, a specified document, as in force at a particular time or as in force from time to time.
- (6) A planning scheme is to be interpreted and applied in accordance with its interpretative provisions.

9A Contents of strategic framework

A strategic framework consists of the planning policies and plans that apply to an area of land, which may include the following:

- (a) the strategic policies and principles that promote the purpose and objectives of this Act and guide the development of land to which the planning scheme applies;
- (b) a regional land use plan that establishes the general policies and principles that guide all development of land, land use and resource use in a region and identifies any issues related to long-term planning;
- (c) a subregional land use plan that establishes the specific policies and principles that guide all development of land, land use and resource use in a subregion;
- (d) an area plan that establishes the specific rules and principles for all development of land, land use and resource use in an area.

9B Overlay provisions, zone provisions and development requirements and guidelines

- (1) The overlay provisions of a planning scheme consist of the following:
 - (a) the specific development requirements that prevail over or are in addition to the zone provisions;
 - (b) a map or other geographic means of determining where the overlay provisions apply.
- (2) The zone provisions of a planning scheme consist of the following:
 - (a) a statement of the purpose of each zone and the outcomes expected for each zone;
 - (b) a table that states the categories of development that are permitted, prohibited or otherwise controlled and the applicable development requirements in a zone;
 - (c) one or more maps or other geographic means to identify the applicable zones.
- (3) The development requirements in a planning scheme consist of the following:
 - (a) the requirements that apply to development in a zone;

- (b) the subdivision and consolidation requirements for the scheme area.

9C Interpretative provisions and administrative guidelines

The interpretative provisions and administrative guidelines in a planning scheme consist of:

- (a) any definitions, rules or principles for interpreting or applying the planning scheme; and
- (b) any guidance a consent authority is expected to follow when administering the planning scheme, including what it is allowed to consider in relation to specific matters.

9 Section 13 replaced

Section 13

repeal, insert

12A Request to amend planning scheme

- (1) A person or body may request the Minister to amend a planning scheme.
- (2) The request must be in writing and include the following:
 - (a) an explanation of the proposed amendment;
 - (b) a statement of the purpose of the proposed amendment and its desired effect;
 - (c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 13(1);
 - (d) the details of any community consultation conducted, or to be conducted, in addition to the consultation required under this Act.
- (3) The Minister may require the person or body requesting an amendment to provide further information within a specified time if, in the Minister's opinion, additional information is necessary to enable a proper consideration of the request.
- (4) The Minister may reject the request without considering it further if:
 - (a) the additional information is not provided within the time required; or

- (b) additional information is provided but the Minister considers it to be insufficient to enable a proper consideration of the request.
- (5) If the Minister rejects a request under subsection (4), the Minister must give the person or body written notice of the rejection and the reasons for it.

12B Planning Commission views on request and decision

- (1) The Minister may ask the Planning Commission for its views on the strategic planning implications of a proposed amendment to a planning scheme.
- (2) The Minister must give written notice to the person or body requesting the amendment if the Minister asks the Planning Commission for its views.
- (3) The Planning Commission must give the Minister a report on its views if asked under subsection (1).
- (4) The Minister must:
 - (a) give a copy of the Planning Commission's report to the person or body requesting the amendment; and
 - (b) give that person or body a reasonable opportunity to respond to that report.

13 Minister's consideration of request and decision

- (1) When considering a request to amend a planning scheme, the Minister must also consider the following:
 - (a) whether the proposed amendment promotes the purpose and objectives of this Act;
 - (b) whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;
 - (c) whether the proposed amendment is within a declared class of amendments that do not require exhibition;
 - (d) whether the proposed amendment is not significant enough to require exhibition;
 - (e) the merits of the proposed amendment and whether the amendment is in the public interest;

-
- (f) any report from the Planning Commission under section 12B(3);
 - (g) any other matters the Minister considers appropriate.
- (2) Despite Divisions 3 and 4, the Minister need not take any action under those Divisions in respect of a proposed amendment if satisfied that:
- (a) the proposed amendment is within a declared class of amendments; or
 - (b) the proposed amendment is not significant enough to require exhibition.
- (3) After considering the request, the Minister must:
- (a) continue consideration of the proposed amendment by placing it on exhibition; or
 - (b) amend the planning scheme as proposed; or
 - (c) refuse to amend the planning scheme.
- (4) If the Minister amends the planning scheme as proposed, the Minister must:
- (a) give notice of the amendment in accordance with section 28; and
 - (b) provide reasons for the amendment in accordance with section 29.
- (5) As soon as practicable after making the decision, the Minister must give written notice of the decision to the person or body requesting the amendment.
- (6) If the Minister refuses to amend the planning scheme as proposed, the notice of the decision must include the reasons for the refusal.

10	Section 16 amended (Notice relating to rezoning or grant of permit)
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- (1) Section 16(2)(b)
- omit*
- notices

insert

signs

(2) Section 16(4)

omit

notice

insert

sign

(3) Section 16(5) and (6)

omit, insert

(5) A sign referred to in subsection (2)(b) must:

(a) be placed on, or within a reasonable distance from, each public road frontage of the land; and

(b) be clearly legible to a person from a location on the public road nearest to the land.

(6) A person commits an offence if:

(a) a sign is placed on land in accordance with this section; and

(b) the person intentionally removes the sign; and

(c) the removal occurred before the end of the period of exhibition for the proposal.

Maximum penalty: 100 penalty units.

(7) Strict liability applies to subsection (6)(b) and (c).

11 Section 17 amended (Publication of notice or proposal)

Section 17(1)(b)

omit, insert

(b) the place where or the manner in which the public can view a copy of the application and proposal;

12 Section 18 replaced

Section 18

repeal, insert

18 Exhibition of proposal

The Minister must exhibit the following in at the place or in the manner specified under section 17(1)(b):

- (a) a copy of the application;
- (b) a copy of the proposal;
- (c) a copy of any report from the Commission relevant to the proposal.

13 Section 19 amended (Notice to local authority if proposal relates to land in council area)

After section 19(2)

insert

- (3) In response to the notice, the local authority may:
 - (a) make a submission about the proposal under section 22(1); or
 - (b) give the Commission advice or comment on the proposal under section 22(4).

14 Section 22 replaced

Section 22

repeal, insert

22 Submissions and hearing

- (1) A person or body may make a submission about a proposal to the Commission.
- (2) The submission must be in writing and lodged with the Commission within the exhibition period.
- (3) To be received by the Commission, a submission must:
 - (a) state the name and contact details of the person or body making the submission; and

- (b) in the case of a body or group of persons making the submission:
 - (i) designate a person as the representative of the body or group; and
 - (ii) state the name and contact details of the representative; and
 - (c) be signed by the person making the submission or, in the case of a body or group of persons, the representative.
- (4) A local authority may give the Commission advice or comment on a proposal.
- (5) Any advice or comment given by a local authority is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.
- (6) The Commission must conduct a hearing if:
 - (a) the Commission receives a submission; and
 - (b) the Chairperson is satisfied that a hearing would provide further useful information.
- (7) If the Commission intends to not conduct a hearing, it must:
 - (a) notify the local authority and each person or body who made a submission of that intention; and
 - (b) give the local authority and those persons and bodies a reasonable opportunity to respond to the notice.
- (8) The Commission must consider any responses given in response to the notice before deciding not to conduct a hearing.
- (9) If the Commission conducts a hearing, it must invite the local authority and each person or body who made a submission to appear at the hearing and be heard in relation to the proposal.
- (10) The hearing is to be conducted by the Chairperson, or as otherwise determined by the Chairperson, with a minimum of formality and in a manner that ensures procedural fairness.

15 Section 24 amended (Reports)

Section 24(2)

omit, insert

- (2) If no submission is received or no hearing is held by the Commission under section 22, it must provide the Minister with a written report about the following, as applicable:
- (a) any submissions received;
 - (b) the reasons why no hearing was held;
 - (c) any issues raised during any consultation;
 - (d) any other matter it considers the Minister should take into account when considering the proposal.

16 Section 25 replaced

Section 25

repeal, insert

25 Minister's action on amendment of planning scheme

- (1) This section applies if the Minister receives a report from the Commission under section 24(1) or (2) about a proposal to amend a planning scheme.
- (2) When considering the report, the Minister must also consider the following:
- (a) whether the proposed amendment promotes the purpose and objectives of this Act;
 - (b) whether the proposed amendment, other than an amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;
 - (c) the merits of the proposed amendment and whether the amendment is in the public interest;
 - (d) any report given under section 24(3);
 - (e) any other matter the Minister considers appropriate.

- (3) Within 90 days after receiving the Commission's report, the Minister must:
- (a) amend the planning scheme as proposed; or
 - (b) alter the proposal and amend the planning scheme in some other way; or
 - (c) refuse to amend the planning scheme as proposed.

Note for subsection (3)(b)

Section 27 applies to the exhibition of an altered proposal.

- (4) Before making a decision under subsection (3), the Minister may require the proponent to provide further information in relation to the proposal within a specified time.
- (5) The Minister must give written notice of a decision under subsection (3) or (4) to the local authority and any person or body who made a submission under section 22.
- (6) If the Minister requires further information under subsection (4), the 90-day period to make a decision under subsection (3) is suspended until the earlier of the following:
- (a) the date the information is provided;
 - (b) the time specified in the requirement to provide the further information.
- (7) The Minister may refuse to amend the planning scheme as proposed if the proponent does not provide the further information required under subsection (4) within the specified time.

17 Section 30C amended (Making concurrent application)

Section 30C(4)(c)

omit, insert

- (c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 30D(4A);

18 Section 30D amended (Consideration and initial decision by Minister)

(1) After section 30D(4)

insert

(4A) When considering a concurrent application, the Minister must also consider the following:

- (a) whether the proposed amendment promotes the purpose and objectives of this Act;
- (b) whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;
- (c) whether the proposed amendment is within a declared class of amendments;
- (d) whether the proposed amendment is not significant enough to require exhibition;
- (e) the merits of the proposed amendment and whether the amendment is in the public interest;
- (f) any report received from the Commission under subsection (3);
- (g) any other matters the Minister considers appropriate.

(2) Section 30D(5)

omit

, any additional information provided by the applicant and any significant development report

insert

and the matters referred to in subsection (4A)

19 Section 30H amended (Notice to local authority)

After section 30H(2)

insert

- (3) In response to the notice, the local authority may:
- (a) make a submission about the proposal under section 30M(1);
or
 - (b) give the Commission advice or comment on the proposal under section 30M(4).

20 Section 30J amended (Notices on land to which concurrent application relates)

- (1) Section 30J, heading

omit

Notices

insert

Signs

- (2) Section 30J(1)

omit

notices

insert

signs

- (3) Section 30J(2)

omit, insert

- (2) The signs must:
- (a) briefly describe the amendment proposal and development proposal in the concurrent application; and
 - (b) specify the following details, as applicable:
 - (i) the current zone of the land;
 - (ii) that no zone is currently specified for the land;

- (iii) the zone proposed for the land; and
 - (c) state that written submissions about the application may be made to the consent authority within the exhibition period; and
 - (d) be placed on, or within a reasonable distance from, the road frontage of the land; and
 - (e) be clearly legible to a person from the public road nearest to the land.
- (4) Section 30J(3), penalty provision
omit, insert
- (3A) A person commits an offence if:
 - (a) a sign is placed on land in accordance with this section; and
 - (b) the person intentionally removes the sign; and
 - (c) the removal occurred before the end of the period of exhibition for the concurrent application.

Maximum penalty: 100 penalty units.
- (3B) Strict liability applies to subsection (3A)(b) and (c).

21 Section 30M replaced

Section 30M

repeal, insert

30M Submissions

- (1) A person or body may make a written submission to the consent authority about the following:
 - (a) the amendment proposal;
 - (b) the development proposal.
- (2) The submission must be in writing and lodged with the consent authority within the exhibition period.
- (3) To be received by the consent authority, a submission must:
 - (a) state the name and contact details of the person or body making the submission; and

-
- (b) in the case of a body or group of persons making the submission:
 - (i) designate a person as the representative of the body or group; and
 - (ii) state the name and contact details of the representative; and
 - (c) be signed by the person making the submission or, in the case of a body or group of persons, the representative.
 - (4) A local authority may give the consent authority advice or comment on an application.
 - (5) Any advice or comment given by a local authority is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.

22 Section 30N amended (Conducting hearing)

Section 30N(1)(b)

omit

all persons

insert

each person and body

23 Section 30S amended (Matters to be taken into account for amendment decision)

- (1) After section 30S(a)

insert

(ab) whether the amendment proposal promotes the purpose and objectives of this Act;

(ac) any strategic framework in the planning scheme that applies to the land;

- (2) Section 30S(f)

omit

the reports

insert

any report

(3) Section 30S(h)

omit, insert

(h) the merits of the amendment proposal and whether the proposal is in the public interest;

24 Section 30W amended (Determination of development proposal)

Section 30W(3) to (5)

omit, insert

- (3) Subject to this section, the consent authority must not consent to a proposed development except in accordance with any planning scheme applicable to the development.
- (4) The consent authority may take into account the effect the proposed amendment would have on the planning scheme.
- (5) The Minister may consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.
- (6) The Minister may give the Development Consent Authority approval to consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.
- (7) The Minister's approval may be obtained by written request setting out the Development Consent Authority's reasons for the request.
- (8) The Development Consent Authority is taken to have the Minister's approval if the Minister does not respond to the request within 14 days after receiving the request.

25 Sections 37A and 37B inserted

After section 37, in Part 4, Division 1

insert

37A Application for certificate

- (1) An owner of land may apply to the consent authority for a certificate certifying the extent to which:
 - (a) a current use of the land is an existing use; and
 - (b) a building or work is an existing building or existing work.
- (2) The application must be in the approved form and accompanied by the prescribed fee.

37B Decision to issue certificate

- (1) After considering an application under section 37A, the consent authority must:
 - (a) issue the certificate; or
 - (b) refuse to issue the certificate.
- (2) The consent authority may:
 - (a) describe, in the certificate, the nature and extent of the existing use, existing building or existing work; and
 - (b) make the certificate subject to terms and conditions; and
 - (c) provide for exceptions or limitations on the certificate.
- (3) If the consent authority refuses to issue the certificate, it must give the applicant notice of the decision with reasons for the refusal.
- (4) A certificate issued under this section is evidence of the facts certified as at the date specified in the certificate.

26 Sections 42A and 42B inserted

After section 42, in Part 4, Division 2

insert

42A Duration of permit

- (1) Subject to this Part, an exceptional development permit remains in force during the base period of the permit and any extension of the base period under this section or section 42B.
- (2) An exceptional development permit does not lapse at the end of the base period but is automatically extended for another 2 years from the date on which it would otherwise lapse if:
 - (a) works are substantially commenced in accordance with the permit within the base period; and
 - (b) a consent is conditional on the carrying out of the works.
- (3) An exceptional development permit that relates to a plan of subdivision or consolidation does not lapse if, within the base period of the permit or any extension of that period under this section or section 42B, the plan of survey is approved under section 49(3) of the *Licensed Surveyors Act 1983*.
- (4) Subject to this Part, an exceptional development permit does not lapse if:
 - (a) a development under the permit includes or consists of the establishment of, or a change in, a use; and
 - (b) the use has commenced in accordance with the permit within the base period of the permit or any extension of that period under this section or section 42B.

42B Extension of period of permit

- (1) The owner of land to which an exceptional development permit applies, or a person authorised in writing by the owner, may apply to the Minister for an extension of the period of the permit.
- (2) An application under subsection (1) must:
 - (a) be lodged before the permit lapses; and
 - (b) be in the approved form; and
 - (c) be accompanied by the prescribed fee.

-
- (3) On receipt of an application under subsection (1), the Minister may:
- (a) extend the period of the permit as the Minister thinks fit; or
 - (b) refuse to extend the period of the permit.
- (4) The Minister must give the applicant a statement of the reasons if the Minister:
- (a) extends the period for a period different from the one requested; or
 - (b) refuses to extend the period of the permit.

27 Part 4, Division 4 inserted

After section 43C

insert

Division 4 Certification

43D Certification of compliance with exceptional development permit

- (1) A person may apply to the Minister for a certificate certifying the extent of compliance with the conditions of an exceptional development permit.
- (2) An application under subsection (1) must be in the approved form and accompanied by the prescribed fee.
- (3) After considering an application under this section, the Minister must issue a certificate that certifies the extent of compliance.
- (4) A certificate issued under this section is evidence of the facts certified as at the date specified in the certificate.

28 Section 46 amended (Development applications)

- (1) Before section 46(3)(a)

insert

(aa) the name and contact details of:

- (i) the owner of the land; and
- (ii) any person making the application on behalf of the owner; and

- (iii) any person who would directly benefit from the development;

- (2) After section 46(3)

insert

- (3A) Despite subsection (3), the regulations may prescribe a class or classes of development applications that may contain only some of the reports or information specified in that subsection.

- (3) Section 46(4)(a), after "subsection (3)"

insert

or (3A), as applicable

- (4) After section 46(4)

insert

- (5) The consent authority must notify the applicant in writing of a decision under subsection (4).
- (6) An applicant must provide the information required by the consent authority under subsection (4)(b) within 30 days of receiving the request.
- (7) Before the expiry of the period referred to in subsection (6), the applicant may request the consent authority to extend the time to provide the required information.
- (8) If the consent authority refuses a request under subsection (7) to extend the time to provide the required information, it must give the applicant notice of the decision setting out the reasons for the refusal.
- (9) The consent authority may reject an application if the applicant does not provide the information within 30 days of receiving the request or any longer period extended by the consent authority.

29 Section 47 amended (Public notice of development application)

- (1) Section 47(2)(c)

omit

all words from ", which" to "given"

-
- (2) Section 47(3)
omit, insert
- (3) Subsection (2) is subject to sections 47A, 47B and 47C.
- (4) The consent authority may charge the applicant the reasonable costs of giving notice of an application under this section and sections 47B, 47C, 48 and 48A.
- (5) The minimum period within which submissions under this section and sections 47B, 47C, 48 and 48A may be made is:
- (a) for a development or class of developments prescribed by regulation – 28 days; or
 - (b) for any other development – 14 days.
- (6) The minimum period is calculated from the later of:
- (a) the day written notice is given; and
 - (b) the day any sign is posted.
- (7) The consent authority must make copies of the development application available to the public.

30 Section 47A replaced

Section 47A

repeal, insert

47A Development application requiring no notice

No notice is required for a development application solely for consent to:

- (a) carry out the consolidation of land; or
- (b) subdivide land under the *Unit Titles Act 1975* or the *Unit Title Schemes Act 2009*, other than to subdivide vacant land.

47B Development application requiring limited notice

- (1) Only the notice requirements of subsection (2) apply to a development application solely for consent to:
- (a) use or develop land to accommodate people requiring privacy, as prescribed by regulation; or

-
- (b) carry out a use or development, specified by the regulations, that will not have a significant effect on the existing and future amenity of the area in which it will be carried out.
 - (2) The consent authority must give written notice to any person who owns or occupies land adjoining the land to which the development application relates.
 - (3) The notice must include the information specified in section 47(2).

47C Development application requiring only local notice

- (1) Only the notice requirements of subsections (2) and (3) apply to a development application or class of development applications prescribed by regulation.
- (2) The consent authority must give written notice to any person who owns or occupies land adjoining the land to which the development application relates.
- (3) The applicant must post a sign on the land to which the development application relates that is legible from the boundary of the public road nearest to the land.
- (4) The notice and sign must include the information specified in section 47(2).

31 Section 48 amended (Notice to local authority of development application)

- (1) Section 48(1)(c)
omit, insert
 - (c) an invitation to the local authority to make a submission about the application within the period specified in the notice.
- (2) Section 48(2)
omit, insert
 - (2) In response to the notice, the local authority may:
 - (a) make a submission about the proposal under section 49(3); or
 - (b) give the consent authority advice or comment on the proposal under section 49(6).

32 Section 48A inserted

After section 48

insert

48A Notice to service authority of development application

- (1) The consent authority may give written notice of a development application to any service authority the consent authority considers appropriate.
- (2) Any notice to a service authority must include an invitation to the service authority to provide written advice or comment about the application within the period specified in the notice.
- (3) The consent authority may, on request from a service authority, extend the period to provide the advice specified in the notice.
- (4) The consent authority must give the applicant written notice of any extension under subsection (3).

33 Section 49 amended (Submissions)

After section 49(3)

insert

- (4) The submission must be in writing and lodged with the consent authority within the exhibition period.
- (5) To be received by the consent authority, a submission must:
 - (a) state the name and contact details of the person or body making the submission; and
 - (b) in the case of a body or group of persons making the submission:
 - (i) designate a person as the representative of the body or group; and
 - (ii) state the name and contact details of the representative; and
 - (c) be signed by person making the submission or, in the case of a body or group, the representative.
- (6) A local authority may, within the exhibition period, give the consent authority advice or comment on an application.

-
- (7) Any advice or comment given by a local authority is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.
 - (8) The consent authority may, on request, extend the periods referred to in subsections (4) and (6).
 - (9) The consent authority must give the applicant written notice of any extension under subsection (8).

34 Section 50 amended (Evidence and information)

After section 50(4)

insert

- (5) The consent authority may adopt or reject any advice or comment it receives from a service authority under section 48A(2) or a local authority under section 49(6).

35 Section 50B amended (Significant development report)

Section 50B(3)

omit, insert

- (3) In considering a significant development proposal, the Commission must take into account the following:
 - (a) the purpose and objectives of this Act;
 - (b) any strategic framework in the planning scheme applicable to the land.
- (3A) In its report, the Commission must identify and give advice about the possible effects of the proposal on future land use and development in the Territory.

36 Section 51 amended (Matters to be taken into account)

- (1) Section 51, before "A"

insert

(1)

- (2) Section 51

omit

the following:

insert

any of the following relevant to the development:

- (3) Section 51, at the end

insert

- (2) When considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

37 Section 52 replaced

Section 52

repeal, insert

52 Limits on consent

- (1) The consent authority must not consent to a proposed development that is contrary to any interim development control order applicable to the development.
- (2) Subject to subsections (3) and (4), the consent authority must not consent to a proposed development except in accordance with any planning scheme applicable to the development.
- (3) The Minister may consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.
- (4) The Minister may give the Development Consent Authority approval to consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.
- (5) The Minister's approval may be obtained by written request setting out the Development Consent Authority's reasons for the request.
- (6) The Development Consent Authority is taken to have the Minister's approval if the Minister does not respond to the request within 14 days after receiving the request.

38 Section 61 replaced

Section 61

repeal, insert

61 Subdivisions and consolidations of land

- (1) The subdivision or consolidation of land must be done in accordance with a plan of survey approved under section 49(3) of the *Licensed Surveyors Act 1983*.
- (2) A person commits an offence if:
- (a) the person intentionally subdivides or consolidates land; and
 - (b) the subdivision or consolidation is not in accordance with a plan of survey approved under section 49(3) of the *Licensed Surveyors Act 1983* and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

39 Section 63 amended (Purported subdivision or consolidation prohibited)

Section 63(1)

omit, insert

- (1) A transaction purporting to subdivide or consolidate land must not contravene this Part.
- (1A) A person commits an offence if:
- (a) the person intentionally enters into a transaction; and
 - (b) the transaction purports to subdivide or consolidate land and the person is reckless in relation to that circumstance; and
 - (c) the purported subdivision or consolidation would contravene this Part and the person is reckless in relation that result.

Maximum penalty: 500 penalty units.

40 Section 65 amended (Certification of compliance with permit or Part)**(1) Section 65(1)***omit, insert*

- (1) A person may apply to the consent authority for a certificate, in the approved form, certifying the extent of compliance with the following:

- (a) the conditions of a development permit;
- (b) the conditions of an alteration permit;
- (c) the requirements of this Part in relation to land.

(2) Section 65(3)*omit, insert*

- (3) After considering an application under this section, the consent authority must issue a certificate that certifies the extent of compliance.

41 Section 66 amended (Minister may revoke or modify permit)**(1) Section 66(2)(b) and (3)***omit*

Chairman

insert

Chair

(2) Section 66(5) to (7)*omit, insert*

- (5) The Minister must notify, in writing, the persons served with a notice under subsection (2)(a) of the decision made under subsection (4).
- (6) A person commits an offence if:
- (a) the person is served with a notice under subsection (2)(a); and
 - (b) the person intentionally continues to use or develop the land;
and

- (c) the use or development is only permitted under the permit referred to in the notice.

Maximum penalty: 500 penalty units.

Default penalty: 2 penalty units.

(6A) Strict liability applies to subsection (6)(a) and (c).

(6B) It is a defence to a prosecution for an offence against subsection (6) if:

- (a) the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence; or
- (b) the conduct occurred after the person received a notice under subsection (5) that the Minister decided not to revoke or modify the permit.

(7) A person commits an offence if:

- (a) a permit is modified under subsection (4); and
- (b) the person is served with a notice under subsection (5) that the permit was modified; and
- (c) the person intentionally continues to use or develop the land; and
- (d) the use or development is not permitted under the permit as modified.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(7A) Strict liability applies to subsection (7)(a), (b) and (d).

(7B) It is a defence to a prosecution for an offence against subsection (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

42 Section 68 replaced

Section 68

repeal, insert

68 Making contribution plans

- (1) A local authority or service authority may make a contribution plan in accordance with this section.
- (2) If a local authority or service authority proposes to make a contribution plan, it must notify the public of the following information:
 - (a) that the proposed contribution plan will be exhibited;
 - (b) the place where the proposed plan may be viewed;
 - (c) that submissions may be made in relation to the plan.
- (3) The notice under subsection (2) must be published in a newspaper that:
 - (a) in the case of a local authority – circulates in the council area in respect of the local authority; and
 - (b) in the case of a service authority – circulates in the Territory.
- (4) The proposed contribution plan must be exhibited at the place specified in the notice for not less than 28 days.
- (5) After considering any submissions made in relation to the proposed contribution plan, the local authority or service authority may make the contribution plan as originally proposed or varied as it considers appropriate.
- (6) A contribution plan takes effect as follows:
 - (a) if no date is specified in the *Gazette* notice – the date it is notified in the *Gazette*;
 - (b) if a date is specified in the *Gazette* notice – the date specified in the notice.
- (7) A local authority and service authority must ensure that all contribution plans proposed or made by it are available for inspection and purchase by members of the public.

-
- (8) After 90 days from the date of the *Gazette* notice, a contribution plan cannot in any legal proceedings be declared to be of no effect by virtue only of a defect or irregularity in the procedure for making the plan.

43 Section 69 amended (Content of contribution plan)

Section 69(2)

omit

a service authority that is

44 Section 70 amended (Contribution towards car parking)

- (1) Section 70(5)

omit

service

insert

local

- (2) Section 70(6)

omit, insert

- (6) The contribution payable to the local authority must be calculated in accordance with section 71.

45 Section 71 amended (Contribution payable)

- (1) After section 71(1)

insert

- (1A) The owner's contribution for infrastructure or car parking in the plan:

- (a) is calculated as part or all of the total cost of the infrastructure or car parking; and
- (b) is proportional to the anticipated future use of the infrastructure or car parking attributable to the development of the land.

Note for subsection (1A)(a)

The total cost would include all costs, whether incurred before or after the contribution plan is made.

- (1B) For subsection (1A)(a), the total cost of infrastructure or car parking in the plan must be calculated by reference to the most appropriate and cost-effective form of construction.
- (2) Section 71(2)(b)
omit
service
insert
local
- (3) Section 71(2)(c)
omit
between the service authority and
insert
with
- (4) Section 71(3), before "service"
insert
local authority or
- (5) Section 71(8) and (9)
omit, insert
- (8) The amount of any money spent by an owner of land in constructing infrastructure required under this Part is to be set-off against the contribution payable by the owner under this Part, but is not to exceed the amount of the contribution payable.

46 Section 72 replaced

Section 72

repeal, insert

72 Duties of local authority and service authority

- (1) A local authority and service authority to which money is paid in accordance with this Part must:
- (a) maintain for each contribution plan an account to provide the infrastructure or car parking spaces; and
 - (b) pay money received by it in accordance with this Part into the account; and
 - (c) within a reasonable time, use the money to provide for, or reimburse its costs in previously providing, the infrastructure or car parking for which the contribution was provided.
- (2) In the case of a local authority, the account referred to in subsection (1)(a) must be an authorised deposit account as defined in the *Local Government Act 2019*.

47 Section 73 amended (Discount, interest rate etc.)

- (1) Section 73(1)

omit

all words from "A" to "any)"

insert

A local authority or service authority may

- (2) After section 73(1)

insert

- (1A) The declaration under subsection (1) must be:
- (a) in the case of a body corporate – in the form of a resolution; or
 - (b) in any other case – in the manner and form prescribed by regulation.

- (3) Section 73(3), before "service"

insert

local authority or

48 Section 74 amended (Enforcement of contribution plan)

- (1) Section 74

omit

service authority under this Part, the service authority

insert

local authority or service authority under this Part, it

- (2) Section 74(a), at the end

insert

and

49 Part 7 replaced

Part 7

repeal, insert

Part 7 Enforcement

Division 1 Offences

75 Use or development contravenes planning scheme

- (1) Land must not be used or developed in contravention of the planning scheme that applies to the land, except in accordance with a permit.
- (2) A person commits an offence if:
- (a) the person intentionally uses or develops land; and

- (b) the use or development contravenes the planning scheme that applies to the land and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the use or development is in accordance with a permit.

75A Use or development contravenes interim development control order

- (1) Land must not be used or developed in contravention of an interim development control order, except in accordance with a permit in force immediately before the order was made.
- (2) A person commits an offence if:
 - (a) the person intentionally uses or develops land; and
 - (b) the use or development contravenes an interim development control order and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the use or development is in accordance with a permit that was in force immediately before the order was made.

75B Use or development contravenes permit

- (1) A person must not use or develop land in a manner that is only permitted in accordance with a permit:
 - (a) except in accordance with the permit; and
 - (b) subject to section 56(c), until all the conditions of the permit that must be complied with before the use is permitted have been complied with.
- (2) A person commits an offence if:
 - (a) the person intentionally uses or develops land; and

- (b) the use and development is only permitted in accordance with a permit; and
- (c) the use or development is not in accordance with the permit and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

75C Clearing native vegetation

- (1) Land must not be developed by clearing it of native vegetation except in accordance with any of the following that applies in relation to the land:

- (a) a planning scheme;
- (b) an interim development control order;
- (c) a permit.

- (2) A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in the clearing of native vegetation on land and the person is reckless in relation to that result; and
- (c) the clearing of native vegetation was not in accordance with:
 - (i) a permit or an interim development control order that applies to the land; or
 - (ii) if no permit or interim development control order applies to the land – a planning scheme that applies to the land.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

- (3) Strict liability applies to subsection (2)(c).

75D Contravention of enforcement notice

- (1) A person commits an offence if:

- (a) the person is issued an enforcement notice; and

- (b) the person intentionally contravenes a requirement of that notice.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

- (2) Strict liability applies to subsection (1)(a).

75E Failure to identify

- (1) A person commits an offence if:

- (a) the person is requested by an authorised officer under section 76K to state the person's name and address; and

- (b) the person:

- (i) fails to state the person's name and address; or
- (ii) states a name that is false in a material particular; or
- (iii) states an address other than the full and correct address of the person's usual place of residence or work.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.
- (4) Despite subsection (1), it is not an offence for the person to fail to comply with a request made under section 76K if the authorised officer or police officer who made the request did not inform the person, at the time the request was made, that it is an offence to fail to comply with the request.

Division 2 Enforcement powers

76 Authorised officers

- (1) The Minister may, in writing, appoint authorised officers.
- (2) The Minister must not appoint a person to be an authorised officer unless satisfied that the person has the skills, qualifications, training and experience to properly perform the functions of an authorised officer.

- (3) For subsection (2), the Minister may require that a person successfully complete a course of training specified by the Minister before the person may be appointed as an authorised officer.

76A Authorised officer's functions and powers

- (1) An authorised officer has the following functions:
- (a) to monitor compliance with this Act, conduct investigations and deal with complaints and other matters;
 - (b) to issue infringement notices and enforce this Act;
 - (c) to participate in proceedings before the consent authority;
 - (d) any other functions conferred on the authorised officer under this or any other Act.
- (2) An authorised officer has the powers necessary to perform the officer's functions.
- (3) An authorised officer is subject to direction from the Chair and the Minister.

76B Identity card

- (1) The Chief Executive Officer must give an authorised officer an identity card stating the person's name and that the person is an authorised officer.
- (2) The identity card must:
- (a) display a recent photograph of the authorised officer; and
 - (b) state the card's date of issue; and
 - (c) be signed by the officer.
- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.

76C Return of identity card

- (1) A person who ceases to be an authorised officer must return the person's identity card to the Chief Executive Officer within 21 days after the cessation.

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the person has a reasonable excuse.

76D Obstruction of authorised officer

- (1) A person commits an offence if:
- (a) the person intentionally obstructs another person; and
 - (b) the other person is an authorised officer; and
 - (c) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(b).

- (3) In this section:

acting in an official capacity, in relation to an authorised officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

obstruct includes hinder and resist.

76E Authorised officer's identity card

- (1) An authorised officer must carry the authorised officer's identity card when exercising a power under this Act.
- (2) Before exercising a power under section 76F, an authorised officer must produce the authorised officer's identity card on the request of the occupier or a person apparently in charge of the premises.

76F Powers of authorised officer or police officer

- (1) An authorised officer or a police officer may exercise the powers specified in this section for the purpose of investigating a contravention of this Part or the regulations if the officer believes on reasonable grounds that the contravention has occurred, is occurring or is likely to occur.
- (2) Subject to subsection (1), an authorised officer or a police officer may exercise the following powers:
- (a) enter and inspect land or premises;
 - (b) inspect any book, document or other record;

- (c) remove for copying any book, document or record;
- (d) seize and remove any thing that the officer believes on reasonable grounds to be evidence of the contravention;
- (e) take photographs, record images or make other records of persons, land, premises or things;
- (f) measure anything, or take samples of anything found on land or premises;
- (g) require any person on land or premises being inspected to give reasonable assistance the officer requires to perform the officer's powers and functions.

Example for subsection (2)(g)

Operate computer equipment to allow the officer access to electronic information.

- (3) Subject to subsection (1), an authorised officer or police officer may, by written notice, require the holder of a permit or the owner or occupier of land or premises relating to a development or proposed development to:
 - (a) produce a book, document or other record under the person's control; and
 - (b) answer questions or provide information relating to the person's associates, the land, the premises and the development or proposed development.

Example for subsection (3)

Provide the names of business associates, financial records or blueprints.

- (4) An authorised officer or a police officer may retain a book, document or record removed or produced under this section for as long as reasonably necessary to make copies of the book, document or record.
- (5) An authorised officer or a police officer may exercise the powers under this section with the reasonable assistance and force that the officer considers necessary.

76G Entering residential premises

- (1) An authorised officer or a police officer must not enter residential premises under this Act unless:
 - (a) an occupier of the premises consents; or
 - (b) a warrant authorises the entry.

- (2) If a part of the premises is used for residential purposes and the other portion for non-residential purposes, the prohibition in subsection (1) applies to the residential part.

76H Search warrants

- (1) An authorised officer may apply to a Local Court Judge for a search warrant to enter land or premises if the officer believes on reasonable grounds that entry to the premises is necessary for the purpose of an investigation.
- (2) A Local Court Judge may issue a warrant if satisfied that there are reasonable grounds that entry to the premises is necessary for the purpose of an investigation.
- (3) A search warrant must:
- (a) be signed by the Local Court Judge; and
 - (b) be issued to an authorised person named in the warrant; and
 - (c) state the purpose for which it is issued; and
 - (d) specify particular hours during which the entry is authorised or state that the entry is authorised at any time of the day or night; and
 - (e) include a description of the kind of documents or things in relation to which the powers under the warrant may be exercised; and
 - (f) specify the date, being a date not later than one month after the date of issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant authorises an authorised person named in the warrant:
- (a) to enter the land or premises specified in the warrant; and
 - (b) to search the land or premises for documents or things relevant to the investigation; and
 - (c) to seize any document or thing relevant to the investigation in or on the land or premises; and
 - (d) to exercise any other powers of an authorised officer under this Act.

- (5) A search warrant may be executed, in accordance with its terms, at any time during the period commencing on the date of issue of the warrant and ending at the end of the date specified in accordance with subsection (3)(f).
- (6) A person executing a search warrant must, on request by an occupant of the premises to which the warrant relates, show the warrant to that occupant.

76J Application for search warrant by telephone or other electronic means

- (1) If it is not practicable to apply for a search warrant in person, the application may be made by telephone or other electronic means of communication.
- (2) A Local Court Judge who issues a warrant on an application made under subsection (1) must:
 - (a) complete and sign the warrant; and
 - (b) record on the warrant the reasons for issuing it; and
 - (c) inform the authorised officer by telephone or other electronic means of communication of its terms.
- (3) When informed of the terms of the warrant under subsection (2)(c), the authorised officer must as soon as practicable:
 - (a) create 2 copies of the warrant in the terms provided by the Judge; and
 - (b) write on each copy the name of the Judge and the date and time the warrant was issued; and
 - (c) forward one copy to the Judge.
- (4) The authorised officer may use the remaining copy of the warrant to exercise the powers granted by the warrant signed by the Judge.
- (5) After comparing the forwarded copy with the original warrant, the Judge must certify the copy as being in identical substance to the original warrant if so satisfied.

76K Identification of person

An authorised officer may request a person the officer believes on reasonable grounds to be committing an offence to state the person's name and the address.

Division 3 Enforcement notice**77 Issuing enforcement notice**

The consent authority may issue an enforcement notice to any person it believes on reasonable grounds has contravened, is contravening or is likely to contravene section 75, 75A, 75B or 75C.

77A Show cause process

- (1) Before issuing an enforcement notice, the consent authority must give a written show cause notice to the proposed recipient of the enforcement notice:
 - (a) stating the consent authority's intention to issue an enforcement notice; and
 - (b) asking the recipient to show cause why the enforcement notice should not be issued.
- (2) The show cause notice must specify the date by which the recipient must show cause.
- (3) The date specified in the show cause notice must be not less than 20 business days after the date of the notice.
- (4) The consent authority must consider any response given by the proponent to the show cause notice before making a decision under section 77.

77B Exception to show cause process

- (1) Despite section 77A, a consent authority may issue an enforcement notice without first giving a show cause notice under that section if the consent authority believes on reasonable grounds that it is not appropriate in the circumstances.
- (2) Without limiting the generality of subsection (1), the grounds for not first giving a show cause notice include preventing the following:
 - (a) the clearing of native vegetation;
 - (b) the demolition of a building;
 - (c) an irreversible change to the landscape;
 - (d) the risk of material environmental harm;
 - (e) the risk of significant adverse effect on amenity or public health.

77C Contents of enforcement notice

- (1) An enforcement notice must be in writing and specify the following:
 - (a) the person to whom it is issued;
 - (b) the provision that the consent authority believes was, is being or is likely to be contravened by the person and the grounds for that belief;
 - (c) the action or activity that the person is required to take or refrain from taking to remedy the contravention and to comply with the provision;
 - (d) the dates or times associated with any requirement in the notice;
 - (e) the person's right to apply to the Tribunal for review of the notice.
- (2) An enforcement notice may impose any requirement reasonably required to remedy or prevent the contravention, including one or more of the following:
 - (a) a requirement that the person cease, or not commence, a specified activity;
 - (b) a requirement that the person not undertake or continue a specified activity except at specified times or subject to specified conditions;
 - (c) a requirement that the person undertake a specified activity within a specified period or at specified times or in specified circumstances;
 - (d) a requirement prescribed by regulation.
- (3) An enforcement notice is binding on each person to whom it is issued.
- (4) An application to the Tribunal for review of an enforcement notice does not stay the operation of the notice.

77D Variation or revocation of enforcement notice

The consent authority may vary or revoke an enforcement notice by written notice served on each person bound by the enforcement notice.

Division 4 Complaints and investigations**78 Making a complaint**

- (1) A person may lodge a complaint with a consent authority that a person has contravened this Act or the regulations.
- (2) The complaint must:
 - (a) be made in the approved form; and
 - (b) state the name and contact details of the person making the complaint; and
 - (c) specify the ground for the complaint; and
 - (d) be signed by the complainant.

79 Investigation of complaint

- (1) The consent authority may investigate a complaint lodged under section 78.
- (2) The consent authority may refuse to investigate the complaint if satisfied that:
 - (a) the complaint is trivial, frivolous or vexatious; or
 - (b) no grounds exist for the complaint.
- (3) Within 14 days after making a decision to investigate the complaint, the consent authority must give the person who is the subject of the complaint written notice of:
 - (a) the substance of the complaint; and
 - (b) the consent authority's intention to investigate the complaint; and
 - (c) the person's right to respond to the complaint under subsection (4).
- (4) The person may respond in writing to a complaint, which must be lodged with the consent authority within 14 days after being given the notice referred to in subsection (3).

79A Action after investigation

- (1) On completing an investigation, the consent authority may do either of the following:
 - (a) take no further action if satisfied that:
 - (i) there are no grounds or evidence to justify taking further action; or
 - (ii) the matter does not warrant taking further action;
 - (b) issue an enforcement notice in relation to the complaint.
- (2) Within 14 days after making a decision under subsection (1)(a), the consent authority must give a decision notice to the following:
 - (a) the complainant;
 - (b) the person who was the subject of the complaint.

Division 5 Other enforcement matters**80 Order for investigation expenses**

- (1) A consent authority may apply to the Local Court for an order under subsection (2) if it has reasonably incurred expenses in taking a sample or conducting an inspection, test, measurement or analysis to investigate an offence being heard by the Local Court.
- (2) The Local Court may order a defendant to pay to the Central Holding Authority a reasonable amount for the consent authority's expenses if the Local Court is satisfied that:
 - (a) the defendant is guilty of an offence against this Part; and
 - (b) the consent authority has reasonably incurred expenses in taking a sample or conducting an inspection, test, measurement or analysis to investigate the offence; and
 - (c) it would be just to do so in the circumstances.

80A Order for compensation

- (1) The Local Court may make an order for compensation under subsection (2) if the Court:
 - (a) finds a defendant guilty of an offence against this Part; and

- (b) finds that, because of the offence, another person has:
 - (i) suffered loss of income; or
 - (ii) suffered a reduction in the value of, or damage to, property; or
 - (iii) incurred expenses to replace or repair property or prevent or minimise, or attempt to prevent or minimise, the loss, reduction or damage.
- (2) The Local Court may order the defendant to pay the other person compensation for the loss, reduction or damage suffered or the expenses incurred.
- (3) An order under subsection (2) may be made in addition to the imposition of a penalty and any other order made under this Act.

80B Default penalty may be imposed for continuing offences

In addition to any penalty specified for an offence against this Act, the Court may impose a default penalty in respect of each day during which the offence continued to be committed after the first day on which it was committed if:

- (a) the offence provides for a default penalty; and
- (b) the Court is satisfied that the person continued to commit the offence after the date the person is notified of the alleged offence.

80C Order to remedy contravention or failure

In addition to any other order, a court of competent jurisdiction may order a person who has contravened, or failed to comply with, a provision of this Act or the regulations to remedy the contravention or failure in the manner specified in the order.

80D Certificate evidence

- (1) In a proceeding for an offence against this Act, a statement of fact may be made in a complaint or information as evidence in respect of the following physical elements of the offence:
 - (a) that land is Crown land, reserved land, dedicated land, land held under lease or land occupied under licence or agreement;

- (b) that a person is authorised to take proceedings, to do an act or perform a duty, or to sue for the recovery of a penalty or other money under this Act;
 - (c) that there was native vegetation on land at a specified date.
- (2) In a proceeding under this Act, a copy of any licence, certificate, map or plan certified under the signature of the Surveyor-General is acceptable as evidence without:
 - (a) the production of the original document; or
 - (b) the personal attendance of the Surveyor-General; or
 - (c) proof of the signature the Surveyor-General.

80E Infringement notices

The regulations may provide for infringement notices and the payment of an amount prescribed by regulation instead of a penalty that may otherwise be imposed for a prescribed offence against this Act.

80F Criminal liability of executive officer of body corporate – legal burden of proof on prosecution

- (1) An executive officer of a body corporate commits an offence if:
 - (a) the body corporate commits an offence by contravening a declared provision and the officer was reckless about whether the contravention would happen; and
 - (b) the officer was in a position to influence the conduct of the body corporate in relation to the contravention; and
 - (c) the officer recklessly failed to take reasonable steps to prevent the contravention.

Maximum penalty: The maximum penalty that may be imposed on an individual for the declared offence.

- (2) Strict liability applies to subsection (1)(b).

(3) In deciding whether the executive officer failed to take reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the officer took directed towards ensuring the following, to the extent the action is relevant to the contravention:

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared offence;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared offence;

(b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.

(4) Subsection (3) does not limit the matters the court may consider.

(5) This section does not affect the liability of the body corporate.

(6) This section applies whether or not the body corporate is prosecuted for, or found guilty of, a declared offence.

(7) In this section:

declared offence means an offence against any of the following:

(a) section 16(6);

(b) section 30J(3A)

(c) section 61(2);

(d) section 63(1A);

(e) section 66(6) and (7);

(f) section 75(2);

(g) section 75A(2);

(h) section 75B(2);

(i) section 75C(2);

- (j) section 75D(1);
- (k) section 119(2);
- (l) a provision of the regulations prescribed by regulation.

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

80G Who may prosecute offences against Act

- (1) A prosecution under this Act may only be brought in the name of the Development Consent Authority or the Minister.
- (2) The Chair and the Minister may authorise a person to bring a prosecution in the name of the Development Consent Authority or the Minister respectively.

81 Time for commencing prosecution

A prosecution under this Act must be commenced within 2 years after the latest of the following days:

- (a) the day any authorised officer or police officer first becomes aware of the commission of the alleged offence;
- (b) the day the alleged offence was committed;
- (c) in the case of an alleged continuing offence – the latest day the conduct occurred.

50 Section 81B amended (Functions)

- (1) Section 81B(e)

omit

matters within the objects of

insert

strategic planning under

- (2) Section 81B(f)

omit, insert

- (f) to provide reports to the Minister as requested or required under this Act;

(3) Section 81B(h)

omit

objects

insert

purpose and objectives

51 Section 81D replaced

Section 81D

repeal, insert

81D Independence

- (1) The Commission must perform its functions and exercise its powers independently, impartially and in the public interest, taking into account the purpose and objectives of this Act.
- (2) The Chairperson and other members of the Commission must, in the performance of their functions and the exercise of their powers:
 - (a) exercise professional care and act with integrity and diligence; and
 - (b) comply with any code of conduct established under section 100; and
 - (c) consider the diverse interests and needs of the community; and
 - (d) comply with any policies made by the Commission under section 81L(2).

52 Section 81F amended (Constitution and appointment of members)

(1) Section 81F(1)(b)

omit

Chairman

insert

Chair

(2) After section 81F(3)

insert

(4) At least one person appointed under subsection (1)(f) must:

(a) be eligible for membership in a planning association or institute recognised by the Minister; or

(b) have planning qualifications recognised by the Minister.

53 Section 81L amended (Community consultation)

(1) Section 81L, before "Before"

insert

(1)

(2) Section 81L, at the end

insert

(2) The Commission must develop, for approval by the Minister, one or more policies in relation to:

(a) its consultations with the public and with specific participants in the planning process; and

(b) public education regarding the roles of the public and the Commission under this Act.

(3) The Commission must publish on its website any policy approved by the Minister under subsection (2).

54 Section 81M amended (Preparation of significant development report)

Section 81M(1)

omit

Chairman

insert

Chair

55 Section 81X amended (Committees)

Section 81X(3)

omit

Chairman

insert

Chair

56 Section 81Y amended (Annual report)

After section 81Y(1)

insert

(1A) The annual report must include the following:

- (a) the particulars of the Commission's activities;
- (b) a review of its activities in relation to any policies made by the Commission under section 81L(2);
- (c) the results of its activities.

57 Section 81ZA replaced

Section 81ZA

repeal, insert

81ZA Unauthorised disclosure of confidential information

(1) A person commits an offence if:

- (a) the person is:
 - (i) a member of the Commission; or
 - (ii) a person engaged by the Commission under section 81C; or
 - (iii) a staff member provided to the Commission under section 81E(1); and
- (b) the person obtains information in the course of performing a function or exercising a power in the person's capacity referred to in subsection (1); and

-
- (c) the information is confidential and the person is reckless in relation to that circumstance; and
 - (d) the person intentionally engages in conduct; and
 - (e) the conduct results in the disclosure of the information and the disclosure is not:
 - (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
 - (ii) to a person who is otherwise entitled to the information; and
 - (f) the person is reckless in relation to the result and circumstance referred to in paragraph (e).

Maximum penalty: 50 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a) and (b).
- (3) If the information referred to in subsection (1) relates to a person, it is a defence to a prosecution for an offence against that subsection if the person consented to the disclosure of the information.

Example for subsection (3)

A person to whom the information relates includes a person who has a direct interest in the information remaining confidential because the information is financial, commercial, personal or cultural information.

Note for section 81ZA

In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

58 Section 84 amended (Functions and powers of Development Consent Authority)

After section 84(2)

insert

- (3) To assist it in performing its functions, the Development Consent Authority may seek advice or assistance from specialist advisors registered under subsection (5).

-
- (4) If the Development Consent Authority seeks advice or assistance from a specialist advisor in relation to a proceeding, it must give the participants in the proceeding:
- (a) written notice of the name and speciality of the specialist advisor; and
 - (b) a copy of the advice or assistance being sought; and
 - (c) a copy of any advice or a summary of any assistance given by the specialist advisor.
- (5) The Minister may maintain a register of any person willing to act as a specialist advisor to the consent authority if the Minister is satisfied the person has the skills, qualifications or experience prescribed by regulation.

59 Section 87 amended (Constitution of Development Consent Authority)

- (1) Section 87(1)(a)
- omit*
- Chairman
- insert*
- Chair
- (2) After section 87(2)
- insert*
- (3) An employee of the Agency administering this Act is not eligible to be appointed as a member of the Development Consent Authority.

60 Section 88 amended (Chairman and Deputy Chairman)

- (1) Section 88, heading
- omit, insert*

88 Chair and Deputy Chair

- (2) Section 88(1), (2)(a) and (b), (3) and (4)
- omit (all references)*
- Chairman

insert

Chair

(3) After section 88(1)

- (1A) Before appointing a person as the Chair of the Development Consent Authority, the Minister must be satisfied that the person has the skills, qualifications or experience to exercise the powers and perform the functions of that office.

61 Section 89 replaced

Section 89

repeal, insert

89 Appointment of members within council area

- (1) If all or part of a Division area is within a council area, the Minister must, in writing, appoint the following persons to be Division members of the Division area:
- (a) 2 community members nominated by the local authority under section 91;
 - (b) one alternate community member nominated by the local authority under section 91;
 - (c) 2 specialist members.
- (2) An alternate community member may act, during the absence or inability to act of a community member, but may not act for more than one community member or for a member appointed to be a Deputy Chair who is acting as Chair under section 88(3) or (4).
- (3) An employee of a local authority is not eligible to be appointed as the community member for that local authority.
- (4) A person is eligible to be appointed to be a specialist member if the Minister is satisfied the person has the skills, qualifications or experience prescribed by regulation.
- (5) The Minister must maintain a register of persons eligible and willing to be appointed as specialist members.

89A Training of members

- (1) The Minister must approve a course of training for members of the Development Consent Authority.

-
- (2) Each member of the Development Consent Authority must successfully complete the course of training approved by the Minister before exercising the member's powers or performing the member's functions.

62 Section 91 replaced

Section 91

repeal, insert

91 Nomination of community members

- (1) On the Minister's request, a local authority must nominate persons it thinks fit for the Minister to appoint as community members and alternate community members under section 89(1)(a) and (b).
- (2) The number of persons nominated must be at least one greater than the number of vacancies to be filled.
- (3) If the local authority fails to nominate the number of persons required under subsection (2), the Minister may appoint any person the Minister considers fit.
- (4) The Minister must give a local authority written notice and at least 30 days to remedy its failure before making an appointment under subsection (3).

63 Section 92 amended (Term of office of member)

- (1) Section 92(2)

omit

he or she

insert

the member

- (2) After section 92(3)

insert

- (4) If a local authority is placed under official management under section 318 of the *Local Government Act 2019*, a community member nominated by that local authority continues to be a member, unless the appointment is terminated by the Minister.

Note for subsection (4)

The Minister also has the power to terminate an appointment under section 100A.

64 Section 93 amended (Chairman may appoint member to act in another Division)

- (1) Section 93, heading

omit

Chairman

insert

Chair

- (2) Section 93(1), (2) and (5)

omit (all references)

Chairman

insert

Chair

65 Section 97 amended (Disclosure of interest)

Section 97(3)

omit, insert

- (3) A member who has an interest or relationship specified in subsection (1) must not be present during, contribute to or take part in any deliberation or decision of the Division in relation to:
- (a) the matter or relationship being considered; and
 - (b) any discussion as to whether the Chair ought to make a determination under subsection (5).
- (4) A member who makes a disclosure under subsection (1) must be disregarded for the purpose of constituting a quorum of the Development Consent Authority in relation to the matter or relationship being considered.
- (5) Despite subsections (1) to (4), the Chair may determine the significance or relevance of an interest or relationship disclosed by a member under subsection (1) and, if determined to be insignificant or irrelevant, allow the member:
- (a) to be counted for the purposes of constituting a quorum; and

-
- (b) to be present during, contribute to and take part in the deliberation or decision of the Division.

66 Section 98 replaced

Section 98

repeal, insert

98 Offences related to non-disclosure of interest

- (1) A person commits an offence if:
- (a) the person is a member of the Development Consent Authority; and
 - (b) the person intentionally attends, contributes to or takes part in a deliberation or decision of the Division of which the person is a member; and
 - (c) the deliberation or decision is in relation to an interest or relationship referred to in section 97(1); and
 - (d) the person recklessly fails to disclose that interest or relationship.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if:
- (a) the person is a member of the Development Consent Authority; and
 - (b) the person intentionally attends, contributes to or takes part in a deliberation or decision of the Division of which the person is a member; and
 - (c) the person has an interest or relationship referred to in section 97(1) and is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units.

- (3) Strict liability applies to subsections (1)(a) and (c) and (2)(a).
- (4) It is a defence to a prosecution for an offence against subsection (2) if the Chair determined under section 97(5) that the defendant could be present during, contribute to or take part in the deliberation or decision of the Division.

98A Independence of community members

- (1) A community member must make the decision on a development application independently of any direction or decision from the local authority.
- (2) When making the decision under subsection (1), the community member may take into account the opinion of a local authority in relation to a development application made by an applicant other than the local authority.
- (3) For section 97, if a community member takes into account the opinion of the local authority under subsection (2):
 - (a) the Development Consent Authority is taken not to have contravened the rules of natural justice by that reason only; and
 - (b) the community member is taken not to have an interest or relationship for the purposes of section 97 by that reason only; and
 - (c) the community member is taken not to have contravened the rules of natural justice by that reason only.

67 Section 100 replaced

Section 100

repeal, insert

100 Code of Conduct

- (1) The Minister may establish a code of conduct for members of the Planning Commission and the Development Consent Authority.
- (2) The Minister must publish on the Agency's website any code of conduct established by the Minister under subsection (1).
- (3) A member of the Planning Commission and the Development Consent Authority must abide by any applicable code of conduct established by the Minister under subsection (1).

100A Removal from office

- (1) The Minister may terminate the appointment of a member of the Development Consent Authority for any of the following reasons:
 - (a) demonstrated inability to perform the functions of office;

-
- (b) misbehaviour or a failure to abide by a code of conduct established under section 100;
 - (c) physical or mental incapacity.
- (2) The Minister must terminate the appointment of a member of the Development Consent Authority if:
- (a) the member is absent from 3 consecutive meetings of the Development Consent Authority without leave from:
 - (i) in the case of the Chair – the Minister; or
 - (ii) in the case of a member other than the Chair – the Chair; or
 - (b) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (c) the member is a community member and the local authority requests that the member's appointment be terminated.

68 Section 101 amended (Meetings of Authority)

- (1) Section 101(1), (2), (3)(a) and (4)(a) and (b)

omit

Chairman

insert

Chair

- (2) Section 101(3)(c)

omit

Chairman or, in the Chairman's

insert

Chair, or in the Chair's

- (3) Section 101(3)(d)

omit

his or her

insert

a

69 Section 102 amended (Attendance of public at meetings)

Section 102(2) and (3)

omit

Chairman

insert

Chair

70 Section 103 amended (Minutes)

After section 103(1)

insert

(1A) The minutes must record the following information:

- (a) the number of members attending the meeting;
- (b) each issue voted on during the meeting;
- (c) whether any member declared a conflict of interest or abstained from voting;
- (d) the number of votes for or against, or abstaining from, a decision in relation to a development application.

71 Section 104A inserted

After section 104

insert

104A Annual report

- (1) The Chair of the Development Consent Authority must prepare and give to the Minister a report on the performance by the Development Consent Authority of its functions during each financial year.
- (2) The report must be given to the Minister by 31 October following the end of the financial year.

-
- (3) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

72 Sections 106 and 107 replaced

Sections 106 and 107

repeal, insert

106 Disrupting meeting

- (1) The Chair may direct a person to leave a meeting of the Development Consent Authority if, in the opinion of the Chair, the person during the meeting:
- (a) is abusive to a member of the Authority; or
 - (b) interrupts proceedings of the Authority.
- (2) A person directed to leave a meeting under subsection (1) must:
- (a) leave and not return to that meeting; and
 - (b) not create a disturbance or take part in creating or continuing a disturbance, in or near a place where the Authority is meeting.
- (3) A person commits an offence if the person:
- (a) is directed to leave a meeting under subsection (1); and
 - (b) intentionally contravenes subsection (2).
- Maximum penalty: 50 penalty units or imprisonment for 6 months.
- (4) Strict liability applies to subsection (3)(a).

107 Offence to disclose certain information

- (1) A person commits an offence if:
- (a) the person is a member of the Development Consent Authority; and
 - (b) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and
 - (c) the information is confidential and the person is reckless in relation to that circumstance; and

-
- (d) the person intentionally engages in conduct; and
 - (e) the conduct results in the disclosure of the information and the disclosure is not:
 - (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
 - (ii) to a person who is otherwise entitled to the information; and
 - (f) the person is reckless in relation to the result and circumstance specified in paragraph (e).

Maximum penalty: 50 penalty units or imprisonment for 6 months.

- (2) Strict liability applies to subsection (1)(a) and (b).
- (3) If the information mentioned in subsection (1) relates to a person, it is a defence to a charge for an offence against that subsection if the person has consented to the disclosure of the information.

Example for subsection (3)

A person to whom the information relates includes a person who has a direct interest in the information remaining confidential because the information is financial, commercial, personal or cultural information.

Note for subsection (3)

In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

73 Sections 111 and 112 replaced

Sections 111 and 112

repeal, insert

111 Review of decisions of consent authority

- (1) The following decisions of a consent authority are reviewable by the Tribunal:
 - (a) a decision refusing to consent to a development proposal under section 30W(1)(c);
 - (b) a decision refusing to issue a certificate under section 37B or 43D;

- (c) a decision imposing conditions on the certificate under section 43D;
 - (d) a decision requesting additional information under section 46(4);
 - (e) a decision refusing to grant an extension of time under section 46(8);
 - (f) a decision refusing to consent to a proposed development under section 53(c);
 - (g) a decision issuing an enforcement notice under section 77;
 - (h) a decision specifying the requirements of an enforcement notice under section 77C;
 - (i) a decision to not issue an enforcement notice under section 79A in response to a complaint in circumstances prescribed by regulation.
- (2) An application for review of a decision specified in subsection (1) may be made by the following:
- (a) the applicant in relation to a decision referred to in subsection (1)(a) to (f);
 - (b) the person subject to an enforcement notice in relation to a decision referred to in subsection (1)(g) and (h);
 - (c) subject to the regulations, the complainant in relation to a decision referred to in subsection (1)(i).
- (3) An application for review must be made within 28 days after the person is served with the decision notice.

Note for section 111

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to Tribunal for review and other relevant matters in relation to reviews.

112 Review if consent authority does not determine application

- (1) A person who made an application under section 30C may apply to the Tribunal for a review of a decision of the Minister under that section in relation to the development application component of a concurrent application if, within 49 days after service of the notice under section 30U(1) no notice was served on the applicant under section 30X, 30Y or 30Z.

-
- (2) A person who made a development application under section 46 may apply to the Tribunal for a review of any lack of decision by a consent authority to determine the application if:
- (a) the consent authority deferred its decision and all other relevant decisions or procedures in relation to the deferral are completed; or
 - (b) the applicant is not served with a notice under section 53A, 53B or 53C within 84 days of making the application.
- (3) A person who made an application under section 57 or 59 may apply to the Tribunal for a review of any lack of decision by a consent authority to determine the application if the consent authority does not notify the applicant of a determination within 84 days of the application being made.
- (4) For the purposes of a review under this section, the application is taken to be refused under section 30C, 30W, 53, 57 or 59.
- (5) Despite subsection (4), the application may be determined under section 30C, 30W, 53, 57 or 59 any time before the Tribunal determines the review.
- (6) If the application is determined in accordance with subsection (5), the applicant may:
- (a) abandon the application for review to the Tribunal under this section; or
 - (b) continue the application for review in relation to the actual determination of the consent authority.
- (7) The Tribunal must refund to the applicant all fees paid in respect of any abandoned application for review.

74 Section 115 replaced

Section 115

repeal, insert

115 Review of refusal to refund or remit contribution

- (1) A person who made an application under section 73(3) may apply to the Tribunal for a review of a refusal under that section to refund or remit all or part of a contribution otherwise payable by the person under Part 6.

-
- (2) An application under subsection (1) must be made within 28 days after the applicant is notified in writing of the refusal.
 - (3) If the person's application under section 73(3) is not determined within 84 days of being received:
 - (a) the local authority or service authority is taken to have refused to refund or remit any of the contribution otherwise payable by the person; and
 - (b) the person may apply to the Tribunal for a review at any time after the expiry of those 84 days and before the matter is determined by the local authority or service authority.
 - (4) Despite subsection (3)(a), the application may be determined under section 73 any time before the Tribunal determines the review.
 - (5) If the application is determined in accordance with subsection (4), the applicant may:
 - (a) abandon the application for review to the Tribunal under this section; or
 - (b) continue the application for review in relation to the actual determination of the local authority or service authority.
 - (6) The Tribunal must refund to the applicant all fees paid in respect of any abandoned application for review.

75 Section 118A amended (Parties to application for review)

Section 118A(c), before "service"

insert

local authority or

76 Section 119 replaced

Section 119

repeal, insert

119 No use or development permitted under permit if application for review

- (1) Subject to this Act, if an application for a review is made in relation to the issue of a development permit, the holder of the permit must cease all conduct under the permit until the application is determined by the Tribunal.

-
- (2) A person commits an offence if:
- (a) the person holds a development permit; and
 - (b) an application for a review is made in relation to the issue of the development permit; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the use or development of land in accordance with the permit and the person is reckless in relation to that circumstance.

Maximum penalty: 500 penalty units.

Default penalty: 2 penalty units.

- (3) Strict liability applies to subsection (2)(a) and (b).
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

77 Section 120 amended (Authorities to provide information)

Section 120(2), before "service"

insert

local authority or

78 Section 130 amended (Determination of application for review)

- (1) Section 130(2)

omit

matters specified in section 30P(2) or 51 (as applicable)

insert

same matters as the consent authority was required to consider when making the decision under review

- (2) Section 130(5)(a) and (b), before "service"

insert

local authority or

-
- (3) Section 130(6), before "or"

insert

, local authority

79 Section 135B inserted

After section 135A, in Part 10, Division 1

insert

135B Administrative directions

- (1) The Minister may issue directions on how to interpret and administer the provisions of this Act, the regulations and planning schemes.
- (2) The directions issued under subsection (1) must be consistent with this Act, the regulations and planning schemes.
- (3) The Minister may publish the guidelines in the way the Minister considers appropriate.
- (4) The members of the Planning Commission and the Development Consent Authority must have regard to the directions issued under subsection (1) when performing their functions and exercising their powers.

80 Section 136 amended (Planning schemes to be available to public)

Section 136(1)(c) and (2)

omit

former Act

insert

Planning Act 1979 and the Planning Act 1993

81 Section 138 amended (Registers and plans for public inspection)

Section 138(c)

omit

former Act

insert

Planning Act 1979 and the Planning Act 1993

82 Section 139A inserted

After section 139, in Part 10, Division 2

insert

139A Electronic publication

- (1) A requirement under this Act to publish a document in a newspaper may be satisfied by publishing the document on a website or other electronic platform that is capable of informing the same audience.
- (2) Subsection (1) has effect despite any provision in this Act to the contrary other than the following:
 - (a) section 68(3);
 - (b) a provision requiring a notice or document to be published in the *Gazette*.

83 Section 144 amended (Inquiries)

Section 144(1), (2) and (3)

omit (all references)

Chairman

insert

Chair

84 Section 148 amended (Regulations)

- (1) Section 148(1)(j)

omit, insert

- (j) prescribe a fine not exceeding 200 penalty units for an offence against a regulation other than an offence of strict liability or absolute liability; and
- (k) prescribe a fine not exceeding 100 penalty units for an offence against a regulation that is an offence of strict liability or absolute liability.

- (2) Section 148(1)(c) to (g), at the end

insert

and

85 Section 150 amended (Definitions)

Section 150

insert

former Act means the *Planning Act 1993*.

86 Section 180 amended (Saving of restriction on powers under easements)

- (1) Section 180, before "If"

insert

(1)

- (2) Section 180

omit (all references)

1 of

insert

1 to

- (3) Section 180, at the end

insert

- (2) To avoid doubt, subsection (1) includes a local authority that:

- (a) was a specified local authority in the easement; and
- (b) was described by a description in Schedule 1 to the former Act.

87 Part 12, Division 6 inserted

After section 208

insert

Division 6 Planning Amendment Act 2020**209 Definition**

In this Division:

commencement means the commencement of section 3 of the *Planning Amendment Act 2020*.

210 Administrative matters

- (1) The members of the Planning Commission and the Development Consent Authority holding office immediately before the commencement continue to hold office after the commencement on the same terms and conditions that applied to their appointment before the commencement.
- (2) A person with authority to enter land under section 77 immediately before the commencement is taken to be an authorised officer appointed under section 76.

211 Permits issued before commencement

To avoid doubt, all permits issued before the commencement are subject to the provisions of this Act in force after the commencement.

212 Applications and proposals made before commencement

- (1) Subject to section 213, any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this Act applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.
- (2) To avoid doubt, subsection (1) applies to the following:
 - (a) a concurrent application;
 - (b) a development application;

-
- (c) a proposed amendment of a planning scheme;
 - (d) a proposal to grant or vary an exceptional development;
 - (e) a proposal altered under section 25 or 40.

213 Specific use zone

- (1) If requested by the applicant, a development application in relation to a specific use zone, must be determined:
 - (a) in accordance with this Act in force immediately before the commencement; and
 - (b) in relation to the elements of the planning scheme applicable immediately before the commencement.
- (2) This section is repealed on the day fixed by the Administrator by *Gazette* notice.
- (3) The date fixed under subsection (2) must be at least 5 years after the commencement.

Part 3 Amendment of Crown Lands Act 1992

88 Act amended

This Part amends the *Crown Lands Act 1992*.

89 Section 44 amended (Subdivision applications where *Planning Act 1999* applies)

Section 44(1)

omit

Part 7

insert

Part 5

Part 4 Amendment of Cullen Bay Marina Act 1992

90 Act amended

This Part amends the *Cullen Bay Marina Act 1992*.

91 Section 3 amended (Subdivision of development area)

Section 3(2)(e)

omit

section 139

insert

section 140

Part 5 Amendment of Unit Titles Act 1975**92 Act amended**

This Part amends the *Unit Titles Act 1975*.

93 Section 26J amended (Variation of disclosure statement)

Section 26J(2)(b)

omit

section 54

insert

section 57

94 Section 26W amended (Variation of disclosure statement)

Section 26W(2)(b)

omit

section 54

insert

section 57

Part 6 Amendment of Fisheries Regulations 1992**95 Regulations amended**

This Part amends the *Fisheries Regulations 1992*.

**96 Regulation 162 amended (Place of processing to be specified
in licence)**

Regulation 162(2)(b)

omit

control plans

insert

the applicable planning scheme

**97 Regulation 200 amended (Place of trade to be set out in
licence)**

Regulation 200(2)

omit

control plans

insert

the applicable planning scheme

**Part 7 Amendment of Local Government (Darwin
Parking Local Rates) Regulations 1982**

98 Regulations amended

This Part amends the *Local Government (Darwin Parking Local Rates) Regulations 1982*.

99 Regulation 4 amended (Parking usage schedule)

Regulation 4(e)(i)

omit

section 139 of the *Planning Act 1999* or saved under section 177

insert

section 140 of the *Planning Act 1999* or saved under section 179

Part 8 Repeal of Act

100 Repeal of Act

This Act is repealed on the day after it commences.



COUNCIL REPORT

Agenda Item Number:	15.3
Report Title:	Northern Territory Subdivision Development Guidelines and Council Subdivision and Development Policy
Author & Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Meeting Date:	18/03/2020
Attachments:	A: Letter from NTG dated 23 December 2019 B: Subdivision Guidelines (Part 1) C: Draft Subdivision and Development Policy D: Schedule of Variations

Executive Summary

This Briefing Paper updates Councillors on the Northern Territory Subdivision Development Guidelines (Guidelines) and includes a draft Subdivision and Development Policy to enable Council to implement the Guidelines.

Recommendation

THAT Council:

1. support the implementation of the Northern Territory Subdivision Development Guidelines;
2. approve INF07 Subdivision and Development Policy; and
3. delegate to the Chief Executive Officer authority to:
 - a. implement the Northern Territory Subdivision Development Guidelines, including Council's Schedule of Variations; and
 - b. review and amend the Litchfield Council Development and Subdivision Standards.

Background

The Northern Territory Department of Infrastructure, Planning and Logistics (DIPL) have been preparing a single standard document to guide subdivision development across the Northern Territory. Council has been involved in the development of the guidelines for over three years. Other NT Councils and NT Government (NTG) agencies (i.e. Power and Water Corporation), as well as professionals in the subdivision field, have also contributed to the document.

The intended outcome of the Guidelines is a consistent process and clarity for developers across jurisdictions as far as possible, as well as providing guidelines for Councils that currently do not have any. The Guidelines do allow for individual Councils and other agencies to require alternative standards to meet specific needs and goals of the organisation through a Schedule of Variations within the document.

The Guidelines are designed for subdivision developments where infrastructure assets will be handed over to Council, and the document does not provide guidance for individual site

development without subdivision (such as driveways and stormwater drainage for new commercial developments).

Litchfield Council adopted its Development and Subdivision Standards (Standards) in July 2017 that address minimum requirements related to Council infrastructure for development of new uses on individual sites and subdivisions. As Council officers have been involved in the preparation of the Guidelines, key aspects relating to Council have been considered, along with input from other NT Councils. This has resulted in a document that, in its majority, satisfactorily addresses Council's current Standards.

A thorough assessment of the Guidelines (Attachment B) in comparison to Council's Standards has been undertaken to determine any potential risks to Council. There are not considered to be any risks in Council adopting the Guidelines for subdivisions, as:

- the subdivision process requires significant consultation between developers and Council,
- Council has the opportunity to vary the Guidelines where necessary to meet Council infrastructure requirements, and
- Council retains the ultimate final decision on whether to accept new assets developed in the subdivision process.

Litchfield Council's Schedule of Variations has been prepared to note the areas Council is requiring a different standard requirement in order to ensure Council's assets are best protected. The current draft of Council variations to be included in the Guidelines are listed in Attachment D.

Next Steps

As the documents are guidelines applied operationally, it is recommended that Council support the Guidelines (which will include Council's Schedule of Variations).

A Policy has been drafted (Attachment C) and recommended for Council endorsement that outlines the Policy level requirements of Council and how the Standards and Guidelines are to be applied. The Policy also ensures that Council's Standards will continue to apply to the development of new uses without subdivisions; and as required the Standards will also be reviewed and updated to remove any redundant information.

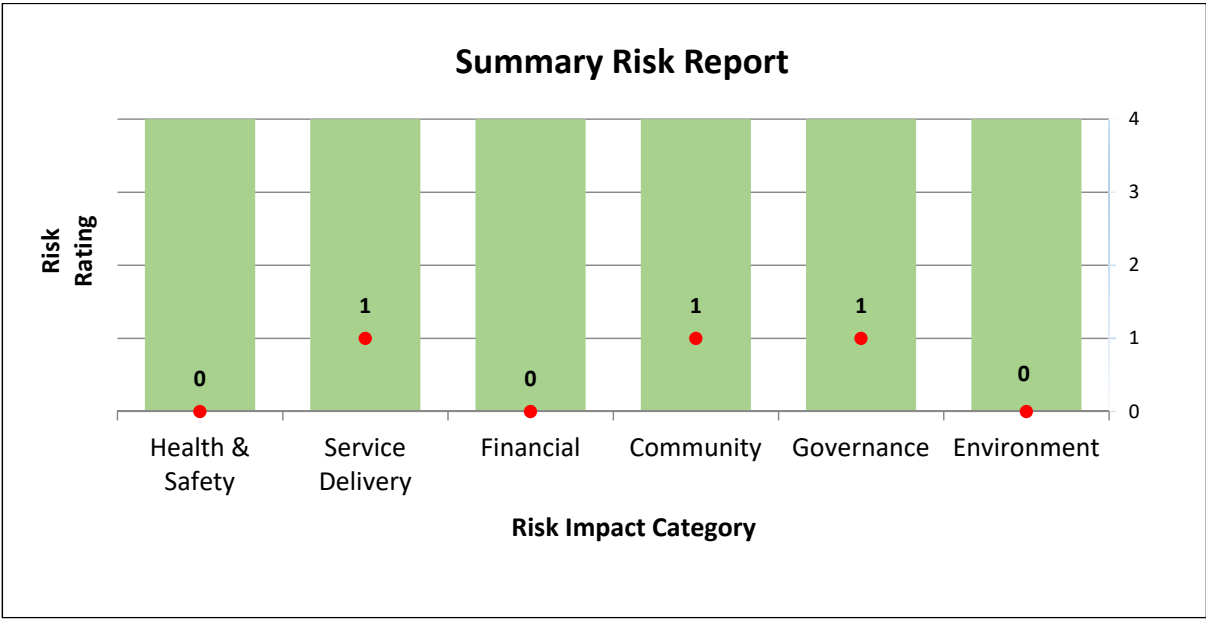
Links with Strategic Plan

A Great Place to Live - Development and Open Space

Legislative and Policy Implications

A Policy has been drafted (Attachment C) that outlines the Policy level requirements of Council and how the Standards and Guidelines are to be applied.

Risks



Financial Implications

There is no direct financial implication to Council. The Guidelines will be managed by the NTG with an online portal for developers to obtain relevant information and Councils to request updates to the Guidelines.

Community Engagement

The development of the Guidelines has included consultation and input from industry bodies representing developers. Cost comparison of existing standards and guidelines with the proposed Guidelines has also been undertaken to ensure there are no significant cost implications for developers, or Councils. The outcome for the broader community will be improved consistency of development and potentially more efficient subdivision delivery.

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File Ref
2019/0037

Mr Daniel Fletcher
Chief Executive
Litchfield Council
PO Box 446
Humpty Doo NT 0836

Dear Mr Fletcher

Re: Northern Territory Subdivision Development Guidelines

I am pleased to advise that the NT Subdivision Development Guidelines (SDG) is now in final draft form following a long period of technical work, consultation, document preparation and stakeholder review since 2015.

Consultation has been largely of a technical nature and has taken place with the significant number of relevant stakeholders in workshops, briefings and one-on-one meetings including LGANT, Local Government Councils, Urban Development Institute of Australia NT, Property Council of Australia, Civil Contractor Federation NT, Power and Water Corporation, NTG agencies, NBN and Telstra. Numerous complex issues have been worked through and resolved during this time.

A number of briefings of local Government councils and senior staff have been held at LGANT CEO Forums and at Local Government Environment Infrastructure and Transport Reference Group (EITRG) meetings in Darwin, Litchfield, Katherine and Alice Springs.

The Guidelines

The development of the Subdivision Development Guidelines (SDG) for the Northern Territory brings together the requirements of asset owners and developers to create an integrated document system that will streamline subdivision design and delivery, providing certainty and reducing costs to asset owners and developers, while retaining flexibility to respond to the Territory's diverse environments and communities.

The SDG consists of:

- Part 1 - Design Guidelines that establish the framework of key principles for the design of subdivision infrastructure;
- Part 2 - Reference Documents that incorporate approved policies from both Assets Owners and Regulatory Authorities that provide guidance on the design, construction and handover of subdivision infrastructure;
- Part 3 - Standard Drawings that provide specific design requirements to meet relevant technical standards; and
- Part 4 - Technical Specifications for subdivision works.

The Guidelines documentation can be accessed at the following link: -

The Guidelines documentation can be accessed at the following link: -

[http://ftp-doi.nt.gov.au/main.html?sort=3&r=0?download&weblink=5531a93dad7c521dd6f1dd1b168456c4&realfilename=December\\$202019.zip](http://ftp-doi.nt.gov.au/main.html?sort=3&r=0?download&weblink=5531a93dad7c521dd6f1dd1b168456c4&realfilename=December$202019.zip)

In addition an operating platform has been developed where the documents will be accessible to read and download and can be accessed on computer, tablet or mobile phone. The platform includes links to the reference documents. The platform will go live when the SDG is implemented.

The SDG will be a living document and will be subject to ongoing review and updating to respond to changing Australian Standards, and stakeholder needs.

Cost Impacts

An analysis of capital construction cost impacts of the SDG against current Council guidelines was undertaken by civil engineers Byrne Consultants and Jacobs as an independent Quantity Surveyor, for major jurisdictions where current guidelines exist including Darwin, Palmerston, Litchfield and Alice Springs for residential/mixed-use, industrial and rural subdivisions.

The analysis demonstrates that application of the SDG will result in cost savings at all these locations with the exception of industrial subdivisions in Darwin where stormwater drainage cost is estimated to increase by some 3% to align with consensus performance standards supported by technical studies.

Council Support

I would appreciate your writing back to me to confirm your Council's support and willingness to adopt the NT Subdivision Guidelines.

Should you have any queries in relation to this matter please do not hesitate to contact the Independent Chair, Subdivision Development Guidelines Management Committee, Terry O'Neill on 8924 7276 or email terry.o'neill@nt.gov.au or James Li, on 8924 7553 or email james.li@nt.gov.au

Yours sincerely



Andrew Kirkman

Chief Executive

23 December 19



NORTHERN TERRITORY

SUBDIVISION DEVELOPMENT GUIDELINES

DECEMBER 2019

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ABOUT THESE GUIDELINES

USE OF THIS DOCUMENT

These Guidelines are for developers, planners, engineers, technical consultants and contractors involved in Subdivision design and construction in the Northern Territory. They apply to all Subdivisions regardless of land use zoning, locality, size and existing site conditions. Given the variable context of Subdivisions in the Northern Territory, it is acknowledged that some elements of these Guidelines will not always be required and the Developer should consult with the Relevant Authorities to confirm expectations for their Subdivision.

These Guidelines have been prepared by the Northern Territory Government Department of Infrastructure, Planning and Logistics involving significant engagement with Developers, Contractors, Consultants, NT Government agencies, Regulatory Authorities, Local Authorities, Service Authorities and other stakeholders.

These Guidelines provide best practice engineering design and construction standards for important Public Infrastructure such as streets and pathways, public open space and landscaping, stormwater drainage, and utility services. They set out the minimum standards required by Relevant Authorities to facilitate clearance of Development Permit conditions imposed on a Subdivision by the Northern Territory Development Consent Authority; the approval authority under the *Planning Act 1999* (NT).

SCOPE EXCLUSIONS

Limited guidance is provided on subdivision planning processes. For detailed requirements, the Developer must refer to the Planning Scheme.

Planning, design and construction of all works within Northern Territory Government Controlled Road Reserves must be undertaken in accordance with the Department of Infrastructure, Planning and Logistics Performance and design Standards for Northern Territory Roads.

Planning, design and construction of utilities including water, sewer, electrical and communications infrastructure must be undertaken in accordance with the applicable Service Authority's requirements. General guidance is provided within this document; however, all such works must be undertaken to the satisfaction of the applicable Service Authority.

This document does not address commercial matters including, but not limited to, fees which may be imposed by Relevant Authorities for review/approval of documentation, issuing of permits, site inspections, acceptance of assets, security bonds etc. The Developer must liaise with the Relevant Authorities to inform themselves of applicable expenses.

STRUCTURE OF THESE GUIDELINES

This document forms Part 1 of the Northern Territory Subdivision Development Guidelines and must be read in conjunction with the following parts:

- Part 2 - Reference Documents;
- Part 3 - Standard Drawings; and
- Part 4 - Standard Specifications.

PRECEDENCE

In the event of an inconsistency, conflict, discrepancy, error, or omission between or among the provisions of these Guidelines and the Reference Documents above, the Developer must immediately notify the Relevant Authority for direction on how to remedy such inconsistency, conflict, discrepancy, error, or omission.

DISCLAIMER

Reasonable efforts have been made to ensure that material in these Guidelines is accurate and up to date at the date of publication, however, these Guidelines in no way constitute the provision of professional advice, and should not be relied upon as or in substitution for independent professional advice.

The Territory and each Relevant Authority does not guarantee, and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any material contained in these Guidelines, Standard Drawings, Standard Specifications, any Reference Document, Base Standard or any linked website. Developers must seek and rely upon appropriate independent professional advice for all aspects of any Subdivision or Development Works.

SCHEDULE OF VARIATIONS

Refer to the Schedule of Variations in Section 14 for variations to these Guidelines imposed by Relevant Authorities.

INFORMATION

These Guidelines are available electronically in PDF from the Northern Territory Subdivision Development Guidelines Online Platform.

For further information regarding these Guidelines contact:-

Manager Specification Services
Department of Infrastructure, Planning and Logistics
PO Box 61
Palmerston NT 0831

Telephone: (08) 8946 5021

Email: DocumentationServicesDIPL@nt.gov.au

First edition - December 2019

PROPONENTS AND CONTRIBUTORS TO THE GUIDELINES:



NORTHERN TERRITORY SUBDIVISION DEVELOPMENT GUIDELINES

December 2019

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DEFINITIONS

Definitions	
AAPA	Aboriginal Areas Protection Authority – the authority established under the <i>Northern Territory Aboriginal Sacred Sites Act 1989 (NT)</i> for the management of Sacred Sites records and the issue of Authority Certificates under that Act.
Adjacent Land	Land adjacent to but not forming part of the Development Site upon which any works in relation to a subdivision development are, or are to be, undertaken.
Areas of Significance	Include (but are not limited to) important public facilities such as hospitals, police stations, fire stations, cyclone shelters, schools, shopping centres and medical clinics.
As-Constructed Drawings	<p>Detailed drawings showing the completed works and any variation to the approved Construction Drawings carried out during the construction phase, signed and certified as complete and accurate by:</p> <ul style="list-style-type: none"> • a Certifying Engineer having undertaken appropriate regular inspections and having made appropriate enquiries in respect of the state of completion of the relevant component of Public Infrastructure; and • the Developer. <p>Detailed requirements for the format of As-Constructed Drawings is provided in the Standard Specification for Subdivisions (Refer Part 4).</p>
As-Constructed Survey	<p>Detailed survey plans recording any variations between the approved Construction Drawings and as-constructed works, signed and Certified as complete and accurate by:</p> <ul style="list-style-type: none"> • a Licensed Surveyor who is currently registered under the provisions of Part IV of the <i>Licensed Surveyors Act 1983 (NT)</i>; and • the Developer. <p>Detailed requirements for the format of As-Constructed Survey is provided in the Standard Specification for Subdivisions (Refer Part 4).</p>
AS/NZS	Australian Standard / New Zealand Standard
Authorised Connection	An approved connection between Public Infrastructure constructed (or to be constructed) as part of a subdivision development and any existing Public Infrastructure owned, or to be owned, by a Relevant Authority (e.g. a connection to an existing power, water or sewer main).
Average Daily Traffic	<p>Average Daily Traffic (ADT) is the unadjusted average number of vehicles passing in both directions at a specified location of a roadway (i.e. the total volume of vehicle traffic on a street for a year divided by 365 days).</p> <p>ADT is a useful and simple measurement of how busy a street is, used primarily in transportation planning and engineering.</p>
Base Standards	The minimum design and construction standards, and the requirements under them. Set out in Part 2 - Reference documents.

Definitions	
Business Day	<p>A day other than a Saturday, Sunday or public holiday in the place in which the Development Site is situated, also excluding:</p> <ul style="list-style-type: none"> • 27th, 28th, 29th, 30th and 31st December; and • any day officially registered by Bureau of Meteorology on 'Cyclone Warning' in the place in which the Development is situated.
CCTV Inspection	Closed Circuit Television camera inspection carried out by a suitably qualified professional on underground pipes, culverts and/or conduits to report on obstructions and/or defects.
Certification	<p>A written acknowledgment by a Certifying Engineer that the design and/or construction of each component of Development Works has been completed in accordance with the requirements of all laws and approvals, these Guidelines, all Base Standards and any other relevant documentation. Approved deviations from these requirements should be clearly stated. The Term "Certified" has a corresponding meaning.</p>
Certifying Engineer	<p>A Consultant and/or their duly authorised representative(s) appointed by the Developer to undertake design and/or construction Certification associated with each component of the Development Works.</p> <p>The Certifying Engineer must be an independent, professional engineer who is competent in the relevant component of the Development Works.</p> <p>The Certifying Engineer must be a Chartered Professional Engineer, unless noted otherwise.</p> <p>The Certifying Engineer, or their employing organisation, must hold an appropriate level of Professional Indemnity Insurance for the component of the Development Works being Certified.</p>
Clearance Letter	A letter issued by a Relevant Authority advising that the relevant works required as a condition of a Development Permit have been completed to the satisfaction of the Relevant Authority.
Completion Certificate	<p>A letter prepared, signed, and submitted to a Relevant Authority by the Certifying Engineer certifying that a component of the Development Works has been completed in accordance with the requirements of all laws and approvals, these Guidelines and all Base Standards; and there are no outstanding work elements or uncorrected and/or unsatisfactory work. This document should include a listing of all design variations, construction non-conformances (with approvals obtained for corrective actions) and other non-compliances.</p>
Consultant	Any person or entity appointed or engaged by the Developer to undertake various planning, design, construction, and/or Certification activities associated with a subdivision development, including the employees, agents or representatives of those Consultants.
Construction Cost	<p>The actual cost to construct a component of the Development Works, as reported and certified by the project manager or a quantity surveyor engaged by the Developer. Typically reported for assets to be handed over to Relevant Authorities and should reflect the replacement value of the assets. Individual Relevant Authorities may have their own Asset Valuation forms and processes to be used by the Developer.</p>

Definitions	
Construction Drawings	'Issued For Construction' Drawings, approved for use by a Relevant Authority pursuant to Section 2.5 of these Guidelines.
Construction Report	<p>A consolidated report containing all construction information relevant to the Development Works, including as a minimum:</p> <ul style="list-style-type: none"> • a description of the Development Works and construction program; • copies of all relevant permits, approvals and/or Clearance Letters obtained for the Development Works, including approved mix designs; • details of all actions taken in respect of meeting conditions imposed by relevant permits, approvals and/or Clearance Letters; • a statement of compliance with environmental protection measures; • a register of design changes made during construction to the approved Construction Drawings, including copies of approval by the Certifying Engineer and Relevant Authority. • photographs of key construction phases; • a summary of all inspections and testing carried out, identifying: <ul style="list-style-type: none"> ◦ non-conforming works removed and replaced; ◦ nonconforming works where it has been reworked and retested; and ◦ non-conforming works where corrective actions have been approved. • a summary of compliance testing results in a table format, demonstrating compliance with the required test frequencies in the Standard Specification for Subdivisions (Refer Part 4); and • copies of full inspection and testing records, including NATA endorsed certificates for all conformance testing as set out in the approved Inspection and Test Plan(s) and the Standard Specification for Subdivisions (Refer Part 4). Inspection and Test Plan(s) must be signed to confirm the release of Inspection Points and be supported with lot testing plans for easy identification of testing locations.
Contractor	Each person or entity bound by a contract with the Developer to execute the Development Works (including that person or entity's employees, agents, subcontractors or representatives) on behalf of the Developer.
Defect	<p>Any item of work or materials which is incomplete, defective, deficient, unsafe, failing, non-complying or not Fit For Purpose in respect of any component of Public Infrastructure constructed as part of or in connection with any Development Works. This includes errors and omissions from design and/or construction works.</p> <p>Includes Major Defects and Minor Defects, as defined separately.</p>

Definitions			
Defects Liability Period	Means the period of time the Developer is liable for any Defect occurring in relation to Public Infrastructure to be handed over to the Relevant Authority, commencing on the Practical Completion Date for that component of Public Infrastructure and expiring at the end of the relevant period defined below:		
	Type of Development Works	Initial Defects Liability Period	Extended Defects Liability Period for the Development Works subject of rectification works
	Public Infrastructure (excluding Landscaping)	24 months	24 months from the date of completion of the rectification works
	Landscaping works, including grassing and planting	12 months	12 months from the date of completion of the rectification works
	Any defect caused or contributed to by groundwater seepage	36 months	36 months from the date of completion of the rectification works
Design Documentation	Technical specifications, plans, drawings, calculations, reports and other documents required to satisfactorily detail all aspects of the Development Works.		
Design Report	A report describing the intent, criteria, assumptions, and considerations involved in the design that is to be submitted for approval by the Relevant Authority.		
Developer	The owner of the land the subject of a subdivision development, including the Developer's Representative(s).		
Developer's Representative	A person or entity (and each of their employees, agents, Contractors, subcontractors and consultants) appointed, authorised or otherwise engaged by the Developer to act on their behalf in communications with any Relevant Authority or Regulatory Authority for the purpose of or in connection with undertaking a component of the Development Works.		
Development Application	An application for approval of a proposed Subdivision lodged pursuant to the <i>Planning Act 1999 (NT)</i> .		
Development Consent Authority	Has the meaning given to it in the <i>Planning Act 1999 (NT)</i>		
Development Permit	Any permit issued by a Development Consent Authority, pursuant to the <i>Planning Act 1999 (NT)</i> .		
Development Site	<p>The parcel or parcels of land (including any part of any parcel) on which Development Works are being, have been or are to be undertaken and includes:</p> <ul style="list-style-type: none"> • Adjacent Land for the time and to the extent of any works on Adjacent Land; and • any other land affected by External Works for the time and to the extent of any works on that land. 		

Definitions	
Development Works	All and any works that are to be undertaken on the Development Site, or Adjacent Land, and any External Works, as part of or in furtherance of the Subdivision (including works to complete the conditions of any Development Permit, or any conditions necessary to satisfy the requirements of any Relevant Authority or Regulatory Authority).
Dilapidation Report	A report on the condition of Public Infrastructure at a given point in time. Typically completed on existing Public Infrastructure prior to Development Works commencing, recording any existing damage and the state of any particular assets that may be affected by the Development Works.
Dry Season Base Flows	Low flows resulting from groundwater seepage due to drawdown of the wet season groundwater table, or irrigation in urban catchments.
External Works	All Development Works external to the Development Site (including, but not limited to, any works on Adjacent Land) and necessary for proper subdivision or development including, but not limited to, the construction, reconstruction or upgrade of Public Infrastructure, private infrastructure, or public or privately owned lands affected by, or having effect on, the proposed Subdivision.
Fit For Purpose	Appropriate, and of the necessary standard and quality, for its intended use or purpose.
Guidelines	Means all four parts of this document, being: Part 1 – Design Guidelines Part 2 – Reference Documents Part 3 – Standard Drawings Part 4 – Technical Specifications
Inspection and Test Plan	Any plan, approved by each Relevant Authority, setting out the minimum inspection and testing requirements for Public Infrastructure to demonstrate conformance with the Standard Specification and the requirements of each Relevant Authority.
Inspection Point	Any component of the Public Infrastructure requiring inspection by the Certifying Engineer and/or Relevant Authority to demonstrate conformance with the Standard Specification and the requirements of each Relevant Authority.
Lawful Point of Discharge	An approved connection between stormwater drainage Public Infrastructure constructed (or to be constructed) as part of a Subdivision and any existing Public Infrastructure owned, or to be owned, by a Relevant Authority.
Local Authority	The council constituted under the <i>Local Government Act 2008 (NT)</i> in respect of the area in which the Development Site is situated.
Major Defects	Defects which prohibit safe operation of Public Infrastructure and/or safe use of public areas, or cause significant loss of amenity.
Master Services Plan	Means a Rural Master Services Plan or an Urban Master Services Plan.
Minor Defects	Defects which do not prohibit safe operation of Public Infrastructure and/or safe use of public areas, and do not cause significant loss of amenity.

Definitions	
Northern Territory Government Controlled Roads	The roads, including Road Reserves, under the care, control and management of the Northern Territory Government and its relevant Department(s).
Northern Territory Land Suitability Guidelines	The document by that name referenced in the Planning Scheme.
Nuisance	Any interference with a public or private right including, without limitation, any hazard, annoyance, interference, harm, loss (including expense) or damage caused by dust, fumes, heat, sound, vibration, escape of gases or liquids causing damage to land or other property or interfering with the use and enjoyment of them.
Planning Scheme	The Northern Territory Planning Scheme under the <i>Planning Act 1999 (NT)</i> .
Practical Completion	<p>In relation to each component of the Development Works intended to be handed over to a Relevant Authority, when:</p> <ul style="list-style-type: none"> • The Developer has provided the Relevant Authority with all items required under Section 13 - Practical Completion, Defects, Securities, Handover and Acceptance; and • The Relevant Authority is satisfied that the works are complete in accordance with these Guidelines and the Design Documentation except for Minor Defects which: <ul style="list-style-type: none"> ◦ do not individually or in the aggregate prevent the Development Works from being used for their intended purpose; ◦ are of the type that the Relevant Authority is satisfied there are reasonable grounds for not promptly rectifying them; and ◦ can be rectified without affecting the convenient use of the works or any other affected Public Infrastructure.
Practical Completion Date	The date that Practical Completion has been achieved, as Certified by a Relevant Authority in a Practical Completion Letter.
Practical Completion Letter	A letter issued by a Relevant Authority to the Developer for a component of the Development Works acknowledging Practical Completion has been reached. This marks the commencement of the Defects Liability Period for that component of the Development Works.
Project Specific Requirements	Means any variation of the requirements of the Standard Specification documented using the template provided and submitted to, and approved in writing by, each Relevant Authority in respect of a particular Subdivision.
Public Infrastructure	Any infrastructure currently, or proposed to be, owned and maintained by a Relevant Authority. Includes any component of the Development Works that is intended to be handed over to and accepted, and thereafter owned and maintained, by a Relevant Authority.
Registered Member	Means a person or entity that has applied for and been allocated a user ID and password in respect of the online version of these Guidelines.

Definitions	
Regulatory Authority	<p>Any governmental, semi-governmental, public, statutory or judicial body, entity, department or authority responsible for exercising statutory powers, rights or other authority under any legislation, subordinate legislation, or other legislative instrument in force from time to time in the Northern Territory and, for each component of Public Infrastructure, means any such body that regulates the design, construction, use, discharge to or from the infrastructure (whether or not that body will or is intended to own that Public Infrastructure upon completion of a Subdivision).</p> <p>Regulatory Authorities include, but are not limited to, the Development Consent Authority and the Power and Water Corporation in its capacity as regulator for electricity, water, and sewerage infrastructure.</p>
Relevant Authority	<p>Means, for a component of Public Infrastructure constructed as part of the Development Works, any governmental, semi-governmental, public, statutory body, statutory corporation or government owned corporation, entity, department or authority that is intended to accept handover of, own and maintain that Public Infrastructure after Practical Completion.</p> <p>Includes Service Authority and Local Authority as applicable.</p>
Request for Amendment	Means a request by a stakeholder for an amendment to these Guidelines (other than in relation to Section 14 - Schedule of Variations), pursuant to the requirements of Section 1.8.
Request for Variation	Means a request by a Relevant Authority or Regulatory Authority for a new or amended Variation in Section 14 - Schedule of Variations, pursuant to the requirements of Section 1.7.
Road Reserve(s)	Means any area of land reserved or dedicated, or to be reserved or dedicated, to the Northern Territory of Australia or a Local Authority as a road or street under the <i>Control of Roads Act 1953 (NT)</i> , <i>Local Government Act 2008 (NT)</i> , or the <i>Planning Act 1999 (NT)</i> and includes a road reserve in respect of a street as referred to in these Guidelines.
Rural Master Services Plan	Means a plan or plans showing the locations of all proposed water, sewer, electrical, gas, communications and associated infrastructure. Rural Master Services Plans must include locations of all proposed bores and septic systems, and all constrained land, demonstrating feasible bore and septic locations for every lot in the proposed Subdivision having regard to all constraints and all required separations. Rural Master Services Plans must have all of the features and details depicted on the example Rural Master Services Plan at Part 3.
Sacred Site	Any site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition.
Security Bond	Cash or a monetary guarantee lodged or to be lodged by the Developer in accordance with Section 13.3.
Service Authority	Has the meaning given to it in the <i>Planning Act 1999 (NT)</i> .
Standard Drawings	The Standard Drawings, as referenced in Part 3 of these Guidelines.

Definitions	
Standard Specification	A document that specifies the minimum technical standards for construction of Development Works, as referenced in Part 4 of these Guidelines.
Subdivision	Has the meaning given to it in the <i>Planning Act 1999 (NT)</i> .
Subdivision Masterplan	A plan featuring the requirements as outlined in Section 2.3 for all stages of the Development Works.
Trade Waste	Has the meaning given to it in the <i>Water Supply and Sewerage Services Act 2000 (NT)</i> .
Urban Master Services Plan	Means a plan showing the locations of all proposed water, sewer, electrical, gas, communications and associated infrastructure. Urban Master Services Plans must have all of the features and details depicted on the example Urban Master Services Plan at Part 3.
Waterway	Has the meaning given to it in the <i>Water Act 1992 (NT)</i> .

GLOSSARY

AAPA	Aboriginal Areas Protection Authority	EY	Exceedances per Year
ADT	Average Daily Traffic	ICEG	Indigenous Community Engineering Guidelines
AEP	Annual Exceedance Probability	IECA	International Erosion Control Association
ARI	Annual Reoccurrence Interval	ISO	International Organisation for Standardisation
ARRB	Australian Road Research Board	LTO	Land Titles Office
BAS	Building Advisory Services	MUSIC	Model for Urban Stormwater Improvement Conceptualisation
BPESC	Best Practice Erosion and Sediment Control	NATA	National Association of Testing Authorities
CBR	California Bearing Ratio	NBN	National Broadband Network
COP	Code of Practice	NEMA	National Electrical Manufacturer's Association
CPESC	Certified Professional in Erosion and Sediment Control	NT EPA	Northern Territory Environment Protection Authority
CPTED	Crime Prevention through Environmental Design	Planning Scheme	NT Planning Scheme
DAS	Development Assessment Services	OWMS	On-site Wastewater Management System
DCA	Development Consent Authority	QUDM	Queensland Urban Drainage Manual
DCP	Developer Contribution Plan	SEP	Side Entry Pit
DENR	Department of Environment and Natural Resources	TIA	Traffic Impact Assessment
DIPL	Department of Infrastructure, Planning and Logistics	VPD	Vehicles per Day
DOH	Department of Health	WPZ	Wellhead Protection Zones
EIA	Environmental Impact Assessment	WSAA	Water Services Association of Australia
ERA	Environmental Risk Assessment	WSUD	Water Sensitive Urban Design
ESCP	Erosion and Sediment Control Plan		



PART 1 DESIGN GUIDELINES

1. INTRODUCTION

- (a) These Guidelines provide the technical framework for the design and construction of new Public Infrastructure for Subdivisions in the Northern Territory of Australia (NT).
- (b) These Guidelines have been developed as a reference for Developers and their planners, design engineers, Consultants and Contractors. They set out a range of minimum design and construction standards accepted by Relevant Authorities and Regulatory Authorities. These Guidelines also set out a model for productive early engagement with Relevant Authorities and Regulatory Authorities.
- (c) These Guidelines assume technical subdivision design will be undertaken by suitably qualified professionals and therefore do not restate in full the technical design and construction principles included in the Base Standards.

1.1. PURPOSE

- (a) This document provides a clear and concise approach to design, construction and maintenance requirements for Subdivisions. These Guidelines represent the required standard of design and construction of Public Infrastructure to facilitate the handover of such infrastructure to Relevant Authorities. These Guidelines aim to:
 - (i) consolidate the Subdivision design guidelines, reference documents, standard drawings and technical standards of Relevant Authorities and Regulatory Authorities responsible for Public Infrastructure in a single location.
 - (ii) balance the requirement to provide robust Public Infrastructure with an appropriate life expectancy and the need for cost effective, affordable land development.
 - (iii) coordinate infrastructure delivery across catchments, networks and precincts throughout the Northern Territory.
 - (iv) promote best practice safety and environmental management.
 - (v) encourage engagement of Relevant Authorities and Regulatory Authorities early in the design process.
- (b) These Guidelines are intended to be read in conjunction with the Planning Scheme, NT and Commonwealth legislation, all Base Standards and other relevant approved policies.
- (c) These Guidelines are subject to all laws (and any legislative instruments under them) in force in the Northern Territory and do not in any way limit the operation of those laws or instruments. Despite anything in these Guidelines, Developers and their designers, planners, Consultants and Contractors must comply with all laws in force in the Northern Territory.

1.2. FUNCTION

- (a) These Guidelines apply to Subdivisions under the *Planning Act 1999 (NT)*. Development Permits issued under the *Planning Act 1999 (NT)* may include conditions relating to the requirements for the design, construction and maintenance requirements of Public Infrastructure outlined in these Guidelines. Clearance of Development Permit conditions issued under Part V of the *Planning Act 1999 (NT)* will rely on Relevant Authorities and Regulatory Authorities being satisfied that:
 - (i) Public Infrastructure has been designed in accordance with these Guidelines and relevant Base Standards;
 - (ii) Public Infrastructure has been delivered Fit For Purpose and constructed in accordance with the approved Design Documentation, Standard Drawings and Standard Specification; and
 - (iii) the requirements of Section 13. Practical Completion, Defects, Securities, Handover and Acceptance have been met.
- (b) Design and construction of Subdivisions in accordance with these Guidelines will facilitate the efficient handover of Public Infrastructure to Relevant Authorities.

- (c) These Guidelines are broken into the following four parts.
 - (i) Part 1 – Design Guidelines that establish the key principles for the design of Subdivision Public Infrastructure.
 - (ii) Part 2 - Reference Documents that are relevant to Public Infrastructure design, construction and maintenance from Relevant Authorities and Regulatory Authorities.
 - (iii) Part 3 – Standard Drawings that set out specific design and/or construction requirements for the delivery of Public Infrastructure.
 - (iv) Part 4 – Technical Specifications that provide standards for the construction of Public Infrastructure.

1.3. PLANNING AND INFRASTRUCTURE CONTEXT

- (a) The Department of Infrastructure Planning and Logistics has developed an integrated approach to planning and infrastructure delivery for land development in the Northern Territory. Figure 1 and Figure 2 provide a framework for the steps required, from regional planning to completion of liveable neighbourhoods supported by services and social infrastructure.
- (b) The identification of Regional, Sub-Regional and District and Neighbourhood planning stages facilitates an orderly progression from high level planning through to detailed planning of enabling infrastructure down to the neighbourhood level.
- (c) At the regional level the Planning Scheme sets out Regional Land Use Frameworks for Darwin, Alice Springs, Katherine and Tennant Creek.
- (d) At the Sub-Regional level planning studies provide a detailed guide for land use within a region supported by detailed land suitability and infrastructure investigations. Sub-Regional planning includes provision for social infrastructure such as schools, medical centres, post office, library, local courthouse, and police and emergency services headquarters. Associated enabling infrastructure includes sub-arterial roads, wastewater treatment plants, power zone substations and elevated water tanks.
- (e) The Planning Scheme includes Area Plans for urban areas, Litchfield and major remote towns. Enabling infrastructure for a district includes power distribution lines, trunk sewer, water main and collector streets and social infrastructure includes facilities such as a school, football oval, fire station, doctor's clinic and library. Neighbourhood planning is at the level of individual suburbs and streets and requires enabling infrastructure such as power, water, sewerage, communications and local streets. Neighbourhood social infrastructure includes shops, parks and playgrounds.
- (f) The stages in the overall development process are outlined in Figure 3 which indicates that the development of a subdivision, the subject of these Guidelines, is dependent on significant prior enabling works being undertaken before land is development ready.

1.4. WHEN TO USE THESE GUIDELINES

- (a) These Guidelines will apply to the planning, design and construction of all Subdivisions that require consent under the *Planning Act 1999 (NT)*, where these Guidelines are the adopted standard of any Relevant Authority or Regulatory Authority. A list of authorities can be found via the Subdivision Development Guidelines Online Platform.
- (b) The Planning Scheme establishes provisions for the assessment of Development Applications relating to Subdivision, including minimum lot sizes, general layout, the provision of open space etc. and must be read in conjunction with these Guidelines and the requirements of Relevant Authorities. The requirements of the Planning Scheme prevail to the extent of any inconsistency with these Guidelines.
- (c) All subdivisions, whether of zoned or unzoned land, require a Development Permit.
- (d) Common types of Subdivision that occur in the Northern Territory and considered by these Guidelines include:
 - (i) Residential (and mixed use) – subdivisions of predominantly residential lots often developed as planned suburbs, which may include commercial, community and open space lots. Typical zones include Zone FD (Future Development), Zone SD (Single Dwelling), Zone MD (Multiple Dwelling), Zone MR (Medium Density), Zone HR (High Density) and Zone CL (Community Living). May also include non-residential zones such as Zone C (Commercial), Zone TC (Tourist Commercial), Zone CP (Community Purposes) or other zones.
 - (ii) Rural – subdivisions of large rural lots, often located on the fringes of Residential areas. Typical zones include Zone RR (Rural Residential), Zone RL (Rural Living) and Zone R (Rural). May also include other zones such as Zone H (Horticulture) or Zone A (Agriculture).

- (iii) Industrial – subdivisions of large lots serviced to provide for the needs of manufacturing, treatment, storage or processing of goods, equipment and materials. Typical zones include Zone LI (Light Industry), Zone G (General Industry) and Zone DV (Development). May include zones such as Zone SC (Service Commercial) or others.
- (e) To the extent that Development Permit conditions require clearance by, or the construction of any Public Infrastructure to the standards or requirements of, any Relevant Authority or Regulatory Authority, those Authorities will have regard to these Guidelines as well as to the broader context in which the relevant Subdivision is proposed to take place.

1.5. GREENFIELD AND BROWNFIELD SUBDIVISIONS

- (a) Greenfield Subdivisions occur on land that has not previously been developed to any significant extent, typically taking the form of new residential or industrial estates. In the absence of prior development, it is often necessary for the Developer to establish external Public Infrastructure (or headworks) to service the Development Site based on the highest density of land use allowable under the proposed zoning and Planning Scheme. Greenfield Subdivisions typically involve the provision of new streets, pathways, driveways, public open space (where applicable), soft landscaping, stormwater drainage, utility infrastructure (water, wastewater, electrical, communications), and lighting.
- (b) Brownfield Subdivisions typically involve re-subdivision of land that has already been developed and may include the subdivision or consolidation of residential/mixed use, industrial, or rural zoned land. This type of Subdivision often occurs following a successful rezoning application, which allows for a change in land use to facilitate higher density living. Brownfield Subdivisions may therefore require the provision of new or upgraded Public Infrastructure to support the proposed change in land use and density of living.

1.6. SUBDIVISION WORKS INCONSISTENT WITH THESE GUIDELINES

- (a) These Guidelines are not intended to limit innovation and high quality outcomes. Developers are encouraged to engage with the Relevant Authorities and Regulatory Authorities to seek approval for:
 - (i) introducing new elements of Public Infrastructure that provide a demonstrated improvement in terms of environmental impact, amenity, lifespan, efficiency, or cost; and/or
 - (ii) project-specific variations from these Guidelines to address a specific constraint or opportunity.

1.7. VARIATIONS TO THESE GUIDELINES

- (a) As much as possible these Guidelines seek to promote consistency across Relevant Authorities and their jurisdictions. However, there are clear differences between the Relevant Authorities and the jurisdictions in which they operate that necessitate certain variations.
- (b) Variations to these Guidelines and associated documents for each Relevant Authority are set out in Section 14 – Schedule of Variations.
- (c) Relevant Authorities may add to, delete or amend their sections of the Schedule of Variations from time to time by submitting a Request for Variation via the Subdivision Development Guidelines Online Platform.
- (d) Registered Members will be notified of adjustments to Section 14 – Schedule of Variations by email and noticeboard.

1.8. AMENDMENTS TO THESE GUIDELINES

- (a) As circumstances require it from time to time, amendments to these Guidelines may be required to address, among other things:
 - (i) Changes in legal and regulatory requirements;
 - (ii) Changes in community expectations;
 - (iii) Advances in industry best practice;
 - (iv) Adjustments to environmental, economic, and/or social objectives; and
 - (v) Addition or cancellation of Reference Documents.
- (b) Requests for Amendment must be submitted via the Subdivision Development Guidelines Online Platform.

- (c) Amendments can only be sought by Local Government Authorities, the Local Government Association NT (LGANT), NTG Agencies, Service Authorities, Property Council of Australia, the Urban Development Institute of Australia NT (UDIA) and the Civil Contractors Federation NT (CCFNT). Amendments proposed by individuals must be endorsed and submitted by one of the above entities or any other relevant industry representative body.
- (d) Requests for Amendment must be made in respect of the general or global application of these Guidelines, noting that the following requests will not be considered:
 - (i) departures from or variations to these Guidelines on a project-specific basis; and
 - (ii) changes to the standards set out in the Reference Documents, which are the remit of the Relevant Authorities and Regulatory Authorities.
- (e) Registered Members will be notified of adopted Amendments to these Guidelines including associated Reference Documents, Standard Drawings, and Technical Specifications, by email and noticeboard.

1.9. INTERPRETATION

- (a) In These Guidelines:
 - (i) a reference to a person includes a body corporate;
 - (ii) “including” and similar words are not words of limitation;
 - (iii) a reference to a statute or other law includes regulations, by-laws and other instruments under it and consolidations, amendments, re enactments or replacements of any of them;
 - (iv) a reference to any document or instrument not set out in these Guidelines includes any variation or replacement of it;
 - (v) a reference to any document or instrument included in these Guidelines means the document set out in Part 2, Part 3 or Part 4 (as the case may be);
 - (vi) a reference to clauses, sections, parts, annexures or schedules is a reference to the clauses, sections, parts, annexures or schedules of these Guidelines; and
 - (vii) a reference to any authority, association or body whether statutory or otherwise must, if that authority, association or body ceases to exist or is re constituted, re named or replaced or its powers or functions are transferred to any other authority, association or body, be thereafter taken to refer respectively to the authority, association or body established or constituted in its place or as nearly as may be succeeding to its powers or functions.
- (b) Part 1 of these Guidelines is to be read in conjunction with all Reference Documents, Standard Drawings and Technical Specifications. Where there is any inconsistency, conflict, discrepancy, error, or omission between Part 1 of these Guidelines and any Reference Document, Standard Drawing or Technical Specification the Developer must notify the Relevant Authority for direction.

INTEGRATED LAND USE AND

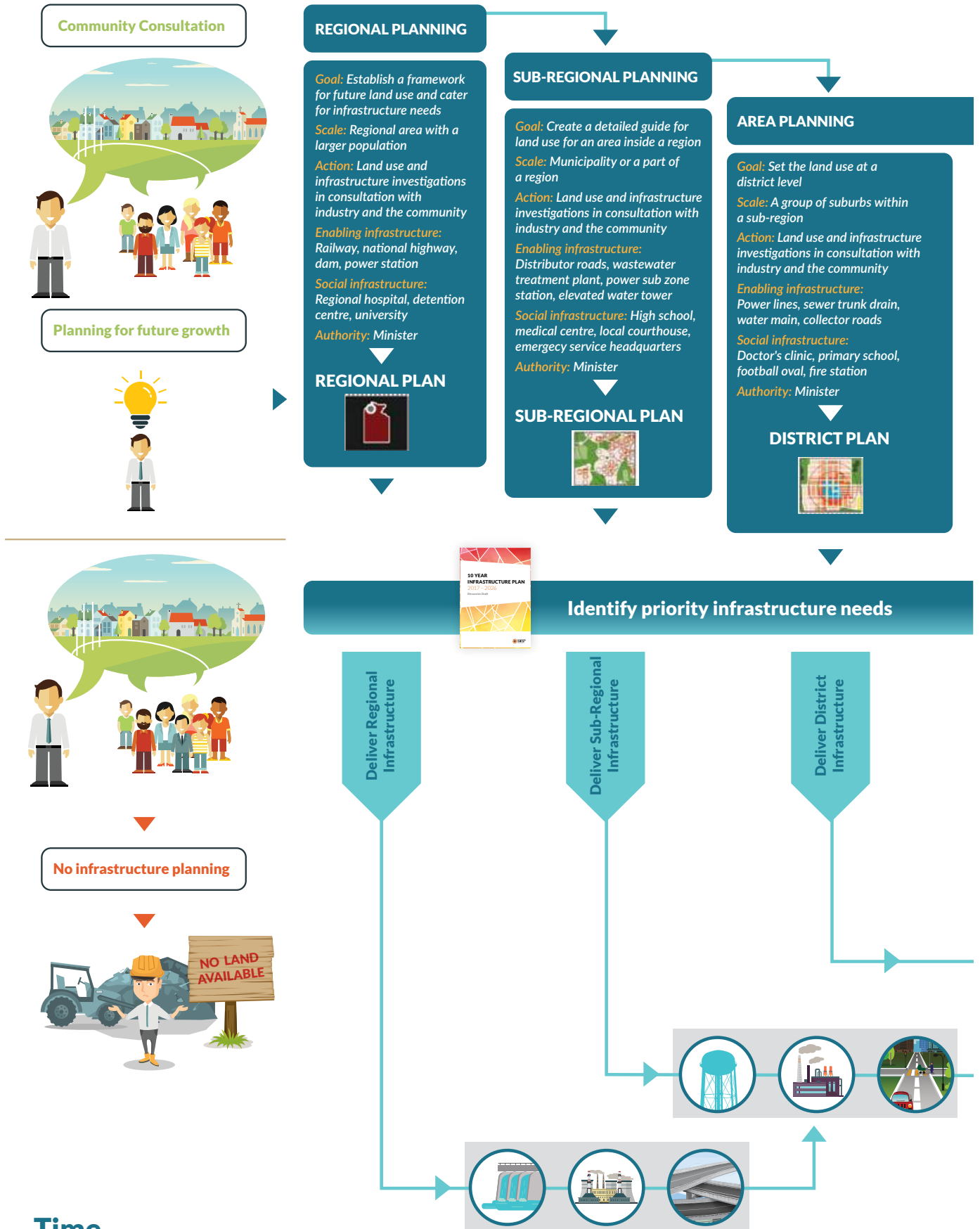


Figure 1 — Integrated Land Use and Infrastructure Planning

INFRASTRUCTURE PLANNING

Goal: Design reticulation services to connect house blocks

Scale: Neighbourhood, suburb and street

Action: Local area network and site design in consultation with industry and the community

Enabling infrastructure: Power, water, sewerage, local roads

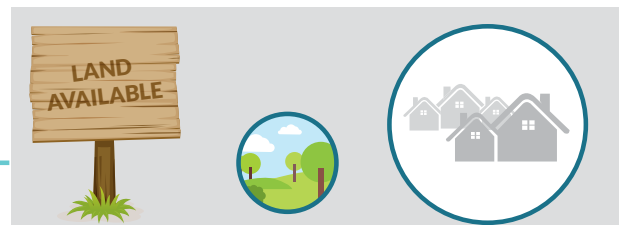
Social infrastructure: Shops, playground, park

Authority: Development Consent Authority

NEIGHBOURHOOD PLAN



Deliver Subdivision infrastructure



Enabling infrastructure

Social infrastructure

POPULATION



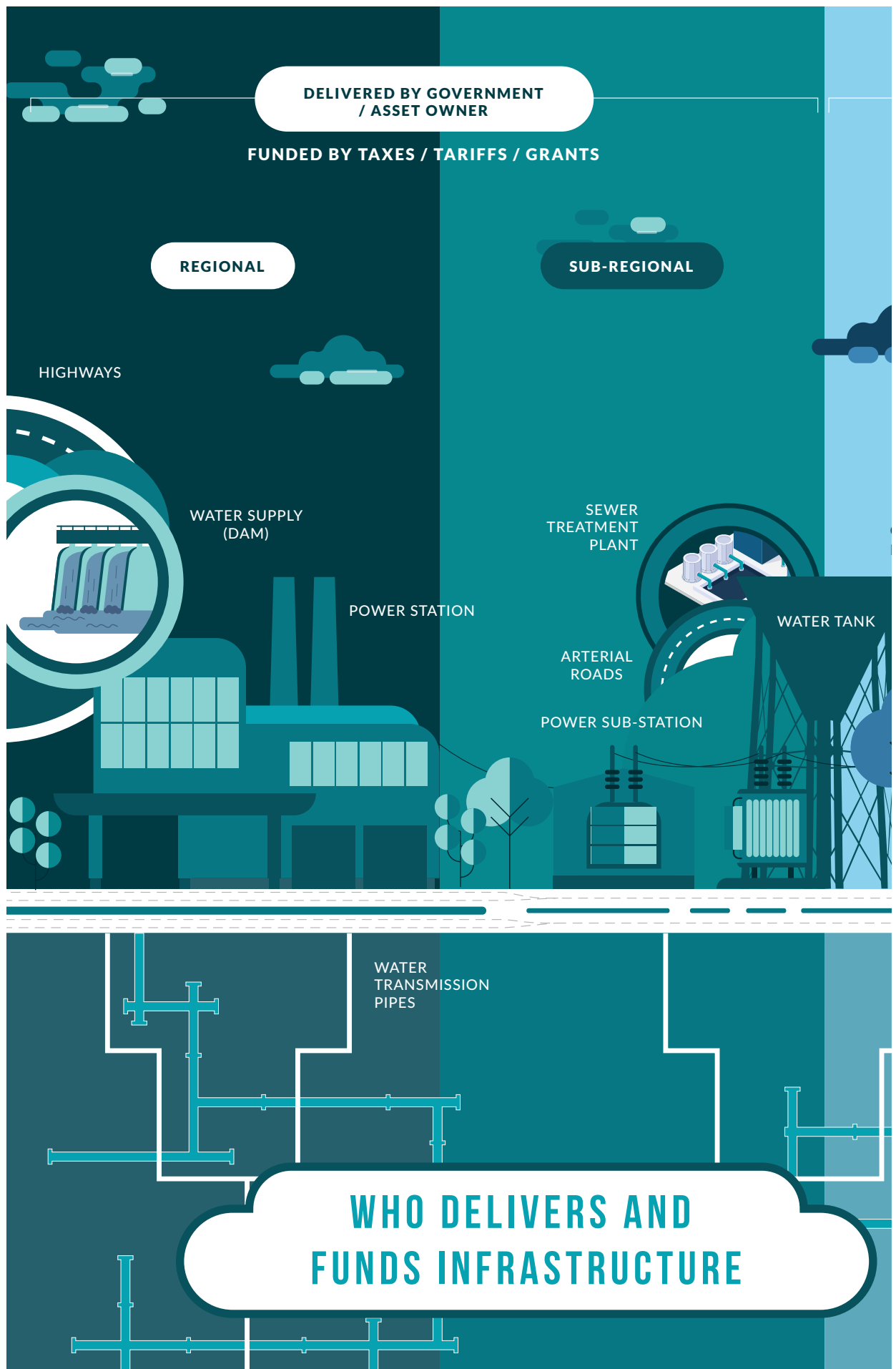
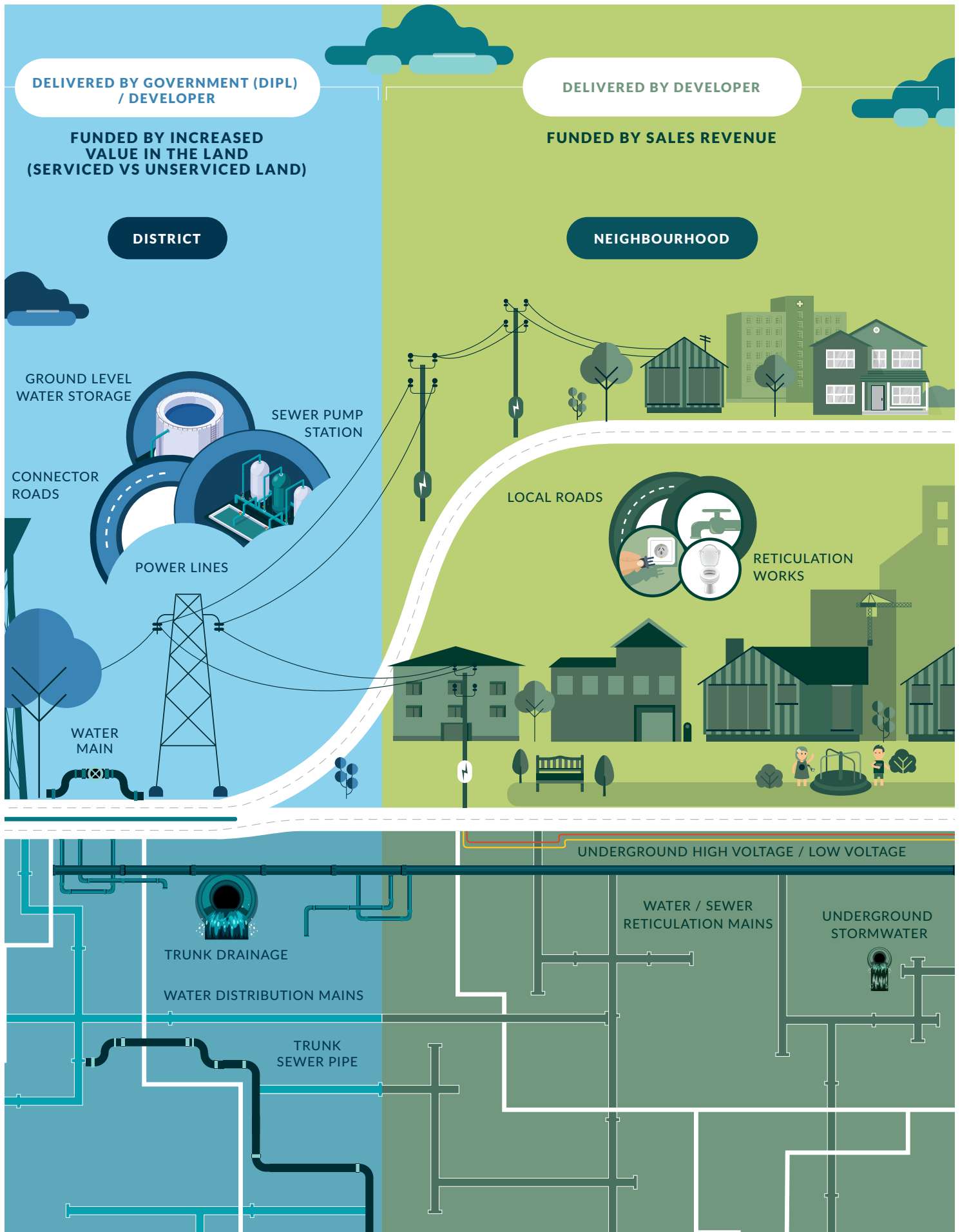


Figure 2 – Infrastructure Delivery and Funding



2. BEST PRACTICE DESIGN IN THE NORTHERN TERRITORY

2.1. SUBDIVISION TYPE AND INFRASTRUCTURE

- (a) Depending on both the Subdivision land use zoning and locality, a Subdivision is expected to meet varying infrastructure requirements. This is nominated via Infrastructure Categories in Table 1. While all best endeavours have been made to provide an exhaustive list of localities, the Relevant Authority should be consulted to confirm applicable Infrastructure Categories where a locality is not listed.
- (b) Typical infrastructure expectations for each Infrastructure Categories are provided in Table 2.

Table 1 – Subdivision Infrastructure Categories

Proposed Land Use Zoning (Refer Planning Scheme for Detail)	Localities (Refer Figure 3)	Infrastructure Categories
Residential / Mixed Use ¹	Darwin, Jabiru, Katherine, Litchfield, Nhulunbuy (Gove), Palmerston	Category A (Set 1)
Industrial	Alice Springs, Tennant Creek	Category A (Set 2)
	Adelaide River, Ali Curung, Alpururulam, Ampilatwaja, Angurugu, Batchelor, Beswick, Borrooloola, Daguragu, Elliott, Galiwinku (Echo Island), Gapuwiyak (Lake Evella), Gunbalanya (Oenpelli), Hermannsburg, Kalkarindji (Wave Hill), Kintore, Lajamanu, Maningrida, Mataranka, Milikapiti (Snake Bay), Milingimbi, Milyakburra (Bickerton Island), Minyerri, Ngukurr, Numbulwar, Papunya, Pine Creek, Raminginning, Santa Teresa, Ti Tree (Pmara Jutunta), Timber Creek, Umbakumba, Wadeye, Wagait, Wurrumiyanga (Nguuu), Yirrkala, Yuendumu.	Category B
	Acacia Larrakia, Amanbidji (Kildirk), Amoonguna, Areyonga, Arlparra, Atitjere (Hart Range), Belyuen, Bulla, Barunga, Binjari, Bulman, Canteen Creek (Owaitilla), Engawala, Eva Valley (Manyallaluk), Finke (Aputula), Gunyangara (Marngarr, Ski Beach), Haasts Bluff (Ikuntji), Imangara (Murray Downs), Imanpa, Jilkminggan (Duck Creek), Kaltukatjara (Docker River), Kybrook Farm, Laramba, Minjilang (Croker Island), Mt Liebig, Nauiyu (Daly River), Newcastle Waters, Nganmarriyanga (Palumpa), Nyirripi, Orrtipa Thurra, Peppimenarti, Pigeon Hole, Pirlangimpi, Rittarangu, Robinson River, Tara, Titjikala, Urlampe, Wallace Rockhole, Waruwi, Weemol, Willowra, Wilora, Wutunugurra (Epenarra), Yarralin, Yuelamu.	Category C
Rural Zones ²	Alice Springs, Darwin, Jabiru, Katherine, Litchfield, Nhulunbuy (Gove), Palmerston, Tennant Creek	Category D
	All other Localities	Category E

1. Mixed Use includes Commercial Zones, Recreation Zones and Other Zones as defined in Part 3 of the Planning Scheme.

2. Rural Residential (RR) allotments residing in Residential / Mixed Use Subdivisions are to be provide with the same infrastructure category as the associated Residential/Mixed Use areas (Category A, B, or C).

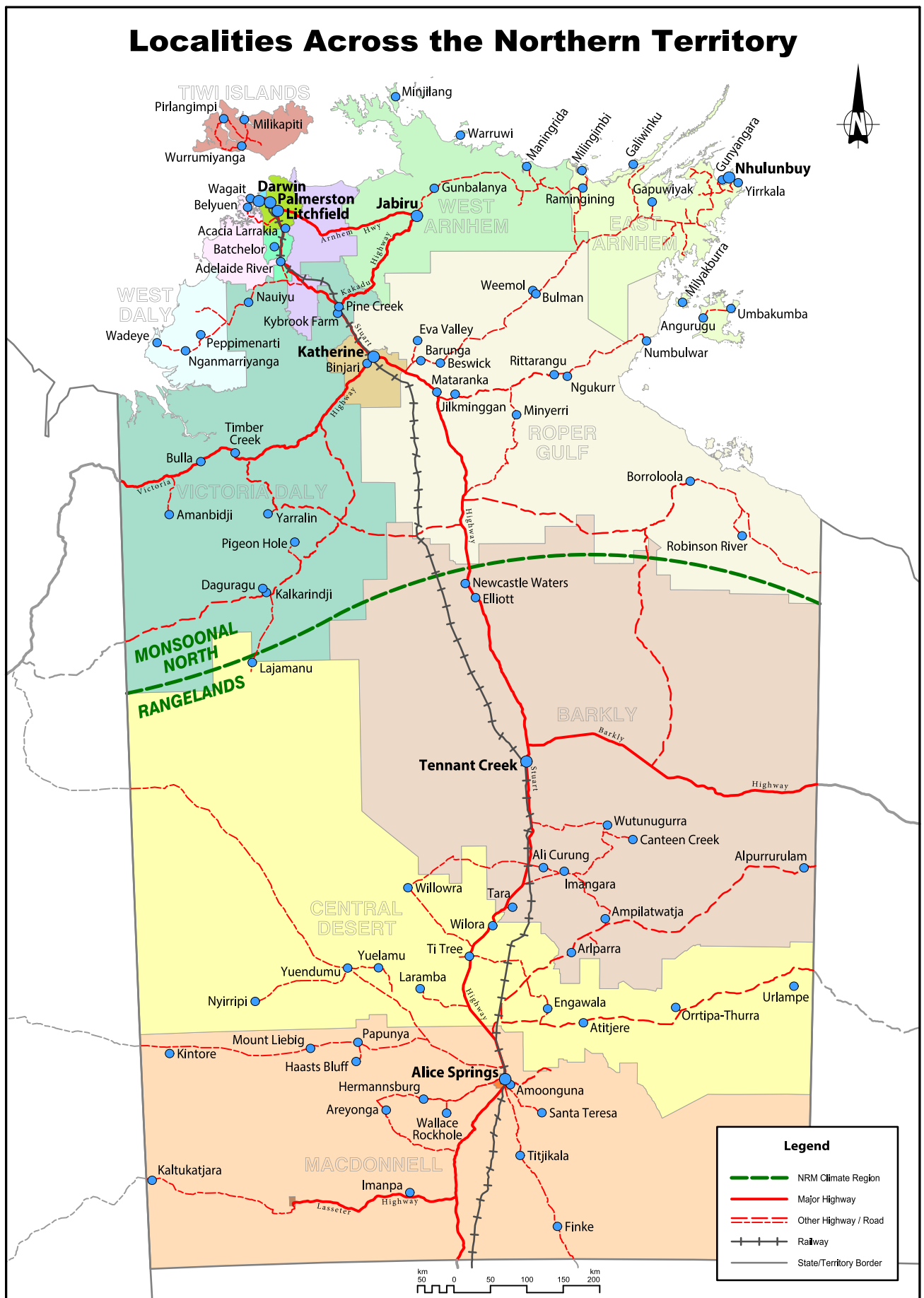


Figure 3 – Localities Across the Northern Territory

Localities Across the Northern Territory: Greater Darwin Region

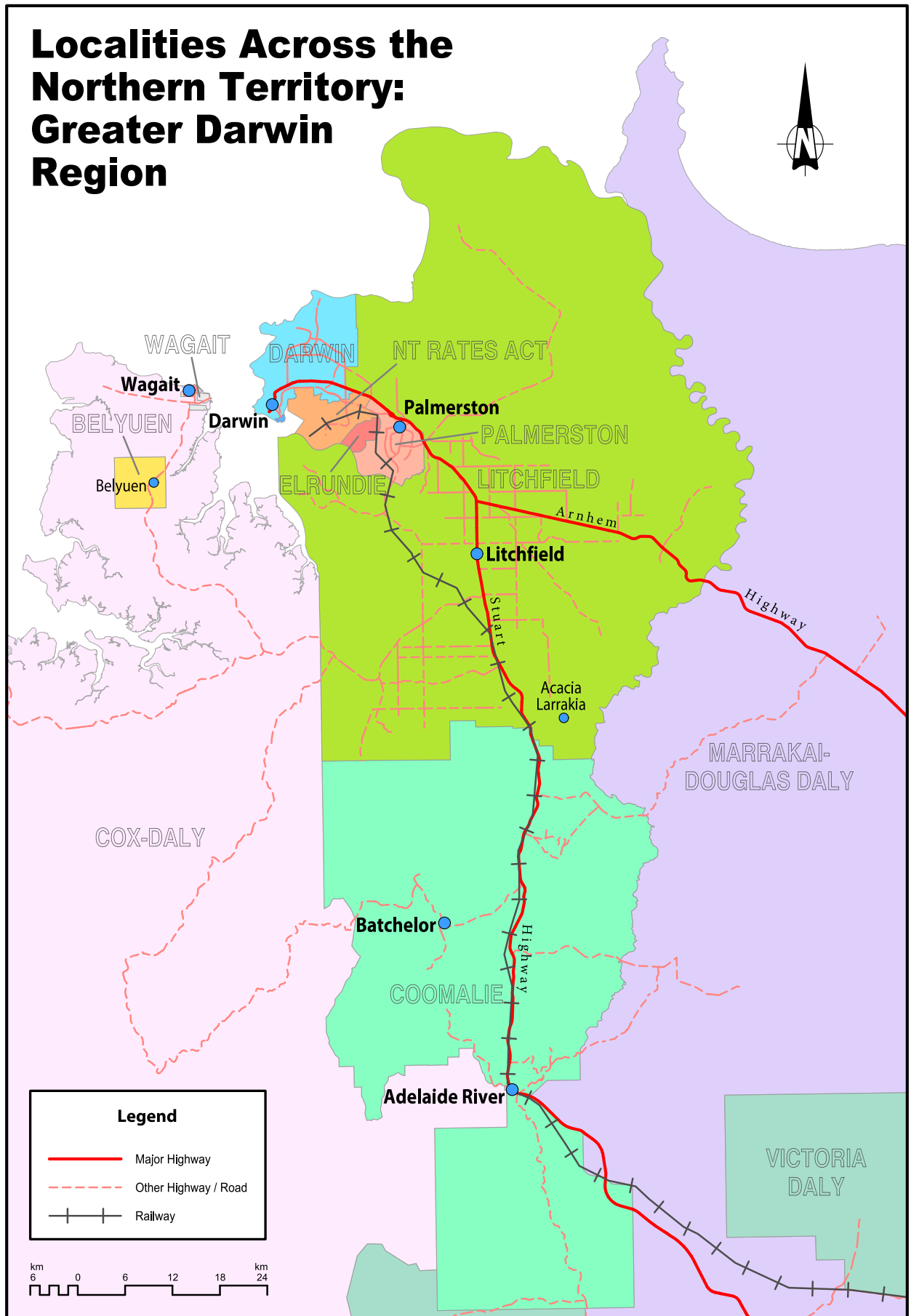


Figure 4 — Localities Across the Northern Territory: Greater Darwin Region

Table 2 – Typical Public Infrastructure Expectations

Public Infrastructure	Infrastructure Categories				
	Category A	Category B	Category C	Category D	Category E
Street Cross-Section	Sealed carriageway. Kerb and gutter. Verges.	Sealed carriageway. Kerb and gutter with table drains. No verges.	Sealed carriageway. Shoulders generally, with kerbing at intersections. Table drains. No verges.	Sealed carriageway. Shoulders. Table drains. No verges.	
Pavement Structure	Fine crushed rock pavement. Asphalt wearing course.	Natural gravel pavement. Spray seal.		Natural Gravel or Fine crushed rock pavement. Spray seal / Asphalt wearing course.	Natural gravel pavement. Spray seal.
Driveways	Concrete	Spray sealed or concrete		Spray sealed or concrete	
Pathways	Concrete footpaths and shared paths	Spray sealed or concrete footpaths	Footpath corridors only ¹	Footpath corridors only	
Public Open Space and Soft Landscaping	Planting and Grassing within Road Reserves. Public Open Spaces, where applicable.	Grassing of streetscape, including batters and table drains. Public Open Spaces, where applicable.		Grassing of streetscape, including batters and table drains.	
Stormwater Drainage	Underground pit/pipe network ³ .	Kerbed discharge into aboveground open drain network.	Aboveground open drain network.	Aboveground open drain network.	
Water Supply	Reticulated water.			Reticulated water where available, otherwise on-site bore.	
Wastewater Management	Reticulated sewer.	Reticulated sewer where available, otherwise on-site wastewater management.			
Electrical	Underground ² .	Overhead.			
Lighting	Street lights with stand-alone poles.	Street lights mounted to overhead power poles.		Flag lighting where required by Relevant Authority.	

1. Footpaths may be required for Infrastructure Category C, subject to local planning objectives.

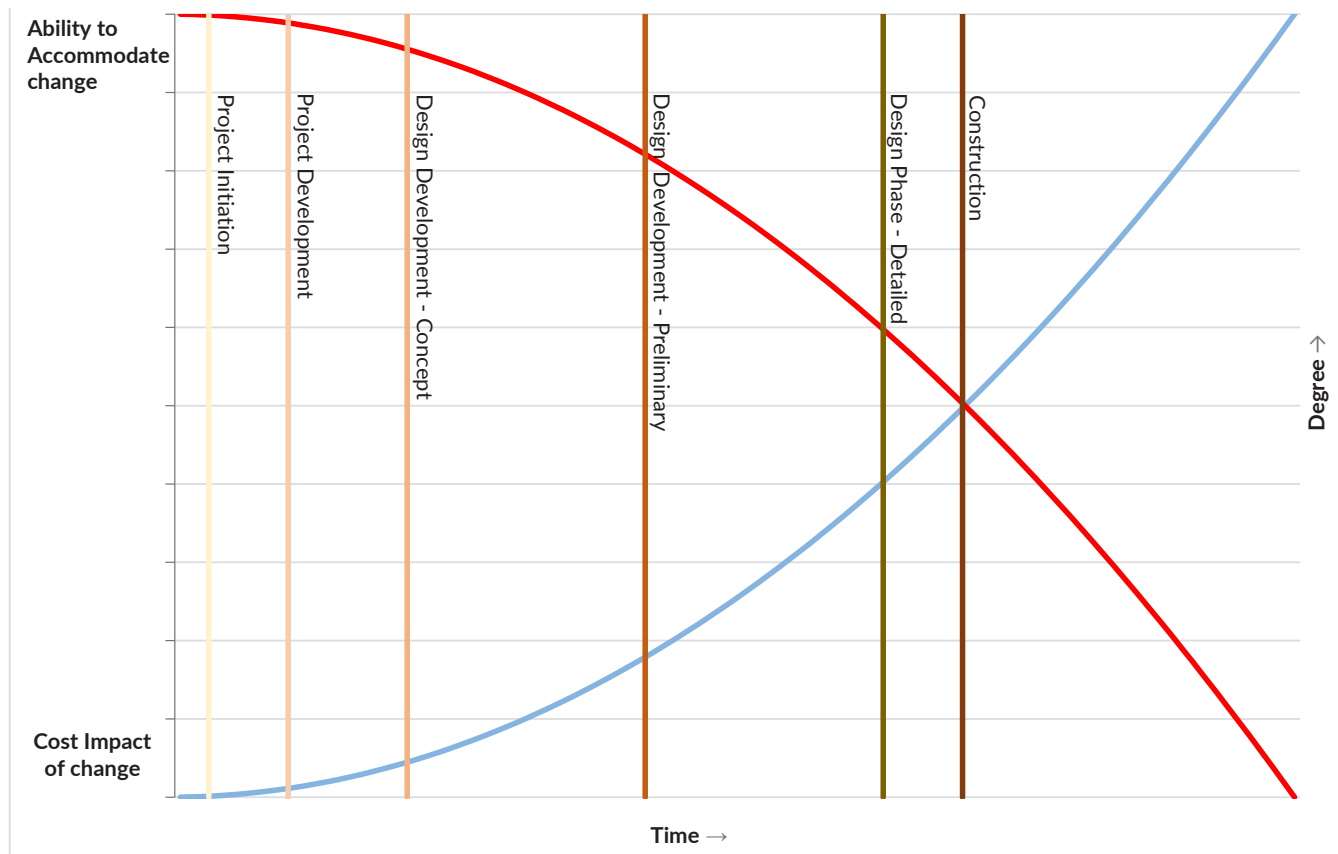
2. Overhead Electrical may be suitable in Industrial Subdivisions, subject to approval by the Relevant Authority.

3. Aboveground open drain networks may be required in some project specific circumstances where topography is very flat, subject to approval by the Relevant Authority.

2.2. DESIGN AND DEVELOPMENT PROCESS

- (a) These Guidelines recommend a pathway for Subdivision design and engagement between Developers and the various Relevant Authorities and Regulatory Authorities. Early engagement with stakeholders allows for identification of the broader context, constraints, opportunities and potential risks which apply to a Subdivision. This early identification allows for changes with minimal impact to cost, meanwhile building confidence between the Developer and the Relevant Authorities about the project outcomes.
- (b) The ability to accommodate design changes without significantly impacting cost is highest at the start of the project and decreases as the project progresses. Figure 5 represents this relationship in reference to the design phases.

Figure 5 – Ability to Accommodate Change vs. Cost Impact of Change



- (c) Table 3 establishes a recommended Subdivision planning, design and approvals process that seeks to provide an increasing level of certainty commensurate with design maturity. The process identifies the increasingly comprehensive investigations required to identify land use constraints and opportunities, and methods to resolve them through engagement with Relevant Authorities and Regulatory Authorities.
- (d) These Guidelines assume that the zoning of the land is appropriate for a proposed Subdivision. Where the zone of the land is not appropriate, an application to rezone will be required and can be considered as a separate application, or as a concurrent application with the Subdivision development proposal. A similar process as outlined at Table 3 below may be considered to prepare a rezoning application to demonstrate the capability of the land to support a proposed rezone.
- (e) Advice on proposals to change land use zones can be provided by Lands Planning at:

Contacts

Address
Level 1, Energy House
18-20 Cavenagh Street, Darwin

Email:
planning.ntg@nt.gov.au

Phone:
(08) 8999 8963

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<p>PROJECT INITIATION</p> <p>Compile all necessary information to make an informed decision about proceeding with a Development Application.</p> <p>It is recommended that the Developer engages a Planner for support with the Subdivision process. The Developer may also book a meeting to get advice from either a Development Assessment Services (DAS) Planner, or the Development Consent Authority (DCA), in relation to preparing an application.</p> <p>Once a decision is made to proceed with a Subdivision, prepare a Draft Subdivision Masterplan and document project constraints, risks and opportunities.</p> <p>It is recommended that the Developer book a Pre-Application Planning Forum meeting to obtain early feedback from various Relevant Authorities and identify potential issues.</p> <p>Milestones:</p> <p>Meet with a DAS Planner or DCA (Optional).</p> <p>Develop a Subdivision Masterplan and supporting documents on project constraints, risks and opportunities.</p> <p>Pre-Application Planning Forum Meeting (Optional).</p>	<p>Prepare a Draft Subdivision Masterplan, as outlined in Section 2.3, including:</p> <ul style="list-style-type: none"> • Existing land use zoning and locality. • Proposed land use, including public open space areas and mixed use precincts. • Proposed Public Infrastructure classification to be adopted (Refer Table 1). • Indicative street network and hierarchy, including planned bus routes. • Indicative stormwater management practices including flow directions and assigned areas for stormwater quality treatment devices. • Indicative servicing arrangements, including identification of existing infrastructure. • Proposed staging of the works (if applicable). • Evidence of compliance with Area Plans provided under the Planning Scheme (if applicable).

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<div data-bbox="165 981 193 1301" data-label="Page-Header">PROJECT DEVELOPMENT</div> <p>Update the Subdivision Masterplan and conduct Subdivision Suitability Assessments.</p> <p>Once the Subdivision Masterplan and Suitability Assessments are completed, it is recommended that the Developer consult with the Relevant Authorities to seek advice on any particular constraints, risks and opportunities. This information can be used to support the Development Application.</p> <p>Prepare a Development Application and submit to Development Assessment Services for conditional approval to proceed with the proposed Subdivision.</p> <p>Prior to submission, it is recommended that the Developer books a Pre-Application Briefing with the Development Consent Authority (DCA) to present the Subdivision proposal and receive feedback. This will help ensure the information provided is relevant and adequate, and minimise delays and formal revision requests later in the assessment process.</p> <p>Once the Development Application is submitted, it will be put on exhibition and distributed to the various Relevant Authorities and Regulatory Authorities for comment which may inform permit conditions. Typically each Relevant Authority will request any works, to be handed over to them, are completed to their satisfaction in accordance with these Guidelines.</p> <p>Once satisfied with the Development Application and comments received, the DCA will issue the Developer with a Development Permit including conditions to be met. This will include 'Conditions Precedent' which need to be signed off prior to commencing construction works, as well as 'General Conditions' which must be met to facilitate Part V Clearance.</p> <p>Milestones:</p> <ul style="list-style-type: none"> Subdivision Masterplan updated. Subdivision Suitability Assessments completed. Pre-Application Briefing held (optional). Development Application submitted. Development Permit issued, with listed Conditions imposed upon the Subdivision. 	<p>Conduct Subdivision Suitability Assessments, as outlined in Section 3, considering:</p> <ul style="list-style-type: none"> • Land Suitability • Environmental Risk • Aboriginal Areas Protection Authority (AAPA) certificates • Heritage Assessments • Contaminated Land • Biting Insect Constraints • Land Use Separation Zones • Wellhead Protection Zones • Pre-feasibility Infrastructure Capacity Assessment <p>Update Subdivision Masterplan, as outlined in Section 2.3. In addition to the information presented in the project initiation phase, the Draft Subdivision Masterplan must include:</p> <ul style="list-style-type: none"> • Site constraints imposed by Subdivision Suitability Assessments and how they have been considered/ addressed. • Refined street network and hierarchy design, supported by a separate Traffic Impact Assessment/Statement if applicable (Refer Section 4.3). Identify the following: <ul style="list-style-type: none"> ◦ bus routes/stops and associated catchment areas; ◦ emergency/service vehicle access provisions or limitations; ◦ allotment access arrangements; ◦ formalised parking; and ◦ footpath / shared path networks. • Refined extent of Open Space and Landscaping provisions, supported by a separate Public Open Space Masterplan if applicable (Refer Section 5.2). • Refined stormwater drainage layouts, supported by a separate Part 1 Stormwater Management Plan (Refer Section 7.1.1). • Proposed servicing arrangements, supported by a separate Servicing Strategy Report, including: <ul style="list-style-type: none"> ◦ Concept Master Services Plans, with proposed easements/reserves and Authorised Connections; ◦ Scope of headworks required, as agreed with the Relevant Authorities; ◦ Identification of design basis/criteria, assumptions, modelling methodology and boundary conditions including allowances for future development and redundancies; and ◦ Identification of the need and scope for detailed site investigations to support servicing designs.

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<p>DESIGN DEVELOPMENT - CONCEPT</p> <p>Advance documentation to a “concept” design. Consult with the Relevant Authorities and Regulatory Authorities to confirm the design basis and scope of work to be undertaken, including review of associated project constraints, risks and opportunities.</p> <p>Where possible, Development Permit conditions should be progressively signed off with Clearance Letters issued from the Relevant Authorities and Regulatory Authorities.</p> <p>Milestones:</p> <p>Consultation with Relevant Authorities to discuss Development Permit conditions and agree on a design basis and scope of work to be undertaken.</p> <p>Clearance Letter(s) obtained for Development Permit Conditions progressively.</p> <p>Concept Design Documentation complete.</p>	<p>Concept street network and hierarchy design in response to Relevant Authority review and addressing TIA recommendations.</p> <p>Concept pedestrian/cycle routes, including proposed pathway widths and provisions for high activity areas (schools/commercial/activity centres etc.)</p> <p>Concept public open space strategies and soft landscaping treatments, including CPTED strategy measures integrated / implemented.</p> <p>Concept stormwater design layouts and details, supported by a separate Part 2 Stormwater Management Plan (Refer Section 7.1.2).</p> <p>Concept utilities and lighting servicing plans, including identification of design criteria, assumptions, and modelling methodology.</p>
<p>DESIGN DEVELOPMENT - PRELIMINARY</p> <p>Advance design documentation to a “Preliminary” design.</p> <p>It is recommended that the Developer seeks informal advice and comments from Relevant Authority(s) and Regulatory Authority(s) on progression of design to resolve emerging issues.</p> <p>Where possible, Development Permit conditions should be progressively signed off with Clearance Letters issued from the Relevant Authorities and Regulatory Authorities.</p> <p>It is recommended that the Developer commences enquiry with the Place Names Committee for the naming of places and/or streets.</p> <p>Milestones:</p> <p>Consultation with Relevant Authorities to progressively agree on design decisions and resolve any emerging issues (optional).</p> <p>Clearance Letter(s) obtained for Development Permit Conditions progressively.</p> <p>Preliminary Design Documentation complete.</p> <p><u>Note:</u> A formal preliminary design milestone may not be required for all Subdivisions, depending on the context. However, it is recommended that the steps outlined be followed for all Subdivisions.</p>	<p>Preliminary engineering design drawings for all streets, stormwater drainage/quality, utilities and lighting servicing works including advanced plans, cross-sections, details and levels.</p> <p>Landscaping design drawings for all public open spaces and community Public Infrastructure including parks, playgrounds and other equipment, shade structures footpaths / cycle paths etc.</p> <p>Preliminary Design Report detailing all design parameters and outcomes to ensure the requirements of all Relevant Authorities and Regulatory Authorities are met.</p> <p>The naming of a place or street under the <i>Place Names Act 1967 (NT)</i> is administered by the Place Names Committee. A request to name places or streets should comprise:</p> <ul style="list-style-type: none"> • a subdivision plan identifying streets and corresponding names • the history of each name • Commemoration Request Form for names of deceased persons (if required); and • support from the local authority. <p>Further detail is available at www.placenames.nt.gov.au.</p>

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<p>DESIGN DEVELOPMENT - DETAILED</p> <p>Advance design documentation to a “Detailed” design and obtain Certification from the Certifying Engineer(s).</p> <p>Once design documentation is complete and Certified, the Developer must submit the documentation to the Relevant Authority(s) and Regulatory Authority(s) for a detailed review.</p> <p>Where possible, Development Permit conditions should be progressively signed off with Clearance Letters issued from the Relevant Authorities and Regulatory Authorities.</p> <p>Milestones:</p> <p>Consultation with Relevant Authorities to progressively agree on design decisions and resolve any emerging issues (optional).</p> <p>Clearance Letter(s) obtained for Development Permit Conditions progressively.</p> <p>Detailed Design Documentation completed, Certified and submitted to the Relevant Authority(s) and Regulatory Authority(s) for detailed review.</p>	<p>Detailed Design Documentation must include drawings, technical specifications and Design Reports including calculations and modelling data to the satisfaction of the Relevant Authority(s) and Regulatory Authority(s).</p> <p>The scope of design documentation to be developed must meet the minimum requirements of Section 2.4 “Detailed Design Documentation Requirements”.</p>
<p>DESIGN DEVELOPMENT - APPROVALS</p> <p>Consider and address comments received from the detailed design development phase reviews. Where Detailed Design Documentation is amended, it must be Certified by the Certifying Engineer(s) and resubmitted for final ‘Permission to Use’ as outlined in Section 2.5 “Review and Approval Process”.</p> <p>Where possible, Development Permit conditions should be progressively signed off with Clearance Letters issued from the Relevant Authorities and Regulatory Authorities.</p> <p>Milestones:</p> <p>Design Documentation completed.</p> <p>When satisfied, the Relevant Authority and/or Regulatory Authority(s) will provide permission to use the documentation for construction, subject to any conditions required.</p> <p>Clearance Letter(s) obtained for Development Permit Conditions progressively.</p>	<p>Final Design Documentation must be presented to the Relevant Authority and/or Regulatory Authority(s), accompanied by a letter from the design consultant summarising the changes requested and how those changes have been incorporated.</p> <p>Once Stormwater and Landscaping designs have been approved by the Relevant Authority(s), and where required by the Development Permit, submit an Erosion and Sediment Control Plan detailing mitigation and management plans for the construction and post-construction phases.</p>

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<p>CONSTRUCTION PRELIMINARIES</p> <p>Prior to commencing works on site, all Conditions Precedent must be addressed with Clearance Letters issued by the Relevant Authorities and Regulatory Authorities.</p> <p>Following receipt of all design approvals and prior to commencement of construction works, the Developer must prepare a series of plans for approval by the Relevant Authority(s).</p> <p>The Developer must also hold a pre-commencement meeting with all Relevant Authority(s) to address key issues.</p> <p>Milestones:</p> <p>Clearance Letter(s) obtained for all Development Permit Conditions Precedent.</p> <p>Developer obtains all necessary approvals and permits from Relevant Authority(s).</p> <p>Commencement of Construction.</p>	<p>A Dilapidation Report must be prepared to assess the condition of existing Public Infrastructure.</p> <p>All necessary insurances must be obtained, as required by the Relevant Authority.</p> <p>The following plans must be submitted as a minimum:</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan, including Erosion and Sediment Control Plan (Refer Section 7.10.3). • Weed Management Plan, including pre-construction survey of declared weeds, identified management actions, and weed spread prevention measures. • Construction Traffic Management Plans addressing parking, construction access, vehicle routes and restrictions etc. • Traffic Management Plans, including Permit(s) to Work in Road Reserves. • Safety Management Plans • Inspection and Test Plans <p>A Community Consultation Plan may also be required.</p>
<p>CONSTRUCTION</p> <p>Construction activities commence. Developer to obtain all necessary permits, approvals and clearances for each component of the Development Works as works progress.</p> <p>Developer must undertake all Process and Conformance Testing, as per approved Inspection Test Plan(s).</p> <p>Milestones:</p> <p>Inspection Points signed off.</p> <p>Construction Works Complete.</p>	<p>Provide no less than 48 hours' notice to Relevant Authority(s) and Certifying Engineer for Inspection Points, as identified in the Standard Specification for Subdivisions (Refer Part 4).</p> <p>Provide 10 Business Days prior written notice of the date upon which the Developer estimates it will complete construction of each component of the Development Works intended to be handed over to that Relevant Authority.</p>
<p>PRACTICAL COMPLETION</p> <p>The works have been completed in accordance with the requirements of all laws and approvals, these Guidelines, all relevant Base Standards, and the requirements of any Relevant Authority and/or Regulatory Authority.</p> <p>The Developer submits Practical Completion documentation to the Relevant Authority(s).</p> <p>The Relevant Authority(s) undertake an inspection of the completed works, to determine Practical Completion has been achieved.</p> <p>The Developer issues Security Bond(s) to the Relevant Authority(s).</p> <p>Milestones:</p> <p>Practical Completion Letter(s) and Clearance Letter issued by each Relevant Authority(s).</p> <p>Commencement of Defects Liability Period.</p>	<p>Practical Completion documentation to include:</p> <ul style="list-style-type: none"> • Completion Certificate, including certificates of compliance; • Construction report, including CCTV Inspection of underground stormwater networks; • As-constructed drawings in PDF and AutoCAD Format, including As-Constructed Survey files identifying all works as-constructed including depth and position of underground services; • Register of non-conformances and changes from the approved design, including evidence of Certification by the Certifying Engineer and approval by the Relevant Authority. • Register of assets to be handed over, including Construction Cost and Dilapidation Reports; and • All manuals, warranties and other documents required for the use, operation and maintenance of all services and systems forming part of the Development Works. <p>Issue Security Bond(s) to Relevant Authority(s).</p>

Table 3 – Design, Construction and Handover Process

GUIDANCE NOTES	TYPICAL DETAIL
<p>LAND TITLES</p> <p>Developer to apply to Development Assessment Services (DAS) for Part V approval. Developer to apply to Land Titles Office for concurrence of Survey Plans and associated Land Titles.</p> <p>Developer to apply to Surveyor General's Office for approval of the Survey Plans.</p> <p>Milestones:</p> <p>Part V Clearance issued by DAS.</p> <p>Land titles issued by Land Titles Office.</p> <p>Approved Survey Plan(s) issued by Surveyor General's Office.</p>	<p>Provide Clearance Letter(s) from each Relevant Authority. Provide approved Survey Plan(s) and relevant Land Titles Office forms.</p>
<p>DEFECTS LIABILITY PERIOD</p> <p>Developer is responsible for maintenance of Soft Landscaping and rectifying any Defects associated with all of the Development Works for the nominated Defects Liability Period.</p> <p>Milestones:</p> <p>Completion of Defects Liability Period.</p>	<p>Maintain Landscaping Works in a healthy condition for the associated Defects Liability Period.</p> <p>Developer to repair, replace or otherwise make good any Defect(s) which occur during the Defects Liability Period in respect of each component of the Development Works.</p>
<p>HANDOVER</p> <p>Upon completion of the Defects Liability Period, including any extensions applied due to rectification works undertaken, Developer to apply for handover to the Relevant Authority(s). Relevant Authority(s) to undertake a Final Inspection to confirm there are no outstanding Defects.</p> <p>Milestones:</p> <p>Relevant Authority(s) accepts Handover of the Development Works.</p> <p>Relevant Authority(s) release Security Bond(s) to Developer.</p>	<p>Nil.</p>

2.3. SUBDIVISION MASTERPLAN

- (a) The Developer must prepare a Subdivision Masterplan and submit it with each Development Application.
- (b) For staged Subdivisions, the Subdivision Masterplan must:
 - (i) identify proposed staging and the extent of Public Infrastructure to be provided within each stage; and
 - (ii) be updated with each completed stage to reflect the Public Infrastructure constructed and required amendments to future stages.
- (c) A Subdivision Masterplan provides a central document for integrated planning and design of Public Infrastructure including streets and pathways, public open space and soft landscaping, stormwater drainage, lighting and utilities. It is also used to establish the context of the Subdivision with respect to its relationship with existing Public Infrastructure and/or planned development areas surrounding the Development Site.
- (d) The objectives of the Subdivision Masterplan are to ensure:
 - (i) compliance with requirements of the Planning Scheme and these Guidelines;
 - (ii) adequate information is provided during project initiation and project development phases to identify potential issues as early as practicable, and aid ease of assessment for proposed Subdivisions;
 - (iii) Subdivisions provide effective and economical Public Infrastructure that integrates well with existing and/or planned regional Public Infrastructure;
 - (iv) External Works are planned and delivered to service the full regional development potential to avoid future rework; and
 - (v) Subdivisions are appropriately planned to manage interfaces between stages and/or external Development Sites in a coordinated, safe and efficient manner.
- (e) The Subdivision Masterplan must include:
 - (i) Existing land use zoning and locality.
 - (ii) Proposed land use, including public open space areas and mixed use precincts.
 - (iii) Proposed Public Infrastructure classification to be adopted (Refer Table 1).
 - (iv) Site constraints imposed by Subdivision Suitability Assessments and how they have been considered and addressed.
 - (v) Street network and hierarchy, including:
 - (A) bus routes/stops and associated catchment areas;
 - (B) emergency/service vehicle access provisions or limitations;
 - (C) allotment access arrangements;
 - (D) formalised parking;
 - (E) footpath/shared path networks; and
 - (F) connectivity of streets and pathways with existing/proposed Public Infrastructure surrounding the Development Site.
 - (vi) Open Space and Soft Landscaping provisions, supported by a separate Public Open Space Masterplan if applicable (Refer Section 5.2).
 - (vii) Stormwater management practices including catchments, flow directions and assigned areas for stormwater quality treatment devices.
 - (viii) Proposed Servicing arrangements, including identification of existing Public Infrastructure and scope of External Works required.
 - (ix) Proposed staging of the works (if applicable).
 - (x) Evidence of compliance with Area Plans provided under the Planning Scheme (if applicable).
- (f) The Subdivision Masterplan must demonstrate how the Developer intends to resolve issues arising from:
 - (i) the Developers objectives;
 - (ii) Site Suitability Assessments (Refer Section 3);
 - (iii) these Guidelines; and
 - (iv) Statutory/Regulatory requirements.

2.4. DETAILED DESIGN DOCUMENTATION REQUIREMENTS

- (a) All engineering documents must be submitted for a detailed review to the Relevant Authority(s) and/or Regulatory Authority(s), as applicable. All Design Documentation must be presented in accordance with current standard engineering practice and provide evidence of having been Certified by a Certifying Engineer to comply with all laws and approvals, these Guidelines, all Base Standards and any other relevant documentation.
- (b) The documents submitted for review must include the items identified under Section 2.4.1, unless otherwise agreed with the Relevant Authority(s) and/or Regulatory Authority(s) that certain documents are not applicable due to project-specific context.

2.4.1. DOCUMENTS TO BE SUBMITTED

- (a) Site investigation reports, including the following as a minimum:
 - (i) Land Suitability Assessment
 - (ii) Environmental Risk Assessment
 - (iii) AAPA Certificates / Clearances
 - (iv) Engineering Survey / Service Locations
 - (v) Geotechnical Investigation
 - (vi) Traffic Impact Assessment
 - (vii) Infrastructure Capacity Assessments
- (b) Detailed design drawings, including the following as a minimum:
 - (i) Locality plan and index of drawings
 - (ii) Proposed allotment plans, illustrating zones, lot sizes and building setbacks
 - (iii) Proposed access management plans, illustrating safe and clear access/crossover locations and extents
 - (iv) Site grading plans, illustrating contours before and after the development
 - (v) Street set out plans, longitudinal sections, cross sections, and intersection details
 - (vi) Stormwater drainage set out plans and longitudinal sections, illustrating catchment boundaries, hydraulic grade lines, subsoil drainage, allotment drainage provisions, major storm (1% AEP) controls, easements/reserves, lawful point(s) of discharge, and discharge to natural environment
 - (vii) Erosion and Sediment Control Plans
 - (viii) Landscaping Plans, including shared paths/footpaths, pedestrian linkages, park furniture, and recreation equipment
 - (ix) Irrigation Plans
 - (x) Water supply plans
 - (xi) Sewerage plans
 - (xii) Power supply (HV/LV) plans, including single line diagrams
 - (xiii) Street and public open space lighting plans
 - (xiv) Master services plans, showing staging (where applicable)
- (c) Specifications in the form of Project Specific Requirements, if required to supplement the Standard Specification.
- (d) Design Reports, including the following as a minimum:
 - (i) A summary of all design aspects describing the intent, criteria, assumptions, and considerations involved in the design.
 - (ii) Confirmation of compliance with the requirements of these Guidelines, specifically identifying any aspects of the development where the criteria set out in these Guidelines have not been met, including detailed reasons for varying from these Guidelines.
 - (iii) Detailed calculations for all Public Infrastructure including but not limited to traffic management, streets, pathways, pavements, stormwater drainage, stormwater quality, erosion and sediment control, utilities and lighting.
- (e) Design of the following subjects must be addressed in one or more Design Report(s), submitted to the Relevant Authority(s) for approval:
 - (i) Development and Suitability Assessments
 - (ii) Earthworks Design

- (iii) Stormwater Drainage Design, including:
 - (A) Design Basis
 - (B) Catchment Plans
 - (C) Hydrological Modelling Inputs/Outputs and Calculations
 - (D) Hydraulic Modelling Inputs/Outputs and Calculations
 - (E) Impacts on External Catchments
 - (F) Drainage Easements / Reserves
 - (G) Drainage infrastructure for minor/major stormwater management, including allotment drainage provisions and subsoil drainage
 - (H) Flow paths, extents and depths for the Major (1% AEP) Storm Event
 - (I) Flow Attenuation Devices
 - (J) Authorised Connections / Discharge to the Natural Environment
 - (K) Stormwater Quality Management
 - (L) Water Sensitive Urban Design
 - (M) Erosion and Sediment Control
- (iv) Streets and Pathways Design
 - (A) Traffic Impact Assessment
 - (B) Street Network Design
 - (C) Geometrical Street Design
 - (D) Turn Path Diagrams
 - (E) Shared Paths and Footpaths
 - (F) Driveways / Access Points
 - (G) Noise Attenuation
 - (H) Pavement Design
 - (I) Traffic Control Devices
 - (J) Street Furniture
 - (K) Road Safety Audits
- (v) Landscaping, Open Space and Irrigation Design
- (vi) Street and Park Lighting Design
- (vii) Water
- (viii) Wastewater
- (ix) Electrical
- (x) Communications
- (xi) Lighting for both Road Reserves and Public Open Space
- (xii) Structural Design, including entrance statements, retaining walls, park furniture, shade structures etc.
- (xiii) CPTED and Safety in Design, including hazards identified and mitigation measures adopted.

2.5. REVIEW AND APPROVAL PROCESS

- (a) The Developer must consult with the Relevant Authority(s) and Regulatory Authority(s) to confirm specific requirements relating to required forms, fees, time frames and submission requirements including required documentation formats.
- (b) The Relevant Authority(s) and Regulatory Authority(s) will review all the submitted Design Documentation and provide comments which must be considered and addressed in the final Design Documentation.
- (c) Final Design Documentation must be presented to the Relevant Authority and/or Regulatory Authority(s), accompanied by a letter from the Certifying Engineer summarising changes undertaken since the initial review.
- (d) When satisfied, the Relevant Authority and/or Regulatory Authority(s) will provide permission to use the Design Documentation for construction, subject to any conditions required. Permission to use Design Documentation for construction does not imply that the Relevant Authority and/or Regulatory Authority(s) accepts any responsibility for the technical adequacy of the Design Documentation. The Developer is accountable and responsible for the adequacy of the Design Documentation.

3. SUBDIVISION SUITABILITY ASSESSMENTS

- (a) This section covers assessments to be undertaken prior to commencing the civil design of a subdivision.
- (b) The complete analysis of the Development Site is critical to identify opportunities and constraints of a site and determine the development capability.

3.1. LAND SUITABILITY ASSESSMENT

- (a) Land Suitability Assessment is the consideration of land constraints to determine the most suitable economic use of land while also reducing potential environmental and social risks. The Planning Scheme requires a land suitability assessment addressing the Northern Territory Land Suitability Guidelines for proposals to subdivide rural land, unzoned land and lots of 1ha or greater.
- (b) A Land Suitability Assessment addresses:
 - (i) drainage;
 - (ii) on-site wastewater management;
 - (iii) erosion risk;
 - (iv) soil salinity;
 - (v) soil contamination;
 - (vi) acid sulfate soils;
 - (vii) storm tide/surge flooding; and
 - (viii) riverine flooding.
- (c) More detailed requirements on storm surge and riverine flooding as it relates to Subdivisions is covered under Section 7. Stormwater Drainage.

3.2. ENVIRONMENTAL RISK ASSESSMENT

- (a) The NT Environment Protection Authority (NT EPA) is responsible for regulating Environmental Impact Assessment (EIA) of proposed developments in the NT under the *Environmental Assessment Act 1982 (NT)*.
- (b) EIA processes are defined by the subordinate Environmental Assessment Administrative Procedures (the Procedures), and are administered by the Environment Division (of the Department of Environment and Natural Resources) for the NT EPA. The *Guide to the Environmental Impact Assessment Process in the Northern Territory* (Refer Part 2) provides guidance on the process.
- (c) The primary purpose of the EIA process is to provide for appropriate examination of proposed projects that may cause significant environmental impact. The EIA process provides Government, Developers and public stakeholders with the information needed to consider and make decisions on matters that could significantly affect the environment. It enables environmental issues to be considered in a balanced way with other aspects involved in determining the acceptability of a proposed action. It ensures that unnecessary and unacceptable harm to the environment can be avoided. The EIA process helps ensure that potential environmental impacts and potential risks are addressed at an early stage early in the planning and design of a proposed action, and proposals are designed in accordance with the principles of ecologically sustainable development.
- (d) The *Environmental Assessment Act 1982 (NT)* applies to public and private projects including environmentally significant land uses and development decisions. The requirement for EIA may also apply in situations where a project, previously the subject of assessment, is subsequently altered in such a way that is likely to result in a significant effect on the environment.
- (e) The Developer must undertake an Environmental Risk Assessment (ERA) in accordance with the *Environmental Risk Assessment Subdivision Guidelines* (Part 2).
 - (i) The Developer must identify environmental values for the Development Site and assess what environmental risks result from the proposed Subdivision design. Where the Subdivision design is unable to mitigate risks to environmental values, the Developer must undertake a formal ERA.
 - (ii) An ERA is undertaken to identify the key environmental issues with the Subdivision. The risk assessment process is the initial step in demonstrating compliance with the *Environmental Assessment Act 1982 (NT)*.

- (f) Where risks in the ERA cannot be mitigated to “low”, a Notice of Intent is to be prepared and submitted to the NT EPA in accordance with *Referring a Proposal to the NT EPA* (Part 2). Referral criteria for Subdivisions are defined in *Environmental Assessment Guidelines - When a Notice of Intent is not required for development proposals under the Planning Act* (Part 2). The NT EPA will decide whether a detailed Environmental Impact Assessment is required under the *Environmental Assessment Act 1982* (NT).

3.3. ABORIGINAL AREAS PROTECTION AUTHORITY CERTIFICATE

- (a) The Regulatory Authority in relation to the protection of Aboriginal Sacred Sites and the issue of Authority Certificates under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) is the Aboriginal Areas Protection Authority (AAPA).
- (b) All Sacred Sites in the NT are protected by the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) as well as the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), both of which create offences and penalties for entering on, remaining on, damaging or desecrating Sacred Sites.
- (c) AAPA is an independent statutory authority established under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) to keep records in respect of, oversee the protection of, and issue Authority Certificates in relation to works on, near, or which could otherwise affect, Aboriginal Sacred Sites across the Territory.
- (d) Anyone proposing to use or work on land in the Northern Territory may apply to AAPA for an Authority Certificate to cover their proposed activities. Authority Certificates are based on consultations with custodians and provide clear instructions on what can and cannot be done in and around Sacred Sites.
- (e) Authority Certificates are voluntary, but an Authority Certificate provides a statutory indemnity against prosecution in relation to the works or uses covered by the Authority Certificate, provided the applicant complies with any conditions imposed to protect Sacred Sites.

3.4. HERITAGE

- (a) The Regulatory Authority in relation to heritage objects and sites, and the Heritage Register is Department of Tourism and Culture (Heritage Branch).
- (b) The Heritage Branch within the Department of Tourism and Culture administers the *Heritage Act 2011* (NT), the NT Heritage Register and the NT Archaeological Sites Database.
- (c) All Aboriginal and Macassan archaeological sites and objects are automatically protected under the *Heritage Act 2011* (NT). The *Heritage Act 2011* (NT) also protects other places and objects that have been declared a heritage place or heritage object in accordance with the Act.
- (d) All Developers must comply with the *Heritage Act 2011* (NT) and in doing so, should conduct of search of the Heritage Register and contact the Heritage Branch prior to commencing any works, whether on greenfield or infill Development Sites for advice on:
 - (i) whether there are any known Aboriginal or Macassan archaeological places or objects on or in the vicinity of the proposed Development Site;
 - (ii) the likelihood of these places existing on or adjacent to any particular Development Site and the potential requirements for archaeological/heritage surveys prior to any construction or clearing activities; and
 - (iii) any steps needed to ensure compliance with the *Heritage Act 2011* (NT) (and protection of any heritage places or objects) on or adjacent to a Development Site.

3.5. CONTAMINATED LAND

- (a) Contaminated land is soil, sediments, surface water and groundwater that contains chemicals, or other hazardous substances (e.g. asbestos) at levels that may pose a risk to human health and/or the environment. The chemicals are usually present in the land due to human activities, (e.g. heavy industry, storage of hazardous chemicals including fuels or heavy metals, or chemically intensive agriculture). Some contaminants can occur naturally (e.g. acid sulphate soils or naturally high levels of arsenic or other toxins).
- (b) An assessment of site contamination is triggered when a subdivision proposal is likely to result in a more sensitive or intensive use of the land, or where the development of the land itself may disturb or otherwise expose contamination. This is not limited to a change in zoning, although a change in zoning is indicative of a change in use. The Northern Territory Contaminated Land Guideline will provide the Developer with a greater understanding of the processes that trigger an assessment, the reasons why an assessment is necessary, and where a contaminated site Accredited Auditor may be required to independently review the investigation or remediation.

- (c) Where a site contamination assessment is required Developers must:
- (i) Undertake an assessment of site contamination in accordance with National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM Guidelines), included in Part 2 of these Guidelines; and
 - (ii) contact each Relevant Authority responsible for any component of Public Infrastructure that may come into contact with, or otherwise be affected by any relevant contaminant prior to Public Infrastructure design. Certain contaminants may lead to additional requirements, or differing requirements, including in respect of material standards for Public Infrastructure.

3.6. BITING INSECT CONSTRAINTS

- (a) The Regulatory Authority in respect of biting insect constraints and biting insect management plans is the Department of Health, Medical Entomology. Developers should contact Medical Entomology prior to lodging a Development Application for advice in respect of potential biting insect issues or constraints.
- (b) The *Guidelines for Preventing Biting Insect Problems for Urban Residential Developments or Subdivisions in the Top End of the NT*, included in Part 2 of these Guidelines, provides direction on subdivision development requirements in relation to biting insects.
- (c) A Subdivision must comply with the following biting insect requirements:
 - (i) there must be an urban exclusion buffer zone between urban residential development and significant and uncontrolled sources of biting insects. Areas with the potential for significant biting insect constraints are shown in the Darwin Regional Land Use Plan 2015. The urban exclusion biting insect buffer zone is typically 1.6km from significant breeding areas, but can potentially be reduced, depending on the outcome of baseline biting insect investigations, and biting insect rectification or control measures; and
 - (ii) rural residential, industrial and commercial land uses and Public Infrastructure such as main roads, lakes, open drains and drainage basins are permissible within an urban exclusion buffer zone.

3.7. LAND USE SEPARATION ZONES

- (a) The development, growth and evolving character of a locality can bring together land uses which are incompatible due to the external effects of one land use over another. Conflict can arise because of off-site emissions such as noise, dust, vibration, smoke or fumes and odour.
- (b) Land use planning within subdivisions must comply with the NT EPA Guidelines for 'Recommended Land Use Separation Distances' (Refer Part 2). This includes the exclusion of activities which principally involve human occupation of buildings or facilities within Power and Water Corporation 'Odour Management Zones' surrounding sewage treatment plants.

3.8. WELLHEAD PROTECTION ZONES

- (a) Wellhead Protection Zones (WPZ) are identified by Power and Water Corporation as a planning tool used to manage development around ground water production bores or associated groundwater recharge areas. Power and Water Corporation standards define methods for determination and implementation of WPZs.
- (b) Subdivisions within a WPZ will require careful planning in relation to the placement of on-site effluent treatment facilities, and may require specific consideration of effluent treatment systems.
- (c) Subdivisions with the potential to negatively impact water quality or water yield will need to be actively managed, or in some instances may be excluded, to mitigate undesirable impacts on yield and contamination of groundwater supplies.

3.9. PRE-FEASIBILITY INFRASTRUCTURE CAPACITY ASSESSMENTS

- (a) Prior to commencing design of Public Infrastructure as part of any Subdivision, Developers must contact all Relevant Authorities to discuss whether there is capacity in existing Public Infrastructure networks to support the proposed Subdivision, or if additional works, expansions or upgrades will be required as a condition of development. This is a key requirement as the requirement for such additional work can impact upon project feasibility.

- (b) Existing Public Infrastructure networks to be considered include, but are not limited to:
 - (i) traffic impact assessment for existing road/street network, including public transport availability
 - (ii) stormwater drainage network capacity and identification of discharge constraints
 - (iii) reticulated water supply availability and capacity, or aquifer capacity for groundwater extraction (bores)
 - (iv) reticulated sewerage availability and capacity, or land capability for onsite wastewater management systems
 - (v) electrical supply availability and capacity
 - (vi) communications availability and capacity
 - (vii) street lighting availability and performance
- (c) For Subdivisions proposing to extract groundwater for water supply, the Developer must:
 - (i) consult with the Relevant Authority to seek information on resource availability, and confirm the scope of capacity assessments required;
 - (ii) identify any constraints on groundwater availability, including those due to existing Water Allocation Plans or Water Management Zones applicable across the Development Site;
 - (iii) demonstrate the groundwater source quality is suitable for human consumption; and
 - (iv) demonstrate the potential impact of the proposed Subdivision's water usage, on existing groundwater resource users and groundwater dependent ecosystems, is within an acceptable level.

4. STREETS AND PATHWAYS

4.1. GENERAL

- (a) Streets and Pathways are the backbone of any Subdivision, providing transport infrastructure to connect the community to points of interest within the Subdivision as well as the regional road network. Streets also provide public corridors for utilities and aid the delivery of essential services.
- (b) By considering street network hierarchy and layouts early during the design and masterplan processes, opportunities can often be encountered to optimise lot yields and servicing arrangements while also balancing the need to provide a user friendly shared user environment of high amenity for vehicles, cyclists and pedestrians.
- (c) Streets also provide opportunities to apply landscaping treatments and build a sense of character for a Subdivision. This is discussed further under Sections 5 and 6.
- (d) The objectives of this section are to:
 - (i) communicate a street network design philosophy to inform Subdivision masterplanning;
 - (ii) define a street hierarchy for Subdivisions, and establish a guide for its application;
 - (iii) set design parameters for streets, pathways and associated Public Infrastructure; and
 - (iv) identify mandatory requirements for design documentation and approvals.
- (e) The Relevant Authorities for streets and pathways are:
 - (i) the Local Authority in relation to streets and pathways to be handed over to and accepted by the Local Authority; and
 - (ii) Department of Infrastructure, Planning and Logistics in relation to streets/roads and pathways to be handed over to and accepted by the Northern Territory Government.

4.2. STREET NETWORK DESIGN PHILOSOPHY

- (a) The street network must be designed, with the following key considerations incorporated into the proposed network layout.

4.2.1. ACCESSIBILITY

- (a) Network connectivity should facilitate access to all areas of the Subdivision with minimal turning movements at intersections or junctions.
- (b) Street network layout must ensure convenient and safe access to all allotments for vehicles, cyclists and pedestrians.
- (c) Each new allotment must have individual, unconstrained access.
 - (i) A right of way easement servicing a single lot may be acceptable, subject to approval by the Relevant Authority.
 - (ii) A right of way easement servicing multiple lots will not be accepted. Existing right-of-way easements currently serving a single lot cannot be used for additional accesses to new lot(s).
- (d) Battle axe allotments are not permitted, unless otherwise approved by the Relevant Authority. Where approved by a Relevant Authority, single battle axe designs are to have a minimum width of 10m in urban subdivisions; and 15m in rural subdivisions. Adjacent battle axe designs will not be accepted.
- (e) Culs-de-sac may be required in exceptional circumstances due to Development Site based constraints and must only be used where approved by the Relevant Authority. Where approved for use, appropriate Road Reserve boundaries and truncations must be applied as agreed with the Relevant Authority.
- (f) All allotments within a Subdivision must have trafficable access/egress to or from a Sub-arterial/Arterial Road during all storm events up to and including the 1% AEP Storm Event. Trafficable access/egress will be deemed sufficient where:
 - (i) street/road geometry is sufficient to cater for emergency vehicle access; and
 - (ii) flows within vehicle travel paths comply with the 'Major Storm Criteria' listed under Table 22.
- (g) The current and future needs of emergency vehicles and public transport, including carriageway widths, bus embayments and turning paths must be provided for.
- (h) The current and future needs of service vehicles, including convenient access to maintain Public Infrastructure and utilities must be provided for.

4.2.2. INTERSECTIONS

- (a) Wherever possible, streets must intersect at 90 degrees. Where this is not achievable, street must not intersect at an angle of less than 70 degrees.
- (b) Cross streets (4-way intersections) should be avoided where practicable. Where required, traffic lights or a roundabout must be applied to control traffic. Traffic lights are preferred as roundabouts do not favour pedestrian movements. Uncontrolled cross streets are not permitted.
- (c) All intersections must be designed with sufficient lanes and control types to accommodate predicted traffic flows, have geometry that provides for relevant design vehicle turning paths and provide sight distances as required by Austroads design guidelines.
- (d) All intersections must include appropriate traffic management infrastructure to prevent traffic undertaking illegal turning movements.

4.2.3. ALLEYWAYS

- (a) Alleyways solely for pedestrian movement are prohibited.

4.2.4. DESIRED SPEED ENVIRONMENT

- (a) Operating speeds in Subdivisions must be agreed with the Relevant Authority and typically conform to the following requirements:
 - (i) Residential Zones have a maximum speed limit of 50km/hr and are typically not sign-posted, except where required to denote the commencement of a 'built-up area', or where lower speeds are warranted (e.g. school zones).
 - (ii) Commercial/Mixed Use Zones are typically sign-posted at 40 to 60km/hr.
 - (iii) Rural and Industrial Zones are typically sign-posted at ≥ 60 km/hr.
- (b) Desired operating speeds may be lower than the limits identified under clause 6.4.1(a) to provide a safer shared user environment for pedestrians and cyclists, particularly on lower order streets in Residential Zones.
- (c) Design of the streetscape environment should consider use of geometrical design elements and landscaping features to influence driver behaviour to encourage desired operating speeds. Use of traffic control/calming devices, such as speed bumps or chicanes, to control driver speeds should be avoided where practicable. However, these types of devices may be desired and justified in special circumstances (e.g. near a pedestrian crossing for school children).

4.2.5. BUS ROUTES AND BUS STOPS

- (a) It is recommended that the Developer consults with the Relevant Authority for Public Transport during the project initiation phase to identify requirements for bus routes, bus stop locations and associated street furniture (e.g. bus shelters, seats, bins, timetable totems etc.).
- (b) For staged subdivisions, interim bus routes must be agreed with the Relevant Authority and temporary turnarounds may be required to facilitate public transport servicing the Subdivision prior to completion of the ultimate street network.
- (c) Design of bus routes, bus stop locations and associated street furniture for interim and permanent development must be approved by the Relevant Authority.

4.2.6. STAGED WORKS

- (a) Design of all streets and pathways must consider interface with future development to ensure there are no unreasonable constraints imposed on future design and construction works which could hinder the economic viability and/or safe delivery of future development.
- (b) Where future streets are planned to connect with the Subdivision street network the intersection must be designed and constructed with a terminating stub to facilitate future connection. Construction must extend to the tangent points of the terminating stub.

4.3. TRAFFIC IMPACT ASSESSMENT/ STATEMENT

- (a) An understanding of the traffic impact of a proposed development is essential to design both the internal layout and external integration with the surrounding street/road networks, and for assessment by the Relevant Authorities.
- (b) Typically a full Traffic Impact Assessment (TIA) is required for any Subdivision that will generate in excess of 100 vehicle trips in peak hour; and a Traffic Impact Statement (TIS) is required for any Subdivision that will generate between 10 and 100 vehicle trips in peak hour.
- (c) The requirement for a TIA or TIS will generally be imposed as Condition Precedent of a Development Permit if applicable. Where it is reasonably foreseeable that a Subdivision will trigger a TIA or TIS, it is recommended that the Developer undertake the assessment during the project development phase, prior to submitting a Development Application, to inform development of the Subdivision Masterplan and assist with review of the Development Application by the Development Consent Authority.
- (d) A TIA/TIS must be developed in accordance with Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development, and address the following as a minimum:
 - (i) Predicted traffic generation from the various land uses proposed in the Subdivision;
 - (ii) Distribution of the predicted traffic generation onto the proposed internal street network and the external street/road network;
 - (iii) Recommended minimum street hierarchy and street cross sections consistent with assigned traffic flows;
 - (iv) Network permeability and connectivity, including for vehicles, pedestrians and cyclists;
 - (v) Intersection (including property entrances) performance and configurations necessary to cater for assigned vehicle traffic flows and for the safe and efficient movement of pedestrians, cyclists and other street users;
 - (vi) Provision for public transport and other transport modes, such as pedestrians and cyclists.
- (e) Where the proposed subdivision incorporates a school site, consideration must also be given to specific access and controls for staff and students.
- (f) A TIA/TIS may be referred to various affected Relevant Authorities for comment and the Developer must be mindful of this when preparing the TIA/TIS.

4.4. NOISE ATTENUATION

- (a) Where the proposed Development Site is adjacent to Primary Collector, Sub-Arterial and/or Arterial roads, the impact of traffic noise must be assessed by a suitably qualified Consultant and noise attenuation measures implemented as required.
- (b) Where traffic generated by the proposed Subdivision introduces noise for existing and/or proposed allotments, as determined by the Traffic Impact Assessment/Statement, a noise management plan including all attenuation measures must be prepared in accordance with relevant Australian Standards.

4.5. STREET HIERARCHY

- (a) The Street Hierarchy of a Subdivision street network provides a range of alternative street types which can be applied in different contexts depending on the required function of a street in terms of shared user priorities. The Street Hierarchy is defined in Table 4.

Table 4 – Street Hierarchy

Classification	Description
Laneway	<p>Laneways must only be used in conjunction with Primary Collector streets in urban environments to facilitate indirect rear access for allotments fronting onto streets with Annual Daily Traffic > 5,000 vehicles per day.</p> <p>Laneways must only be used for Category A Public Infrastructure (Set 1 only) and are subject to approval by the Relevant Authority. Where approved, Laneways must comply with the requirements of Section 4.6.8.</p> <p>Laneways are contrary to Alleyways, which are prohibited as described in Section 4.2.3.</p>
MinorStreet/ Cul-de-sac	<p>Minor streets are predominately used for residential access with direct lot access.</p> <p>In Residential / Mixed Use Zones, minor streets accommodate shared pedestrian, cyclist, and vehicular movements.</p> <p>In Rural Zones, minor streets are predominantly used for vehicular movements, with the provision of corridors to allow for pedestrian movements and future footpaths.</p> <p>Culs-de-sac may be used as an alternative in exceptional circumstances due to Development Site based constraints and must only be used where approved by the Relevant Authority.</p>
AccessStreet	<p>Access streets are predominately used for residential access with direct lot access, while also providing linking transport infrastructure to Secondary and Primary Collector streets.</p> <p>In Residential / Mixed Use Zones, Access Streets accommodate shared pedestrian, cyclist and vehicular movements with a greater focus on vehicle movement than Minor Streets with wider carriageways to provide for on-road shared parking.</p> <p>In Rural and Industrial Zones, Access Streets are predominantly used for vehicular movements, with limited catering to pedestrian and cyclist movements.</p>
Secondary Collector	<p>Secondary Collector streets service and link neighbourhoods and activity centres and typically form part of the public transport network.</p> <p>In Residential / Mixed Use Zones, Secondary Collector streets accommodate predominantly vehicle movements with provision of formalised on-street parking and additional footpaths to support increased pedestrian and cyclist activity off-carriageway. These streets consist of mostly residential frontage with direct access but can accommodate commercial developments also.</p> <p>In Rural and Industrial Zones, Secondary Collector Streets are predominantly used for vehicular movements, with limited catering to pedestrian and cyclist movements.</p>
Primary Collector	<p>Primary Collector streets are similar to Secondary Collector streets but typically accommodate higher traffic volumes and serve as the linking infrastructure to the sub-arterial / arterial road network.</p> <p>In Residential / Mixed Use Zones, direct lot access is restricted and central medians are required to provide staged pedestrian crossings due to high traffic volumes. These streets may be supported with Laneways to facilitate lot frontage to activate the streetscape while providing indirect lot access.</p> <p>In Rural and Industrial Zones, direct lot access is permissible and central medians are only applied where necessary to support traffic control objectives.</p>
Sub-Arterial and Arterial Roads	<p>Sub-Arterial and Arterial Roads service large volumes of commuter traffic at a regional level and do not typically form part of Subdivision development.</p>

- (b) The following sections nominate design criteria for Street Hierarchy relative to the Infrastructure Categories applicable to the Subdivision, as defined in Table 1.

4.5.1. DESIGN CRITERIA - CATEGORY A

- (a) Infrastructure Category A utilises urban street cross-sections typically comprising:
- (i) sealed carriageways with asphalt wearing surface;
 - (ii) kerb and gutter with underground stormwater systems¹; and
 - (iii) formal landscaped verges and medians, with underground services.
- (b) Street Hierarchy Selection can be guided by Table 5 to determine which street type is appropriate for each area of the Subdivision. A range of selection criteria is presented including ADT, number of lots and length of street to offer flexibility for circumstances where individual criteria may not be appropriate. These criteria are presented as typical maximum values, acknowledging that higher order streets may be appropriate under low traffic volumes and or density of development to support town planning objectives.

Table 5 – Street Hierarchy Selection Criteria - Category A

Zoning	Street Type	Typical Max Annual Daily Traffic Volumes (vpd)	Typical Max No. of Dwellings	Typical Max Street Length (m)
Residential/ Mixed Use	Laneway (Set A Only)	n/a	10	140
	Minor Street/ Cul-de-sac	1,500	30	300
	Access Street	3,000	60	600
	Secondary Collector	5,000	300	As approved
	Primary Collector	10,000	400	As approved
Industrial	Access Street	n/a	50	1,000
	Collector	n/a	>50	As approved

- (c) Two set types have been established for Infrastructure Category A; Set 1 and Set 2 as identified in Table 1.
- (i) Design Criteria for Set 1 is outlined in Table 6.
 - (ii) Design Criteria for Set 2 is outlined in Table 7.

Notes

1. Aboveground open drain networks may be required in some project specific circumstances where topography is very flat, subject to approval by the Relevant Authority.

Table 6 – Street Hierarchy Design Criteria - Category A - Set 1

Zoning Type	Street Hierarchy	Reserve Width (Minimum)	Carriageway Width (Minimum)	Central Median	Verge Width (Minimum)	Formalised Parking Lanes ³	Footpath ⁴	Lot Access
Residential/ Mixed Use ¹	Laneway	6.25m ²	2 x 3m	None	None	None	None	Direct access
	Minor Street/ Cul-de-sac	15m	2 x 3m	None	2 x 4.5m	None	1 x 1.5m	Direct access
	Access Street	16m	2 x 3.5m	None	2 x 4.5m	None	1 x 1.5m	Direct access
	Secondary Collector	21.6m	2 x 3.5m	As Required	2 x 5m	2 x 2.3m	1 x 1.5m 1 x 2.5m	Direct access
	Primary Collector	24.6m	2 x 3.5m	3m	2 x 5m	2 x 2.3m	2 x 2.5m	Access via rear laneway where ADT > 5000
Industrial	Access Street	21m	2 x 5.5m	As Required	2 x 5m	None	1 x 1.5m	Direct access
	Collector	23m	2 x 6.5m	As Required	2 x 5m	None	1 x 1.5m	Direct access

Table Notes:

1. Street Hierarchy for Residential/mixed Use Zoning also applies to Rural Residential (RR) allotments residing in Residential/Mixed Use Subdivisions.
2. Laneway Reserve Widths may need to be widened to accommodate street lighting, landscaping treatments, garbage collection, and/or to improve passive surveillance.
3. Formalised Parking Lanes are in addition to the minimum Carriageway Width specified.
4. On-street Cycle Lanes should also be considered where Annual Daily Traffic (ADT) is forecast to exceed 3,000 vehicles per day. The Developer should consult with the Relevant Authority during the project development phase to confirm regional cycle path network strategies and agree on appropriate provision of cyclist facilities, considering exposure based warrants.

Table 7 – Street Hierarchy Design Criteria - Category A - Set 2

Zoning Type	Street Hierarchy	Reserve Width (Min)	Carriageway Width (Minimum)	Central Median	Verge Width (Minimum)	Formalised Parking Lanes ²	Footpath ³	Lot Access
Residential / Mixed Use ¹	Minor Street/ Cul-de-sac	15.5m	2 x 3.75m	None	2 x 4.0m	None	1 x 1.5m	Direct access
	Access Street	17m	2 x 4.5m	None	2 x 4.0m	None	1 x 1.5m	Direct access
	Secondary Collector	20m	2 x 5.5m	As Required	2 x 4.5m	None	1 x 1.5m 1 x 3.0m	Direct access
	Primary Collector	22m	2 x 6.5m	As Required	2 x 4.5m	None	1 x 1.5m 1 x 3.0m	Via approval
Industrial	Refer Category A - Set 1							

Table Notes:

1. Street Hierarchy for Residential/mixed Use Zoning also applies to Rural Residential (RR) allotments residing in Residential/Mixed Use Subdivisions.
2. Formalised Parking Lanes are in addition to the minimum Carriageway Width specified.
3. On-street Cycle Lanes should also be considered where Annual Daily Traffic (ADT) is forecast to exceed 3,000 vehicles per day. The Developer should consult with the Relevant Authority during the project development phase to confirm regional cycle path network strategies and agree on appropriate provision of cyclist facilities, considering exposure based warrants.

4.5.2. DESIGN CRITERIA - CATEGORY B AND C

- (a) Infrastructure Category B utilises a mixed urban/rural street cross-section typically comprising:
- (i) sealed carriageways with spray seal wearing surface;
 - (ii) kerb and gutter to contain pavements and convey stormwater into table drains in a controlled manner; table drains and service corridors in lieu of formal verges, including provision of a footpath and landscaping treatments; and
 - (iii) a mix of underground/overhead services.
- (b) Infrastructure Category C utilises a rural street cross-section typically comprising:
- (i) sealed carriageways with spray seal wearing surface;
 - (ii) shoulders (no kerbing) and table drains to convey stormwater;
 - (iii) table drains and service corridors in lieu of formal verges, with footpath corridors (no footpaths) and grassed landscaping treatments only; and
 - (iv) a mix of underground/overhead services.
- (c) Street Hierarchy Selection can be guided by Table 8 to determine which street type is appropriate for each area of the Subdivision. A range of selection criteria is presented including ADT, number of lots and length of street to offer flexibility for circumstances where individual criteria may not be appropriate. These criteria are presented as typical maximum values, acknowledging that higher order streets may be appropriate under low traffic volumes and or density of development to support town planning objectives.

Zoning	Street Type	Typical Max Annual Daily Traffic Volumes (vpd)	Typical Max No. of Dwellings	Typical Max Street Length (m)
Residential, Mixed Use and Industrial	Minor Street / Cul-de-sac; and Access Street	n/a	60	600
	Secondary and Primary Collector	n/a	400	As approved

- (d) Design Criteria for Category B and C is outlined in Table 9 and Table 10.

Table 9 – Street Hierarchy Design Criteria - Category B

Zoning Type	Street Hierarchy	Reserve Width ¹ (Minimum)	Carriageway Width (Minimum) ²	Central Median	Verge Width ¹ (Minimum)	Formalised Parking Lanes	Footpath	Lot Access
Residential, Mixed Use and Industrial	Minor Street / Cul-de-sac; and Access Street	17m	2 x 3.0m Lanes	None	2 x 5.5m	None	1 x 1.5m	Direct access
	Primary and Secondary Collector	22m	2 x 3.0m Lanes	As Required	2 x 8m	None	1 x 1.5m	Direct access

Table Notes:

1. Road Reserve Widths must be equal to or greater than the minimum values nominated. Road Reserve Widths must be appropriately sized to accommodate table drains and separate service corridors/footpath corridors.
2. Carriageway widths may be widened to convey more stormwater in the street carriageway, where desirable for project specific circumstances (e.g. where it is practicable to reduce the extent of table drains and/or open drains).

Table 10 – Street Hierarchy Design Criteria - Category C

Zoning Type	Street Hierarchy	Reserve Width ¹ (Minimum)	Carriageway Width (Minimum)	Central Median	Verge Width (Minimum)	Formalised Parking Lanes	Footpath	Lot Access
Residential, Mixed Use and Industrial	Minor Street / Cul-de-sac; and Access Street	19m	8m (2 x 3.0m Lanes, 2 x 1.0m shoulders)	None	2 x 5.5m	None	2 x 2.7m Corridors	Direct access
	Primary and Secondary Collector	24m	8m (2 x 3.0m Lanes, 2 x 1.0m shoulders)	As Required	2 x 8m	None	2 x 2.7m Corridors	Direct access

Table Notes:

1. Road Reserve Widths must be equal to or greater than the minimum values nominated. Road Reserve Widths must be appropriately sized to accommodate table drains and separate service corridors/footpath corridors.

4.5.3. DESIGN CRITERIA - CATEGORY D AND E

- (a) Infrastructure Category D and Category E utilise rural street cross-sections typically comprising:
- (i) sealed carriageways with spray seal wearing surface generally. Asphalt provided at some intersections/ culs-de-sac (Category D only);
 - (ii) shoulders (no kerbing) and table drains to convey stormwater;
 - (iii) table drains and service corridors in lieu of formal verges, with footpath corridors (no footpaths) and grassed landscaping treatments only; and
 - (iv) a mix of underground/overhead services.
- (b) Street Hierarchy Selection can be guided by Table 11 to determine which street type is appropriate for each area of the Subdivision. A range of selection criteria is presented including ADT, number of lots and length of street to offer flexibility for circumstances where individual criteria may not be appropriate. These criteria are presented as typical maximum values, acknowledging that higher order streets may be appropriate under low traffic volumes and or density of development to support town planning objectives.

Table 11 – Street Hierarchy Selection Criteria - Category D and E

Zoning	Street Type	Typical Max Annual Daily Traffic Volumes (vpd)	Typical Max No. of Dwellings	Typical Max Street Length (m)
Rural Residential (RR) Rural Living (RL)	Minor Street/ Cul-de-sac	n/a	5	500
	Access Street	n/a	60	6,000
	Secondary Collector	n/a	300	As approved
	PrimaryCollector	n/a	>300	As approved
Other Rural Zones (H, A, R)	Minor Street/ Cul-de-sac	n/a	10	500
	Access Street	n/a	60	30,000
	Secondary Collector	n/a	300	As approved
	PrimaryCollector	n/a	>300	As approved

- (d) Design Criteria for Category D and Category E is outlined in Table 12.

Table 12 – Street Hierarchy Design Criteria - Category D and E

Zoning Type	Street Hierarchy ²	Reserve Width ¹ (Minimum)	Carriageway Width (Minimum)	Central Median	Verge Width ¹ (Minimum)	Formalised Parking Lanes	Footpath	Lot Access
All Rural Zones (RR, RL, H, A, R)	Minor Street / Cul-de-sac	20m	9m (2 x 3.5m Lanes, 2 x 1.0m shoulders)	None	2 x 5.5m	None	2 x 2.7m Corridors	Direct access
	Access Street	22m	9m (2 x 3.5m Lanes, 2 x 1.0m shoulders)	None	2 x 6.5m	None	2 x 2.7m Corridors	Direct access
	Secondary Collector	25m	9m (2 x 3.5m Lanes, 2 x 1.0m shoulders)	As Required	2 x 8m	None	2 x 2.7m Corridors	Direct access
	Primary Collector	30m	10m (2 x 3.5m Lanes, 2 x 1.5m shoulders)	As Required	2 x 10m	None	2 x 2.7m Corridors	Direct access

Table Notes:

1. Road Reserve Widths must be equal to or greater than the minimum values nominated. Road Reserve Widths must be appropriately sized to accommodate table drains and separate service corridors/footpath corridors.
2. Reserve Widths may need to be increased to facilitate a higher order of street hierarchy under future development.

4.6. STREET DESIGN

- (a) Design of streets must comply with Australian Standards, Austroads Guidelines, Standard Drawings (Part 3) and the requirements of this section.
- (b) Sight Distances must be checked and confirmed satisfactory in accordance with Austroads Guidelines.

4.6.1. RESERVE BOUNDARIES

- (a) Road Reserve widths must generally comply with the requirements of Table 5 to Table 12.
- (b) Truncations of suitable dimensions must be provided for all boundary corners at all street intersections to allow for intersection sight distances, verge width, and footpath installation. A 3m x 3m truncation must be provided as a minimum, unless otherwise approved by the Relevant Authority.
- (c) Truncations at intersections with Northern Territory Government Controlled Roads must comply with NT Government requirements.

4.6.2. CUL-DE-SAC AND INTERSECTION TURNING CRITERIA

- (a) Where culs-de-sac are approved for use by the Relevant Authority, Cul-de-sac radii must be minimum 10m to facilitate access for garbage trucks. Larger radii may be required where larger vehicles are expected, which is to be determined via turn-path analysis.
- (b) Intersections are to be designed to accommodate appropriate vehicle use in accordance with Table 13 and Austroads Guidelines.

4.6.3. KERBING

- (a) For streets where kerbing is specified, comply with Standard Drawings (Refer Part 3).
- (b) Barrier kerb types must be used:
 - (i) on Primary Collector streets, except traffic islands and medians which must be mountable kerbing;
 - (ii) adjacent to all public open space areas; and
 - (iii) where required to restrict vehicle access or protect pedestrians/cyclists.

4.6.4. TRAFFIC ISLANDS AND MEDIANS

- (a) Medians must be provided as specified in Table 5 to Table 12. Additional streets may warrant application of medians to control traffic and provide pedestrian refuge.
- (b) Minimum traffic island and median widths are to be designed in accordance with Austroads Guidelines.
- (c) Traffic Islands and Medians are to be surrounded with mountable kerbing. Infill must be:
 - (i) Traffic Islands and medians 2.5m wider or larger to be landscaped in accordance with Section 13 – Soft Landscaping.
 - (ii) Traffic Islands and medians less than 2.5m to be minimum 150mm concrete infill with SL82 reinforcing.

4.6.5. VERGES

- (a) Verge widths must comply with the requirements of Table 5 to Table 12. Formalised Parking must not encroach into the minimum verge widths specified.
- (b) Footpaths must be provided as nominated in Table 5 to Table 12 and constructed in accordance with the Standard Drawings (Refer Part 3).
- (c) Verges must be appropriately landscaped in accordance with Section 6.

4.6.6. FORMALISED ON-STREET PARKING

- (a) Formalised parking must be provided in the form of indented bays where specified in Table 5 to Table 12, as well as adjacent public open space and natural vegetation areas.
- (b) Groups of indented bays are not to exceed a length of nominally 100m before having a landscaped separation in the form of a bulb-out to ensure the streetscape environment encourages desired operating speeds. Spacing between bulb-outs should allow for multiples of approximately 6.5m and take into account all necessary services.
- (c) Off-street parking is also required for Public Open Space Areas (Refer Section 5. Public Open Space).

Table 13 – Intersection Turning Criteria

Intersecting Streets	Design Vehicle	Checking Vehicle	Minimum Kerb Radii ²
Residential and Rural Residential/Rural Living Streets			
Laneway/Minor Street	Service Vehicle (8.8m)	Service Vehicle (8.8m)	8m
Minor Street/Access Street	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	8m
Minor Street/Secondary Collector	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	10m
Access Street/Secondary Collector	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	10m
Access Street/ Primary Collector	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	10m
Secondary Collector/ Primary Collector	Single Unit Truck/ Bus (12.5m)	Prime Mover and Semi-Trailer (19m)	10m ¹
Primary Collector/ Arterial	Prime Mover and Semi-Trailer (19m)	B-double (25m)	10m ¹
Mixed Use and Industrial Streets			
Minor Street/Access Street	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	10m
Minor Street/Secondary Collector	Service Vehicle (8.8m)	Single Unit Truck/ Bus (12.5m)	10m
Access Street/Secondary Collector	Single Unit Truck/ Bus (12.5m)	Prime Mover and Semi-Trailer (19m)	10m ¹
Access Street/ Primary Collector	Single Unit Truck/ Bus (12.5m)	Prime Mover and Semi-Trailer (19m)	10m ¹
Secondary Collector/ Primary Collector	Prime Mover and Semi-Trailer (19m)	B-double (25m)	10m ¹
Primary Collector/ Arterial	Prime Mover and Semi-Trailer (19m)	B-double (25m)	10m ¹
Rural Streets			
All rural street intersections are to be designed to accommodate A - Triple (53m) Road Trains in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings unless otherwise agreed with the Relevant Authority.			

Table Notes:

1. Minimum radii for vehicles 12.5m or greater are to be confirmed by a turn path analysis and approved by Relevant Authority.
2. Where practicable to do so, and subject to approval by the Relevant Authority, smaller kerb radii should be considered to provide traffic calming to achieve the desired speed environment (Clause 4.2.4).

4.6.7. LOT ACCESS / DRIVEWAYS

- (a) Direct access to allotments from the fronting Road Reserve can only be provided where permitted under Table 5 to Table 12. Where applicable, Laneways may be provided to facilitate rear of lot access on Primary Collector Streets, subject to approval by the Relevant Authority and the requirements of Clause 4.6.8. Laneways.
- (b) Driveways in Subdivisions must comply with Standard Drawings (Refer Part 3) and AS/NZS 2890.1: Parking Facilities - Off-street parking. Driveway widths in excess of those shown in the Standard Drawings may be provided, subject to approval of the Relevant Authority.
- (c) Driveways must be located with the following setbacks/clearances and provide adequate sight distances in accordance with Austroads Guidelines:
 - (i) 500mm from street signs
 - (ii) 600mm from any stormwater drainage pit
 - (iii) 1000mm from overhead power/street light poles
 - (iv) 1200mm clear of service pits, pillars, valve boxes etc.
 - (v) 12m from any intersections

4.6.8. LANEWAYS

- (a) The use of Laneways is subject to approval by the Relevant Authority and they must only be used in conjunction with Primary Collector streets in urban environments to facilitate indirect rear access for allotments fronting onto streets with Average Daily Traffic > 5,000 vehicles per day. In no circumstance should a lot solely front a laneway.
- (b) Allowing for lots to front onto Primary Collector Streets will assist to activate the street, encourage the 'desired speed environment' (Section 4.2.4), improve streetscape amenity and provide passive surveillance to create a pedestrian friendly environment.
- (c) The design, layout and detailing of laneways and the strategic siting of buildings to overlook these laneways is an important consideration and is critical for community safety.
- (d) Design of Laneways must address the following:
 - (i) Layouts must enable direct sight lines and passive surveillance down the entire length of the laneway along both directions from adjoining streets. Straight lanes and T-lanes provide a greater level of passive surveillance. H-lanes, dog-leg lanes and tightly curved lanes are not acceptable.
 - (ii) Land use zoning should support siting of high density residential, mixed use and multi-storey dwellings in key locations to offer passive surveillance over the laneway. Typically these are sited at the ends of laneways and all mid-lane junctions.
 - (iii) Provide adequate sight line truncations at intersections for pedestrian and vehicular safety. A minimum 2.8m sight line truncation (2m x 2m at 90 degree angle) must be provided.
 - (iv) Laneway length must be max 140m where practicable. If longer laneways are required, a mid-lane link must be provided.
 - (v) Laneway width should be sufficient to ensure adequate reversing space and minimise requirements for building or fence setbacks on lots, particularly where these could result in hidden recesses or provide illegal access opportunities into rear yards. Half-a-metre (0.5 metres) setback for garages and fences, and a minimum laneway width of 6 metres, allows adequate reversing space and improves safety and surveillance.
 - (vi) Laneways may be locally widened in parts to create mews courts.
 - (vii) Laneways must provide rubbish collection access.
 - (viii) Laneways should function solely as vehicle access to lots and not act as, or create and alternate, through-route in the overall street network.
 - (ix) Street lighting must be provided at the entrance to laneways and at intermediate locations along the laneways where required to support vehicle and pedestrian safety.
 - (x) Utility service corridors must generally be located within the Primary Collector Street.

4.6.9. STORMWATER DESIGN

- (a) Stormwater drainage design within all Road Reserves must comply with the requirements of Section 7.

4.7. STREET PAVEMENT DESIGN

- (a) The objective in the design of the street pavement is to select appropriate pavement and surfacing materials, types, layer thickness's and configurations to ensure that the pavement performs adequately and requires minimal maintenance under the anticipated traffic loading for the design life.
- (b) The minimum design life for pavement design must be 30 years.
- (c) All street pavements must be designed in accordance with the current version of the Austroads Guide to Pavement Technology and the Standard Specification (Refer Part 4).
- (d) The Developer must submit the pavement design in the Design Report to the Relevant Authority for approval.
- (e) The design of the pavement must involve consideration of the following four input variables:
 - (i) Design traffic;
 - (ii) Subgrade evaluation;
 - (iii) Pavement and surfacing materials; and
 - (iv) Construction and maintenance considerations.

4.7.1. DESIGN TRAFFIC

- (a) The Developer must undertake an analysis for design traffic and is responsible for determining design traffic loadings and appropriate pavement structure. Assessment of design traffic must include consideration of Subdivision staging and construction vehicles through completed stages to construct Public Infrastructure for further stages.
- (b) Minimum design traffic loadings may be nominated by the Relevant Authority within Section 14 - Schedule of Variations. Where nominated, design traffic loadings used for pavement design must be the greater of:
 - (i) design traffic loadings determined under clause 4.7.1(a); and
 - (ii) minimum design traffic loadings nominated by the Relevant Authority in Section 14 - Schedule of Variations.

4.7.2. SUBGRADE EVALUATION

- (a) Subgrade evaluation must be carried out by a NATA registered materials test authority on each different natural sub-grade material evident and must be by the conduct of soaked 4-day CBR laboratory testing.
- (b) Design CBR for each subgrade area must be determined in accordance with the methods outlined in Austroads guidelines.
 - (i) For in-situ subgrade test results resulting in a design CBR of less than 5%, the pavement must be designed with input from geotechnical engineer experienced in the design of street pavements.
 - (ii) For in-situ subgrade tests results resulting in a design CBR of greater than 10%, pavement design must adopt a subgrade strength of CBR 10% unless higher design values are supported in writing by a geotechnical engineer.

4.7.3. PAVEMENT COMPOSITION

- (a) Regardless of the outcomes of the pavement design process, the minimum overall pavement thickness to be adopted is 150mm (excluding wearing surface). The subgrade must also be compacted to a minimum depth of 150mm.
- (b) All basecourse materials are to be Fine Crushed Rock (FCR) or natural gravel, as identified in Table 2.
 - (i) Where FCR is used in unconfined pavements with shoulders and table drains, erosion protection measures must be provided to mitigate unravelling of exposed FCR in the shoulders and batters.
- (c) Pavement materials and construction must comply with the Standard Specification (Refer Part 4).

4.7.4. WEARING SURFACE

- (a) The Developer is responsible for providing a wearing surface design that accommodates the design loading, including construction traffic.
- (b) The minimum wearing surfaces are outlined in Table 14 to Table 17. Asphalt thickness is reported as 'compacted thickness'. Bracketed values denote bitumen grade.

- (c) Wearing surface design for intersections with Sub-Arterial / Arterial Roads) must comply with the DIPL Standard Specification for Roadworks.

Table 14 – Minimum Wearing Surface for Infrastructure Category A

APPLICATION	MINIMUM WEARING SURFACE DESIGN
<i>Property Access / Driveways</i>	
All Applications	Reinforced Concrete Pavement
<i>Residential/Mixed Use Streets (ADT ≤ 5,000 AADT)</i>	
Streets	Prime and 30mm Asphalt AC10 - Mix Type 2 (A20E)
Culs-de-sac and Intersections (no heavy vehicle movements)	Prime and 40mm Asphalt AC10 - Mix Type 2 (A20E)
Intersections (with heavy vehicle movements)	Prime and 50mm Asphalt AC14 - Mix Type 5 (A15E)
<i>Residential/Mixed Use Streets (ADT > 5,000 AADT)</i>	
Streets	Prime and 40mm Asphalt AC14 - Mix Type 5 (A15E)
Intersections	Prime and 50mm Asphalt AC14 - Mix Type 5 (A15E)
<i>Industrial Streets</i>	
Streets and Intersections (Zone LI)	Prime and 40mm Asphalt AC14 - Mix Type 5 (A15E)
Streets and Intersections (Zones GI, DV)	Prime and 50mm Asphalt AC14 - Mix Type 5 (A15E)

Table 15 – Minimum Wearing Surface for Infrastructure Category B & C

APPLICATION	MINIMUM WEARING SURFACE DESIGN
<i>Property Access / Driveways</i>	
Residential Access	Prime and 14mm Single Coat Seal (S10E); or Reinforced Concrete Pavement
Mixed Use/ Industrial Access	Reinforced Concrete Pavement
<i>Residential / Mixed Use Streets (ADT ≤ 5,000 AADT)</i>	
Streets	Prime and 14/7mm Two-Coat Spray Seal (S10E)
Culs-de-sac and Intersections (no heavy vehicle movements)	Prime and 14/7mm Two-Coat Spray Seal (S10E)
Intersections (with heavy vehicle movements)	Prime and 14/7mm Two-Coat Spray Seal (S20E)
<i>Residential/Mixed Use Streets (ADT > 5,000 AADT)</i>	
Streets and Intersections	Prime and 14/7mm Two-Coat Spray Seal (S20E)

Table 15 – Minimum Wearing Surface for Infrastructure Category B & C

<i>Industrial Streets</i>	
Streets and Intersections (Zone LI)	Prime and 14/7mm Two-Coat Spray Seal (S20E)
Streets and Intersections (Zones GI, DV)	Prime and 20/10mm Two-Coat Spray Seal (S20E)

Table 16 – Minimum Wearing Surface for Infrastructure Category D

APPLICATION	MINIMUM WEARING SURFACE DESIGN
<i>Property Access / Driveways</i>	
All Applications	Prime and 14mm Single Coat Seal (S10E)
<i>Rural Streets (ADT ≤ 5,000 AADT)</i>	
Streets	Prime and 14/7mm Two-Coat Spray Seal (S10E)
Culs-de-sac and Intersections (no heavy vehicle movements)	Prime and 40mm Asphalt AC10 - Mix Type 2 (A20E)
Intersections (with heavy vehicle movements)	Prime and 50mm Asphalt AC14 - Mix Type 5 (A15E)
<i>Rural Streets (ADT > 5,000 AADT)</i>	
Streets and Intersections	Prime and 50mm Asphalt AC14 - Mix Type 5 (A15E)

Table 17 – Minimum Wearing Surface for Infrastructure Category E

APPLICATION	MINIMUM WEARING SURFACE DESIGN
<i>Property Access / Driveways</i>	
All Applications	Prime and 14mm Single Coat Seal (S10E)
<i>Rural Streets (ADT ≤ 5,000 AADT)</i>	
Streets	Prime and 14/7mm Two-Coat Spray Seal (S10E)
Culs-de-sac and Intersections (no heavy vehicle movements)	Prime and 14/7mm Two-Coat Spray Seal (S10E)
Intersections (with heavy vehicle movements)	Prime and 14/7mm Two-Coat Spray Seal (S20E)
<i>Rural Streets (ADT > 5,000 AADT)</i>	
Streets and Intersections	Prime and 14/7mm Two-Coat Spray Seal (S20E)

4.7.5. ALTERNATIVE PAVEMENT TREATMENTS

- (a) Where alternative street pavement treatments are proposed (e.g. entry statement or special features), plans and specifications must be submitted to the Relevant Authority for approval.

4.7.6. SUBSURFACE DRAINAGE

- (a) Refer to Section 7.9.15 for subsurface drainage requirements.

4.8. STREET FURNITURE AND TRAFFIC CONTROL DEVICES

- (a) Street furniture must be provided where required in accordance with Standard Drawings, Austroads and Relevant Australian Standards.
- (b) All street signs, warning signs, regulatory signs, directional signs, and line marking must:
 - (i) be designed and provided in accordance with AS1742: Manual of Uniform Traffic Control Devices; and
 - (ii) use reflective high intensity grade reflective material for all signs (Type III as per AS 1742).
- (c) As a minimum, the following signs and line marking must be provided:
 - (i) street name signs at each intersection - one at each T intersection and two at each four-way intersection;
 - (ii) speed limit signs, including school zones;
 - (iii) radar speed signs immediately following school zone signs to alert drivers of their speed;
 - (iv) warning signs at the approach to all hazards;
 - (v) "keep left" signs at the approach end of the first island at all channelised intersections and at all median openings;
 - (vi) separation lines on sub-arterials and collectors;
 - (vii) double unbroken lines on street centreline at locations on two-way streets where the sight distance available is less than the desirable minimum specified in Austroads;
 - (viii) at a temporary termination of street construction, such as a subdivision or stage boundary a diagonal striped sight board must be erected;
 - (ix) holding lines at T intersections; and
 - (x) other traffic control devices necessary for effective traffic control and any traffic control devices required by the Relevant Authority.
- (d) Line marking must be applied with a minimum of two (2) coats. The first coat must be applied prior to the Practical Completion Date; and the second coat six (6) months later.

4.9. SHARED PATHS AND FOOTPATH DESIGN

- (a) The provision of safe and convenient facilities for pedestrians and cyclists is required. Subdivision development designs must incorporate a system of footpaths and shared paths.
- (b) Design of shared paths and footpaths must comply with relevant legislation, current Australian Standards, Austroads Guidelines, Standard Drawings (Part 3) and the following requirements.

4.9.1. APPLICATION

- (a) Footpaths must be provided in Road Reserves as per Table 5 to Table 12 as a minimum.
- (b) Footpaths and shared paths must also be included throughout Subdivisions to:
 - (i) connect residential areas to public open spaces and other points of interest;
 - (ii) provide access throughout the subdivision and to connect with the regional path network;
 - (iii) activate public open space areas and provide access to associated facilities.
- (c) On-street Cycle Lanes should be considered where Annual Daily Traffic (ADT) is forecast to exceed 3,000 vehicles per day. The Developer should consult with the Relevant Authority during the project development phase to confirm regional cycle path network strategies and agree on appropriate provision of cyclist facilities.

4.9.2. KERB RAMPS AND REFUGES

- (a) Crossings and kerb ramps must be provided at all kerbs where footpaths and shared paths cross streets and roads. These must be designed and constructed in accordance with Standard Drawings and relevant Australian Standards.
- (b) Pedestrian refuges must be provided within medians, as applicable.

4.9.3. ACCESS FOR PERSONS WITH A DISABILITY

- (a) All public places and facilities for public access, use and enjoyment in any Subdivision must comply with the *Disability Discrimination Act 1992 (Cth)*. In particular, all public places and facilities for public access, use and enjoyment, must be reasonably open, accessible and available to people with a disability in accordance with that Act.
- (b) Assessment of design requirements for streets and pathways in Subdivisions should be undertaken on a case-by-case basis to identify opportunities to remove barriers and improve accessibility where it is practicable to do so. Designs should aim to:
 - (i) provide fair and equitable access for persons with a disability; and
 - (ii) provide a more usable and accessible environment for all persons.
- (c) Application of Tactile Ground Surface Indicators (TGSIs) within streets and pathways in Subdivisions will improve methods of wayfinding and increase safety within the built environment for blind or vision-impaired persons. The requirements of AS1428.4.1 should be considered on a case-by-case basis and applied where appropriate to ensure safe access for blind or vision-impaired persons.

4.10. ROAD SAFETY AUDITS

- (a) The Developer must consult with Relevant Authorities to confirm the scope of road safety audits required for Public Infrastructure.
- (b) All roads and/or intersections involving Arterial or Sub-Arterial Roads are subject to Road Safety Audits in accordance with the DIPL Policy "Road Safety Audits". In general, the following must be provided:
 - (i) Stage 3 Audit (Detail Design)
 - (ii) Stage 4 Audit (Pre-opening Design) Stormwater Drainage
- (c) Road Safety Audits must be prepared by a suitably qualified Road Safety Auditor and undertaken in accordance with national practice given in Austroads Guidelines.
- (d) Appropriate consideration must be given to vulnerable road users and for unique traffic conditions that exist in the Northern Territory.

5. PUBLIC OPEN SPACE

5.1. INTRODUCTION

- (a) This section sets out the requirements for Public Open Space, as applicable to Residential/Mixed Use Subdivisions under the Planning Scheme. For Industrial and Rural zoned Subdivisions, this section is generally not applicable unless mandated by Development Permit conditions; however, the Developer is recommended to consider the design elements outlined within this section and apply them to their Subdivision as appropriate.
- (b) The provision of an integrated network of Public Open Space is a key factor in a neighbourhood's liveability, vitality, civic interaction and sense of place. A complementary range of well-located, site-responsive parks of different types, scales and activity levels should work together across project boundaries to facilitate walking and cycling as well as provide recreation, play and outdoor lifestyle opportunities for the whole community.
- (c) This section sets out the range of design elements that are to be considered and addressed in the planning and design of public open space areas within a Subdivision. The design elements considered are:
 - (i) Public Open Space Provision & Distribution
 - (ii) Land Use & Activity
 - (iii) Site Responsive Design
 - (iv) Interfaces & Surveillance
 - (v) Accessibility & Movement
 - (vi) Stormwater Management & Drainage
 - (vii) Structures & Hard Landscaping
 - (viii) Streetscapes
- (d) Information in each element is arranged in terms of:
 - (i) Objectives - which set out the broader aims for the topic;
 - (ii) Mandatory Criteria - which specify specific requirements which must be complied with; and
 - (iii) Design Suggestions - which provides further options and strategies for consideration.
- (e) Alternate and innovative approaches to the Mandatory Criteria may only be considered if they can clearly be demonstrated to achieve the Objectives and are subject to approval by the Relevant Authorities.
- (f) Soft landscaping is covered separately within Section 6.

5.2. PUBLIC OPEN SPACE MASTERPLAN

- (a) The Developer must prepare a Public Open Space Masterplan to support the Subdivision Masterplan (Section 2.3), to be submitted with the Development Application during the preliminary design development phase.
- (b) The Public Open Space Masterplan must fully describe responses to the design elements outlined in this section, and clearly identify the following:
 - (i) location, category and size of Public Open Space, including a summary of the total area and the proportion of the area designated to different types of public open space (active, passive, linkage corridors etc.);
 - (ii) how linkage corridors are connected to external linkages, public open space in neighbouring suburbs or adjacent shopping/educational facilities;
 - (iii) the proposed network of footpaths, shared paths and cycle paths in the Subdivision that will link each Public Open Space together and to adjoining subdivisions/developments, and provide a clear hierarchy of pedestrian movement to Areas of Significance and to and between sporting, recreation and community facilities;
 - (iv) how access for persons with disability, and appropriate furniture is provided to all Public Open Space compliant with requirements for access for persons with disability.
 - (v) where Public Infrastructure is to be constructed in linkage corridors as part of the movement network, with facilities for pedestrians and cyclists designed to take priority over private vehicles for short trip options;
 - (vi) stormwater management elements and Water Sensitive Urban Design (WSUD) strategies to be included in the Subdivision. These must be integral with the Public Open Space and landscape design;
 - (vii) areas of ecological importance to be protected and include connective habitat corridors to adjoining natural habitats;
 - (viii) biting insect transition, easements and buffer zones;
 - (ix) a recreation strategy accommodating all age groups and recreational interests;
 - (x) a street tree framework and theme which clearly notes which tree species will be planted in each street with reference to the local authority street tree strategy as available;
 - (xi) the location, identification and health report for existing vegetation to be retained;
 - (xii) a proposed plant species list of new trees, shrubs, and grass;
 - (xiii) the irrigation reticulation main line systems and water sources; and
 - (xiv) Irrigation strategy and water use table for irrigated landscape planting and grassing in public open space.

5.3. PUBLIC OPEN SPACE PROVISION AND DISTRIBUTION

- (a) This section covers the overall quantum of Public Open Space to be provided, and the range of open space types, what they should include and how they should be arranged in a broader open space network.
- (b) Formal provision of Public Open Space is only required for Residential/Mixed Use Subdivisions. The following requirements are not applicable to Industrial and Rural Zoned Subdivisions, unless otherwise mandated through Development Permit conditions.

5.3.1. OBJECTIVES:

- (a) To provide easy, walkable access to some form of Public Open Space for all residents within applicable Subdivisions.
- (b) To appropriately locate and distribute higher use spaces throughout neighbourhoods.
- (c) To ensure open space is suitably sized for its purpose.
- (d) To facilitate maintenance regimes.

5.3.2. MANDATORY CRITERIA:

- (a) The Planning Scheme requires Public Open Space be provided within Residential/Mixed Use Subdivisions, covering a minimum of 10% of the subdivision area. Allocation of Public Open Space must comply with the requirements of the Planning Scheme, as well as the following additional requirements:
 - (i) a minimum of 50% of public open space must be landscaped / developed space; and
 - (ii) a maximum of 50% of public open space can be undeveloped remnant bushland where this space includes Public Infrastructure that provides public access and benefit.
- (b) Remnant bushland must be maintained in a healthy state during construction if it is to be included in the above public open space calculation. Degraded remnant bushland must be revegetated, if it is to be included in the open space calculation.
- (c) Lakes and wetlands must provide a high level of amenity and recreational use if they are to be included in the above open space calculation. The inclusion of lakes and wetlands in the open space calculation is subject to approval by the Relevant Authority.
- (d) Public Open Space hierarchy must conform to Table 18, including:
 - (i) Pocket Parks
 - (ii) Local Parks
 - (iii) Neighbourhood Parks
 - (iv) Regional Parks
 - (v) Encumbered Linkage Corridors
 - (vi) Unencumbered Linkage Corridors

5.3.3. DESIGN SUGGESTIONS:

- (a) Pocket parks are encouraged to be linked to larger ones by linkage corridors or appropriate street linkages to facilitate efficient maintenance regimes.

Table 18 – Public Open Space Hierarchy

Hierarchy Type (Typical Sizes)	Intended Use
Pocket Park ($< 1,500\text{m}^2$)	Pocket Parks are smaller public open spaces focused toward providing a nearby space for local community members. The area catchment is generally a 400 m radius or a 5-minute walk. The space is typically utilised for short periods of time and may support active and passive play but does not provide for organised sporting events.
Local Park (1,500 to 5,000 m^2)	<p>Local Parks are medium sized public open spaces focused toward providing a nearby space for local community members. The area catchment is generally a 1000 m radius or a 10-minute walk. The space is typically utilised for active and passive play but does not provide for organised sporting events.</p> <p>Local Park location and design should:</p> <ul style="list-style-type: none"> ◦ include accessible, safe pedestrian and cycling connections; ◦ form part of an overall pedestrian and cycling network to connect key destination points; ◦ support good passive surveillance; ◦ be responsive to natural Development Site features; ◦ build on sense of place; ◦ provide active and passive recreation, shade and seating; and ◦ assist to preserve local biodiversity and natural area values.
Neighbourhood Park (5,000 m^2 to 2 ha)	<p>Neighbourhood Parks are large public open spaces serving as the recreational and social focus of a community. Residents are attracted by the variety of features and facilities and opportunities to socialise. Neighbourhood Parks can assist to engender sense of place and protect specific conservation values through retention of nature spaces. They may be used for junior sport or sports training if appropriate space is available.</p> <p>Neighbourhood Park location and design should:</p> <ul style="list-style-type: none"> ◦ be central to neighbourhood population catchment; ◦ include accessible, safe pedestrian and cycling connections; ◦ form part of an overall pedestrian and cycling network to connect key destination points; ◦ support good passive surveillance; ◦ be responsive to natural Development Site features; ◦ build on sense of place; ◦ provide active and passive recreation for a range of age groups and interests; ◦ provide sporting based Public Infrastructure elements; and ◦ assist to preserve local biodiversity and natural area values. <p>Neighbourhood Park location and design may also:</p> <ul style="list-style-type: none"> ◦ be co-located with future schools to create a community hub at the planning stage; and ◦ be large enough to enable different activities and uses to occur simultaneously.

Table 18 – Public Open Space Hierarchy

<p>Regional Park (> 2 ha)</p>	<p>Regional Parks are principally designed to provide for organised formal sport. They will very likely include substantial recreation space and some nature space connected to habitat corridors at planning stage. Regional Park design and function should consider biodiversity principles and environmental management goals. Regional Parks serve several neighbourhoods with players and visitors travelling from surrounding districts.</p> <p>Regional Park location and design should:</p> <ul style="list-style-type: none"> ◦ be located central to the population catchment to maximise accessibility; ◦ accommodate the recommended dimensions and supporting amenity for formal sport and recreation; ◦ be located on Collector Streets with good passive surveillance; ◦ be serviced by public transport networks; and ◦ include accessible, safe pedestrian and cycling connectors. <p>Regional Park location and design may also:</p> <ul style="list-style-type: none"> ◦ be collocated with a future school or other community facilities at the planning stage to create a community hub (refer Area Plan); ◦ provide a significant visual break in the urban environment, particularly along major thoroughfares; and ◦ assist to preserve local biodiversity and natural area values. <p>Regional Park activities may:</p> <ul style="list-style-type: none"> ◦ consist of sufficient space to accommodate a variety of concurrent uses, including organised sports, children's play, picnicking, exercising the dog, social gatherings and individual activities; ◦ include a combination of bushland, open parkland for casual play and space for organised sport; and ◦ accommodate multiple user groups, clubs and associations.
<p>Encumbered Linkage Corridor (Min 15m wide)</p>	<p>Encumbered Linkage Corridors are designed to cater for service easements adjacent to pedestrian and cyclist movements between public open space areas or a pedestrian access point and a public open space area.</p>
<p>Linkage Corridor (Min 10m wide)</p>	<p>Linkage corridors are designed to cater for pedestrian and cyclist movements between public open space areas or a pedestrian access point and a public open space area.</p>

5.4. LAND USE & ACTIVITY

- (a) Existing and proposed surrounding land uses can have a significant and potentially negative influence on a Public Open Space in terms of their traffic generation, built form relationships and other factors. So too can particular higher use Public Open Space types be perceived as creating negative impacts for certain land uses in terms of noise and traffic generation.

5.4.1. OBJECTIVES:

- (a) To pair appropriate Public Open Space provision with anticipated or existing land uses.
- (b) To ensure activity levels within Public Open Space does not detract from the lifestyle of surrounding residents and businesses.

5.4.2. MANDATORY CRITERIA:

- (a) Parking areas for higher use areas must be carefully located so as not to impact amenity for surrounding residents and businesses.

5.4.3. DESIGN SUGGESTIONS:

- (a) Public Open Space areas within activity centres are encouraged to include a higher proportion of hardscaped treatments.

5.5. SITE RESPONSIVE DESIGN

- (a) Site responsive design primarily relates to adopting a sensitive response to the existing landform and topography, providing a more authentic and anchored outcome. It may include retention of key landscape features such as trees or rocks, and can often have significant benefits in terms of limiting earthworks requirements and facilitating stormwater management strategies.

5.5.1. OBJECTIVES:

- (a) To help create a sense of place by preserving landform and other natural features, where possible.

5.5.2. MANDATORY CRITERIA:

- (a) Developers must identify and protect areas of ecological importance and ensure that their values are not compromised through the Subdivision process.
- (b) Connective habitat corridors between adjoining natural habitats must be provided, where applicable.

5.5.3. DESIGN SUGGESTIONS:

- (a) Retention of existing trees and features is encouraged.
- (b) Designs that preserve and respond to existing ridge lines and valleys are encouraged.

5.6. INTERFACES & SURVEILLANCE

- (a) The interface between adjacent residents and businesses and Public Open Space can be critical to their ongoing success and must be carefully considered.
- (b) Passive surveillance of Public Open Space from rooms, windows and places frequented by people can go a long way to improving the space's overall sense of safety.

5.6.1. OBJECTIVES:

- (a) To provide high amenity outlook to residents.
- (b) To create a safe environment for users.

5.6.2. MANDATORY CRITERIA:

- (a) Crime Prevention Through Environmental Design (CPTED) principles must be adhered to with all facilities.
- (b) All areas of Public Open Space must include street frontage on at least one side to promote passive surveillance.
- (c) Long, narrow pathways between fences must be avoided.
- (d) Where lots front directly onto Public Open Space, Developers must demonstrate how surveillance of the public domain is achieved.

5.6.3. DESIGN SUGGESTIONS:

- (a) Street lighting and landscape treatments should be designed to encourage active use during the day and night to minimise anti-social behaviour and vandalism.
- (b) Apartments and multi-storey forms are encouraged around Public Open Space generally to assist with passive surveillance.
- (c) For allotments with a direct interface to Public Open Space, apartments are encouraged over single dwellings due to their enhanced opportunities for co-ordinated interface management such as integrated fencing design, finished level management, shared controlled pedestrian access and possible controlled individual courtyard access.

5.7. ACCESSIBILITY & MOVEMENT

This section relates to accessibility both in terms of universal access for disabled persons, but also to the more general linkages and connections within and between Public Open Spaces.

5.7.1. OBJECTIVES:

- (a) To ensure access to Public Open Space areas is available for all.
- (b) To provide safe and clear linkages for pedestrians and cyclists around and between Public Open Space(s).
- (c) To create pedestrian priority spaces, while enabling access to service and maintenance vehicles.
- (d) To ensure on-street and off-street parking facilities are made available to service Public Open Space(s).

5.7.2. MANDATORY CRITERIA:

- (a) All public places and facilities for public access, use and enjoyment in any Subdivision must comply with the Disability Discrimination Act 1992. In particular, all public places and facilities for public access, use and enjoyment, must be reasonably open, accessible and available to people with a disability in accordance with that Act
- (b) Public Open Spaces must be designed to comply with all relevant disabled access legislation, regulations and standards, including AS1428 Design for Mobility and Access as far as reasonably practicable.
- (c) The Developer must ensure that an adequate and safe hierarchy of linkage and pathways is achieved throughout the Public Open Space areas such that pedestrians and cyclists can move around and between areas of Public Open Space easily and with a high level of amenity.
- (d) Public Open Space areas must be designed to:
 - (i) prevent access by public vehicles;
 - (ii) allow for service access for emergency, council and maintenance vehicles;
 - (iii) provide access points at maximum 300 meter centres to elongated areas;
 - (iv) provide access points from the lower classification of street where practicable; and
 - (v) provide removable and lockable barriers at all access points.
- (e) Bicycle path connections must be provided between all playground areas.
- (f) Access must be provided to all pathways, street and park furniture in accordance with all disabled access requirements and standards, and CPTED principles.
- (g) Refer Section 4.9 for requirements on pathways generally.
- (h) On-street and off-street parking facilities must be provided for Public Open Space Areas, in accordance with the Planning Scheme and as agreed with the Relevant Authority.

5.7.3. DESIGN SUGGESTIONS:

- (a) Seating for rest stops should be considered along pathways.
- (b) View corridors should be maintained where possible between nodes.
- (c) Bicycle infrastructure should be used adjacent Collector Streets and areas of high traffic.

5.8. STORMWATER MANAGEMENT & DRAINAGE

- (a) The Public Open Space network plays an important role in the management of stormwater throughout a Subdivision and this should be integrated and balanced with its other recreational purposes.

5.8.1. OBJECTIVES:

- (a) To manage the movement of stormwater safely and efficiently.
- (b) To minimise the time that stormwater impacts upon the usability of Public Open Space.

5.8.2. MANDATORY CRITERIA:

- (a) Stormwater management elements and Water Sensitive Urban Design (WSUD) strategies must be included in the Subdivision and be integrated with the overall Public Open Space and soft landscaping design.
- (b) Refer Section 7 for general Stormwater Drainage requirements.
- (c) Landscaped areas must be designed to ensure they are free draining.
- (d) Subsoil drainage must be provided to all soft fall areas in accordance with Australian Standards. Provide subsoil drainage to all other landscaped areas, as necessary,
- (e) Public Open Space areas may be utilised for detention purposes in major storm events, but must remain unencumbered by drains during minor storm events and have sufficient flat area for informal recreation. Detention basins must be designed in accordance with Section 7.9.14.

5.8.3. DESIGN SUGGESTIONS:

- (a) Landscape schemes are encouraged to be reflective of natural stormwater systems where possible.

5.9. STRUCTURES & HARD LANDSCAPING

- (a) Structures and hard landscaping form an important, typically well-used and often costly part of any landscape design and should be considered carefully to ensure that they are specified and located appropriately.

5.9.1. OBJECTIVES:

- (a) Provide a variety of structures and hard landscaping to Public Open Space areas, with types and amounts of Public Infrastructure determined by predicted volumes of population in the Public Open Space at any one time. Structures and hard landscaping to include:
 - (i) places of rest and gathering such as seating, picnic tables, benches, boulders and other seating types that facilitate a rest stop or place for social connection;
 - (ii) appropriate shade structures for seating areas, picnic tables, recreation spaces and playground equipment that considers the duration of time park users will remain at the fixed infrastructure location.
 - (iii) automated unisex public toilet facilities in locations of occasional and/or intermittent high peak usage.
 - (iv) active recreation opportunities, including sporting and play equipment;
 - (v) litter bins to collect waste, located adjacent maintenance access points and near picnic facilities;
 - (vi) barbecues and cooking facilities for social gatherings;
 - (vii) hard wearing surface treatments for key pathways and higher use areas;
 - (viii) multi-modal transport storage, such as bike racks; and
 - (ix) access to water for drinking and maintenance.
- (b) Ensure that required services including stormwater, water, wastewater, electrical, communications and lighting are provided to service the structures and hard landscaping.

5.9.2. MANDATORY CRITERIA:

- (a) A range of furniture items must be provided at appropriate locations in Public Open Spaces to improve public amenity and recreational usage, complying with the following:
 - (i) All furniture must be in accordance with relevant Australian Standards including AS 1128.2 to cater for people with a disability, local and national building codes, and include Certification as necessary, to the approval of the Relevant Authority.
 - (ii) Local, Neighbourhood and Regional Parks must include Public Infrastructure that can be accessed by people with a disability.
 - (iii) All furniture must be robust, vandal proof, built of durable materials that will withstand general weathering and deterioration.
 - (iv) All seating must be built from materials that do not overheat and discourages inappropriate use.
 - (v) Shade cover must be provided to all table and seating areas. This may be achieved by a combination of tree planting and constructed shade structures, except for prominent table and seating areas which must be shaded by constructed shade structures to the approval of the Local Authority. Constructed shade structures must comply with the Building Code of Australia and be Certified.
 - (vi) Constructed shade structures must be located outside of minor drainage flow paths and shaded areas must not be inundated by minor storm events.
 - (vii) Places where people gather (e.g. near play equipment or at park entrances) must be provided with litter collection, seating, and solid or natural shade cover to the approval of the Relevant Authority.
 - (viii) automated unisex public toilet facilities must be provided in Local, Neighbourhood and/or Regional Parks as agreed with the Relevant Authority.
- (b) Drinking fountains must:
 - (i) be located on a concrete slab;
 - (ii) provide equal access for all users;
 - (iii) incorporate appropriate drainage linked to the stormwater system; or subsoil drainage systems to plantings that will benefit from additional soil moisture, subject to approval by the Local Authority;
 - (iv) incorporate automatic off taps to reduce water wastage;
 - (v) provide back flow prevention; and
 - (vi) incorporate a dog water bowl.
- (c) Bike racks must be provided at park entrances, along the cycle network and/or at destinations within Public Open Space.
- (d) Internal LED lighting must be provided to primary pathways and play areas, with the exception of pocket parks where they can be sufficiently lit from adjacent street lighting. Refer Section 12 for details.
- (e) Neighbourhood and Regional Parks must include barbecues and/ or cooking facilities for social gatherings.
- (f) Sporting and play equipment must be provided to meet the following requirements:
 - (i) Provide a range of play opportunities and equipment or features for users of a variety of ages. The overall approach to provision of play equipment and recreational facilities must be outlined in the Public Open Space Masterplan.
 - (ii) All play equipment must comply with the relevant Australian Standards, local and national building codes, and include certification as necessary, to the approval of the Relevant Authority. Relevant Australian Standards include but are not limited to AS 4486.1-1997 and AS 4685.1-6-2004.
 - (iii) Play equipment must include impact absorbing surrounds, with subsoil drainage, to Australian Standards requirements.
 - (iv) Total shade cover, measured between 9am and 3pm, must be provided to all play equipment by constructed shade structures. Bins and shaded seating must be provided nearby.
 - (v) Play areas must have adequate separation from traffic conflict areas (vehicle, bike and pedestrian traffic) and large open stormwater drains.
 - (vi) Play equipment and constructed shade structures must be located outside of minor drainage flow paths and shaded areas must not be inundated by a minor storm event.
 - (vii) Design and location of play equipment is to be in accordance with CPTED principles.

5.9.3. DESIGN SUGGESTIONS:

- (a) Park signage is encouraged to assist wayfinding and commemorate historical, social or natural cultural elements and place making, where appropriate.

5.10. STREETSCAPES

- (a) Streetscape designs can form important secondary visual cues to help people navigate to open space assets. Streets can also become special spaces for residents, especially when more generous verges or planting regimes are proposed.

5.10.1. OBJECTIVES:

- (a) Streetscape design should support the amenity, function and wayfinding of neighbourhoods.

5.10.2. MANDATORY CRITERIA:

- (a) Developers must provide detailed sections and explanatory technical information for any atypical streetscapes proposed.

5.10.3. DESIGN SUGGESTIONS:

- (a) Larger, possibly asymmetrical verges are encouraged where tree retention or special landscape treatments are proposed.
- (b) Boulevard treatments are encouraged for streets which lead to open space areas.
- (c) Water management bio-swale streets are encouraged, where appropriate.

6. SOFT LANDSCAPING

6.1. INTRODUCTION

- (a) Requirements for soft landscaping across varying land use zoning and locality are broadly described in Table 2 – Typical Public Infrastructure Expectations.

6.2. OBJECTIVES

- (a) To provide guidelines for the planning and design of soft landscaping elements throughout streetscapes and Public Open Spaces within a Subdivision.
- (b) To ensure appropriate species of flora are selected.
- (c) To ensure handover and ongoing maintenance is facilitated.

6.3. MANDATORY CRITERIA

- (a) All areas within Road Reserves and Public Open Space, which are not hardscaped, must be landscaped with appropriate soft landscaping to provide a sufficient level of amenity and mitigate erosion, to the satisfaction of the Relevant Authority.
- (b) Locate all soft landscaping elements with public safety as a major consideration.
- (c) Comply with all requirements of the Standard Drawings and Standard Specification.

6.3.1. FLORA SELECTION

- (a) All trees, plants, shrubs and ground cover species including grass seed mixes must be approved by the Relevant Authority.
- (b) All flora species and planting arrangements must be low maintenance, water efficient, and suitable for the intended use, location, wind loading, site soils and drainage conditions.
- (c) All trees must have the following characteristics:
 - (i) sturdy and well hardened trunks and stems;
 - (ii) a well developed root system;
 - (iii) a minimum 3 months in the container;
 - (iv) obviously sound, healthy and vigorous appearance; and
 - (v) be free from pests and disease.
- (d) Flora with thorns are not permitted.

6.3.2. TREE PLANTING

- (a) The tree planting corridor in Road Reserves is located 1100 – 1600mm off the kerb and must be installed with root barriers as per the Standard Drawings.
- (b) All trees must be planted a minimum 3m from built infrastructure (streets, pathways, structures, etc.) where reasonably practicable. Where trees are located less than 3 metres from built Public Infrastructure, root barriers must be installed as per the Subdivision Standard Drawings (Part 3). Root barriers must also be provided to protect built Public Infrastructure from existing trees, as per AS 4970-2009.
- (c) Trees and shrubs in Power and Water service corridors and easements must be selected from the Power and Water approved list of allowable plants, under Reference Documents (Part 2).
- (d) Trees and planting must be installed to provide the following clearances at full maturity:
 - (i) appropriate separation between different species of trees and plants;
 - (ii) clear sight distances for pedestrians and vehicles at intersections, driveways and pedestrian crossings;
 - (iii) clearance from overhead power lines, light poles and CCTV cameras to prevent Public Infrastructure damage and compromised light spills/CCTV views;
 - (iv) clearance to underground services and stormwater pits to avoid root damage; and
 - (v) minimum 3 meters clearance from fire hydrants.

6.3.3. GARDEN BEDS

- (a) Ensure a variety of flora is installed in each garden bed to create thematic planting.
- (b) Design planting arrangements to achieve 100% cover of the garden bed at maturation.

6.3.4. GRASSING

- (a) Provide a variety of dryland (non-irrigated) and irrigated grassing, as appropriate.

6.3.5. REQUIREMENTS FOR STREETSCAPES

- (a) Streetscapes must generally be planted as follows:
 - (i) Primary Collector Street – Thematic planting is required on all verges and in any median areas. Landscape treatment to include garden beds, tree planting and grassing to both verges and medians as well as appropriate drainage, irrigation and growing medium.
 - (ii) Secondary Collector, Access, and Minor / Cul-de-Sac Streets – Landscape treatment to include tree planting and grassing to both verges and medians.
 - (iii) Roundabouts - typically designed with topsoil, subsoil drainage, feature planting, irrigation and mulch. Hard landscaping treatments may be adopted where subsoil drainage cannot be adequately provided, subject to approval by the Relevant Authority.

6.3.6. REQUIREMENTS FOR PUBLIC OPEN SPACE

- (a) All Public Open Space areas must be landscaped to a minimum standard for the purposes of public amenity, conforming to the following requirements:
 - (i) a range of plant material must be used with an appropriate balance and mix of upper canopy to provide shade, shrubs and ground covers;
 - (ii) all areas that are disturbed during construction must be stabilised with grassing or other methods;
 - (iii) open areas must be provided for active recreation purposes;
 - (iv) shade trees (and shade structures) must be provided over play equipment, seats and along pathways for aesthetic and comfort reasons; and
 - (v) areas of retained vegetation must be improved with additional planting of native species, mulch and kerbed edges.

6.3.7. IRRIGATION

- (a) Permanent irrigation must be limited to active open space areas, featured landscape areas and garden beds.
- (b) Within Road Reserves, except verges adjacent irrigated parks or open space areas, irrigation systems are not required and will not be owned or maintained by the Relevant Authorities.
- (c) Irrigation systems must be designed and certified by a qualified irrigation designer certified by Irrigation Australia, and must comply with all relevant Australian Standards.
- (d) Landscaping and irrigation works must be designed to achieve efficient use of water, providing adequate water for healthy growth of plants without wastage.
- (e) All possible sources of water for irrigation purposes must be investigated by the Developer, with potable water only used where alternative water sources are not practicable. If required, potable water supply must comply with the requirements of Section 8.
- (f) The Developer is responsible for the irrigation of all soft landscaping during the Defects Liability Period. Where permanent irrigation is absent, temporary irrigation may be required to assist with establishment and maintenance of soft landscaping. Any temporary irrigation installed must be removed by the Developer prior to completion of the Defects Liability Period, unless otherwise agreed with the Relevant Authority.

6.4. DESIGN SUGGESTIONS

- (a) Use of trees and planting to reinforce the status and character of each type of street is encouraged.
- (b) Planting regimes that are indigenous to the area are encouraged.
- (c) Xeriscaping and low water use planting schemes are encouraged, particularly in locations with low rainfall.

7. STORMWATER DRAINAGE

- (a) This section, together with those parts of Section 4 dealing with drainage in respect of streets and pathways, sets out the minimum requirements for design, documentation and approval of stormwater drainage systems servicing Subdivisions.
- (b) Stormwater drainage is a key design consideration for the development of all land to ensure both natural systems and constructed systems continue to function in terms of stormwater volumes, discharge rates, velocities and water quality. Adverse impacts on upstream and downstream environments, including both built environments and natural ecosystems, must be mitigated as far as practicable. It is the responsibility of the Developer to ensure stormwater drainage design and construction is compatible with existing, proposed and, to the greatest extent possible, foreseeable future land use.
- (c) The Developer must implement Water Sensitive Urban Design (WSUD) best management practices to mitigate adverse impacts on natural ecosystems as far as reasonably practicable. In the context of stormwater drainage, this includes but is not limited to:
 - (i) preservation of natural hydrological flow regimes, including managing sub-catchment flow directions, discharge rates and volumes (Section 7.2.3);
 - (ii) retention of natural Waterways, where practicable to do so (Section 7.2.4);
 - (iii) selection of stormwater drainage infrastructure to slow down flows, maximise groundwater recharge, and filter out nutrients and other pollutants (Section 7.9); and
 - (iv) management of stormwater quality (Section 7.10).
- (d) The Relevant Authorities for stormwater drainage management are:
 - (i) Local Authority in respect of stormwater Public Infrastructure design and construction on, as well as quantity and quality of discharge of stormwater to or through, Local Authority streets, land and other Public Infrastructure owned or under the care and control of the relevant Local Authority.
 - (ii) Department of Infrastructure, Planning and Logistics in respect of stormwater Public Infrastructure design and construction on, as well as discharge of stormwater to or through, Territory infrastructure, land or in Northern Territory Government Controlled Road Reserves.
 - (iii) Department of Environment and Natural Resources in respect of pollution incidents of surface water, groundwater and/or tidal waters under the *Water Act 1992 (NT)*; and works interfering with a Waterway.
 - (iv) Northern Territory Environmental Protection authority in respect of pollution incidents under the *Waste Management and Pollution Control Act 1998 (NT)*.
 - (v) Department of Health – Medical Entomology Section in respect of creation or disturbance of biting insect habitats.
- (e) Stormwater design must conform to the following documents and the requirements of this Section:
 - (i) Australian Rainfall and Runoff (Geoscience Australia);
 - (ii) Stormwater Drainage Design in Small Urban Catchments (ARRB Special Report No. 34);
 - (iii) Austroads Guidelines, including Guide to Road Design – Part 5: Drainage;
 - (iv) Relevant Australian Standards;
 - (v) The relevant policies or guidelines in Part 2 - Reference Documents; and
 - (vi) The details provided in the accompanying Part 3 – Standard Drawings.
- (f) Riverine flood/storm surge modelling and stormwater design must incorporate the longest outlook in CSIRO's Sea Level Rise Predictions.
- (g) All stormwater drainage infrastructure including but not limited to pits, pipes, open drains, and basins must be free flowing and must not facilitate breeding of biting insects, as far as reasonably practicable. Guidelines for Preventing Biting Insect Problems for Urban Residential Developments or Subdivisions in the Top End of the NT and Constructed Wetlands in the Northern Territory Guidelines to Prevent Mosquito Breeding provide further guidance on best practice design and management.

7.1. STORMWATER MANAGEMENT STRATEGY

- (a) Stormwater management and design approval is a two-part process. Developers must:
 - (i) Submit a Part 1 Stormwater Management Plan for review to each Relevant Authority during the project development phase, prior to (or at the time of) submitting a Development Application; and
 - (ii) Submit a Part 2 Stormwater Management Plan for approval to each Relevant Authority during the design development phase, after a Development is received.
- (b) Flood studies may be required to confirm riverine/catchment flood levels and extents where existing studies have not been undertaken, as made available by DENR - Water Resources.

7.1.1. PART 1 STORMWATER MANAGEMENT PLAN

- (a) Part 1 Stormwater Management Plans must:
 - (i) include a catchment plan, clearly illustrating the existing and proposed management of stormwater flows entering and/or leaving the Development Site;
 - (ii) for staged developments, provide an overall drainage plan for the whole of the proposed Subdivision, and provide for ongoing stormwater management throughout the staged development construction phase. Typically, a connection to the trunk drainage system must be constructed in the first stage, regardless of where the actual development works commence; however, the Developer may propose alternative stormwater management methods for approval by the Relevant Authority.
 - (iii) expressly consider the findings and recommendations of any existing plans or reports that may affect or be affected by stormwater management on the Development Site.
 - (iv) Part 1 Stormwater Management Plans must also identify the following as a minimum:
 - (A) primary and secondary storm surge levels and extents;
 - (B) riverine / catchment flood levels and extents;
 - (C) assumed sea level rise;
 - (D) locations of stormwater discharges;
 - (E) any impacts of the Subdivision on the catchment-wide drainage system, including connection points and modifications required to upstream and downstream drainage infrastructure, as applicable;
 - (F) stormwater management options that may mitigate any adverse impacts on existing drainage infrastructure resulting from the proposed Subdivision; and
 - (G) stormwater quality requirements, including sizing and positioning of stormwater quality treatment devices.

7.1.2. PART 2 STORMWATER MANAGEMENT PLAN

- (a) A Part 2 Stormwater Management Plan must be submitted to each Relevant Authority for approval after a Development Permit is received. This should be supported with approval(s) for discharging stormwater into downstream private land or Public Infrastructure.
- (b) A Part 2 Stormwater Management Plan must include schematic information demonstrating that the proposed Subdivision will comply with the following conditions:
 - (i) all urban properties are provided with flood immunity for the 1% Annual Exceedance Probability (AEP) Storm Event including storm surge, riverine / catchment flooding and local stormwater flows, except for Areas of Significance which require greater immunity;
 - (ii) all rural properties maintain a minimum 1ha of unconstrained land during the 1% Annual Exceedance Probability (AEP) Storm Event including storm surge, riverine / catchment flooding and local stormwater flows, except for Areas of Significance which require greater immunity;
 - (iii) all stormwater flow directions and management controls must be identified, including preliminary sizing of controls (e.g. detention systems, water quality treatment systems etc.);
 - (iv) all stormwater must flow to a Lawful Point of Discharge without causing Nuisance to adjacent properties or Crown land, or exceeding the capacity of existing Public Infrastructure;
 - (v) a risk assessment of the drainage system must be provided, identifying any safety measures to be adopted in the design; and
 - (vi) all measures that will be taken to prevent pollution of stormwater from construction activities must be identified, including separate controls for each stage of the construction programme.

7.2. STORMWATER DESIGN PHILOSOPHY

7.2.1. DESIGN LIFE

- (a) All materials and components of the stormwater drainage system must be durable and Fit For Purpose with a minimum design life of 40 years.

7.2.2. MAJOR/MINOR FLOOD MANAGEMENT CONCEPT

- (a) Design of the stormwater drainage systems must be based on the 'Major/Minor Flood Management Concept', which provides two distinct but conjunctively-acting drainage networks to manage 'Minor' (frequent) storm events and 'Major' (rare) storm events.
 - (i) The minor drainage system typically comprises underground pipes or table drains, which are designed to convey to disposal a minor stormwater flow of Annual Exceedance Probability (AEP) as specified in Table 21.
 - (ii) The major drainage system typically comprises the arrangement of Road Reserves, drainage reserves, open space, detention basins etc. to convey to disposal a major stormwater flow of Annual Exceedance Probability (AEP) as specified in Table 22.

7.2.3. STORMWATER CATCHMENTS AND DRAINAGE NETWORKS

- (a) Design of stormwater drainage networks must address the following requirements:
 - (i) Hydrological calculations must be undertaken considering land use across all contributing catchments is fully developed according to current permitted land use within the Planning Scheme.
 - (ii) Where stormwater from upstream catchments currently drains through the Development Site, stormwater infrastructure must be sized to accommodate such stormwater, without posing any adverse impacts on upstream drainage infrastructure.
 - (iii) Post-development flows leaving the Development Site must be equal to or less than pre-development flows for all storm events up to and including the 1% AEP storm event. Attenuation devices, such as detention basins, may be incorporated within the Subdivision to detain peak flow rates to achieve this objective. Some Development Sites with sensitive receiving environments may need to ensure volumes do not exceed pre-development volumes also.

7.2.4. NATURAL WATERWAYS

- (a) Natural Waterways, lagoons, perched swamps and similar natural features must generally be retained in their natural state in order to maintain the existing outflow characteristics and groundwater aquifer recharge.
- (b) Where construction works are required to manage stormwater drainage in these areas, the methods must be approved by the Relevant Authorities and a 'Permit to Interfere with a Waterway' may be required under Section 41(1) of the *Water Act 1992 (NT)*.

7.2.5. GENERAL REQUIREMENTS FOR RESIDENTIAL, MIXED USE AND INDUSTRIAL ZONES

- (a) Category A Localities must comply with the following requirements:
 - (i) All allotments must be graded to drain towards an adjacent servicing Road Reserve or drainage reserve. Inter-allotment drainage will only be permitted where approved by the Relevant Authority and an easement is provided in accordance with Section 7.7.
 - (ii) The following allotments must collect all stormwater on the Development Site during the minor storm event and discharge via a Lot Connection into a Lawful Point of Discharge:
 - (A) All lots smaller than 600m²;
 - (B) All lots with setback lot boundaries equal to or less than 1.5m;
 - (C) All non-single residential allotments (such as duplex sites and units); and
 - (D) All commercial and industrial allotments.
 - (iii) Typical Lot Connection details are provided in Part 3 (Standard Drawings) and must provide a grated inlet pit installed at the property boundary to safely accommodate surcharge into the Road Reserve at the connection point without impacting upstream hydraulic performance (min 450x450 GIP for Residential Zones; and 900x600 GIP for Commercial/Industrial Zones).

- (b) Category B and C Localities must comply with the following requirements:
 - (i) Stormwater drainage must maintain natural sheet flow across the lot into the Relevant Authority drainage system, which may include table drains, open drains, culverts, floodways and/or natural Waterways.
 - (ii) Inter-allotment drainage may be approved where natural sheet flow is maintained, or concentrated drainage is formalised with appropriate easements and agreement from the downstream land owners. Easements and concentrated drainage is not preferred and requires approval from the Relevant Authority.

7.2.6. GENERAL REQUIREMENTS FOR RURAL ZONES

- (a) Stormwater drainage in rural zones must maintain natural sheet flow across the lot into the Relevant Authority drainage system, which may include table drains, open drains, culverts, floodways and/or natural Waterways.
- (b) Inter-allotment drainage may be approved where natural sheet flow is maintained, or concentrated drainage is formalised with appropriate easements and agreement from the downstream land owners. Easements and concentrated drainage is not preferred in rural areas and requires approval from the Relevant Authority.

7.3. HYDROLOGICAL DESIGN

- (a) Stormwater flow rates and volumes must be calculated using hydrological modelling in accordance with the current version of Australian Rainfall & Runoff. The Rational Method may be accepted for small rural subdivisions, subject to approval by the Relevant Authority.
- (b) Rainfall data for the design storm must be obtained from Bureau of Meteorology Intensity-Frequency-Duration Charts (www.bom.gov.au). Temporal patterns must be obtained from Australian Rainfall & Runoff.
- (c) Catchment characteristics including impervious areas, catchment response and loss modelling are to conform to Australian Rainfall & Runoff. Catchment characteristics must be defined based on full development of all allotments (internal or external to the Subdivision) in accordance with the Planning Scheme.
- (d) Hydrological calculations for both major and minor drainage systems must be provided to the Relevant Authority as part of the Design Report (Section 2.4).

7.4. HYDRAULIC DESIGN

- (a) Hydraulic design of pits, pipes, culverts, table drains and open drains must be in accordance with the current version of Australian Rainfall & Runoff.
- (b) Hydraulic design of subsurface drainage must be in accordance with the current versions of Australian Rainfall & Runoff, and Austroads Guidelines.
- (c) Hydraulic calculations for both major and minor drainage systems must be provided to the Relevant Authority as part of the Design Report (Section 2.4).

7.4.1. OUTLET CONDITIONS

- (a) Where drainage is impacted by tidal or storm surge action, hydraulic design of stormwater Public Infrastructure must:
 - (i) consider tailwater conditions for Minor Storm Events as High Astronomical Tide (HAT) including the longest outlook in CSIRO's Sea Level Rise Predictions.
 - (ii) consider tailwater conditions for Major Storm Events as ARI 1 in 100 year Storm Surge Levels including the longest outlook in CSIRO's Sea Level Rise Predictions.

7.4.2. BLOCKAGE FACTORS

- (a) All underground pit/pipe networks and culverts designed to convey part-stormwater flows during the major stormwater event must be assigned with 50% blockage to inlet capacities for determination of resulting overland flows, except for grated inlet pits in sag locations which must be assumed fully blocked.
- (b) Blockage factors outlined in 7.4.2(a) may need to be adjusted for rural, regional and remote areas to take into consideration anticipated debris loadings and frequency of maintenance.

7.5. DESIGN STORM EVENTS

- (a) Design storm events must be in accordance with Table 19 to Table 20.
- (b) Where catchment zones discharge into downstream Public Infrastructure with lower design standards, provisions must be made to safely accommodate surcharge into the Road Reserve at the connection point without impacting upstream hydraulic performance.

Table 19 – Design Storm Events for Residential/Mixed Use and Industrial Zones

Application	Annual Exceedance Probability (AEP)	
	Minor Storm	Major Storm
Residential Zones (excl. HR)	50%	1%
Commercial and HR Zones	10%	1%
Industrial Zones	20%	1%
All Other Land Use Zones	50%	1%
Areas of Significance (See Definitions)	1%	0.2%

Table 20 – Design Storm Events for Rural Zones

Rural Public Infrastructure	Annual Exceedance Probability (AEP)	
	Minor Storm	Major Storm
Table Drains	50%	1%
Culverts under Driveway Crossovers	50%	1%
Cross Road Culverts:		
- On-grade	5%	1%
- Sag Points	1%	1%
Floodways	Refer Section 7.9.13 for details.	

7.6. DESIGN FLOW CRITERIA

- (a) Use of streets, open space and drainage reserves for stormwater runoff must be in accordance with Table 21 and Table 22.

Table 21 – Minor Storm Flow Criteria

Drainage Public Infrastructure		Minor Storm Criteria
Kerb and Gutter Flow	Laneway Minor Street Access Street	Flows must not overtop kerb Flow width $\leq 2.5\text{m}$ from Kerb
	Secondary Collector Primary Collector	Flows must not overtop kerb Flow width $\leq 2.5\text{m}$ from Kerb Minimum 3m street pavement free of inundation
Table Drains		Flows contained in table drains and meeting the following: Minimum 200mm freeboard to edge of street shoulder. Flow depth $\leq 750\text{mm}$ Flow velocity < Scour velocity Product of depth (m) and velocity (m/s) $\leq 0.40\text{m}^2/\text{s}$
Culverts under Driveway Crossovers		Headwaters satisfy table drain flow criteria. Headwaters provide minimum 150mm freeboard to edge of shoulder on driveway crossover. Flow velocity < Scour velocity
Cross Road Culverts		Headwaters satisfy Table Drain flow criteria. Headwaters provide minimum 200mm freeboard to edge of street shoulder. Flow velocity < Scour Velocity
Open Space and Drainage Reserves		Flow to be contained in formal drain section Flow velocity < Scour Velocity
Pedestrian Linkages		Pathways to be free of Inundation Minimum 1.0m width next to boundaries free of inundation

Table 22 – Major Storm Flow Criteria

Application	Major Storm Criteria
Streets with Underground Pipe Systems	<p>Flow contained in Road Reserve boundaries</p> <p>Longitudinal flows to meet the following criteria:</p> <ul style="list-style-type: none"> • Depth $\leq 300\text{mm}$ • Product of depth (m) and velocity (m/s) $\leq 0.40\text{m}^2/\text{s}$ <p>Transverse flows to meet the following criteria:</p> <ul style="list-style-type: none"> • Depth $\leq 200\text{mm}$ in roadway and max 150mm above crown • Product of depth (m) and velocity (m/s) $\leq 0.30\text{m}^2/\text{s}$
Streets with Table Drains	<p>Longitudinal flows in Road Reserve to meet the following criteria:</p> <ul style="list-style-type: none"> • Depth $\leq 300\text{mm}$ in roadway • Flow velocity < Scour velocity • Product of depth (m) and velocity (m/s) $\leq 0.40\text{m}^2/\text{s}$ <p>Transverse flows in Road Reserve, including flows overtopping roadways, to meet the following criteria:</p> <ul style="list-style-type: none"> • Depth $\leq 200\text{mm}$ in roadway and max 150mm above crown • Flow velocity < Scour velocity • Product of depth (m) and velocity (m/s) $\leq 0.30\text{m}^2/\text{s}$ <p>Extent of flooding (or flow spread) during the Major Storm must be assessed and illustrated on Design Drawings, with flooding over proposed Lots identified as Constrained Land. Total areas of Constrained Land must be illustrated on the Design Drawings, demonstrating compliance with Planning Scheme requirements for unconstrained land.</p>
Open Space and Drainage Reserves	<p>Flow to be contained in formal drain section</p> <p>Flow velocity < Scour Velocity</p> <p>Min 300mm Freeboard to Allotment Boundaries</p> <p>Open Spaces (e.g. recreational ovals) can be used to attenuate flows and/or convey major flows.</p>
Pedestrian Linkages	<p>Pathways do not have to be free of Inundation; however, min freeboard of 300mm to allotment boundaries must be achieved.</p> <p>Minimum 1.0m width next to boundaries free of inundation</p>

7.7. DRAINAGE EASEMENTS

- (a) Rear allotment drainage will not be permitted for Category A Localities.
- (b) All attempts must be made to manage stormwater drainage flows within the street/drainage reserves and associated drainage systems without the use of drainage easements. Where it is impracticable to achieve this, the Developer must obtain approval from the Relevant Authority for the use of drainage easements.
- (c) Where drainage easements are approved, the following criteria must be met:
 - (i) The minimum easement width for underground systems must be 3.0m for pipe diameters of 450mm or less and depths of up to 1.5m. An increase in easement width must be provided for larger pipes and/or depths, as advised by the Relevant Authority. Major Storm flows (1% AEP Event) must be safely conveyed separately via the street/drainage reserve network;
 - (ii) Drainage easements for open drains must be designed to cater for the Major Storm Event (1% AEP), including freeboard. Easement width must accommodate full drain width plus additional land for access and maintenance as required by the Relevant Authority; and
 - (iii) The Developer will be responsible for the production of all easement documents and for execution and registration on each relevant title.

7.8. DRAINAGE RESERVES

- (a) Drainage reserves are parcels of land owned by a Relevant Authority where the sole use is for stormwater drainage. Application of drainage reserves in Subdivisions will be subject to approval by Relevant Authorities.
- (b) Where approved for use, drainage reserves must be designed to ensure public safety and amenity is maintained as a priority and the following criteria must be met:
 - (i) Drainage reserves must be designed to cater for the Major Storm Event (1% AEP) including freeboard;
 - (ii) Drainage reserves must contain vegetation, with appropriate fire breaks to adjacent properties, and cannot be lined with impervious surfaces, except where required for low flow drains; and
 - (iii) Drainage reserves widths are to be determined by the Public Infrastructure for which the drainage reserve caters and provide the following:
 - (A) A minimum buffer of 2 metres between adjacent property boundaries and the edge of an underground drain, or the edge of an open drain's top batter; and
 - (B) A 5 metre wide access corridor along one side of an open or underground drain to enable access for inspection and mechanical maintenance (i.e. mowing or slashing).

7.9. DRAINAGE INFRASTRUCTURE

- (a) All drainage infrastructure must be constructed in accordance with the Standard Drawings (Refer Part 3), Specification (Refer Part 4) and these Guidelines.
- (b) Alternatives including precast concrete structures may be accepted, subject to approval by the Relevant Authority. Where precast pits are used, 7MPa flowable fill is required for backfill.
- (c) For all drainage infrastructure, appropriate safety measures must be provided to protect the public from being trapped during storm events or flooding. Accordingly, risk assessment of the drainage system must be provided in the Part 2 Stormwater Management Plan and any safety measures identified must be included in the design at no cost to the Relevant Authority. Warning signs must be installed where required.
- (d) All drainage pits and headwalls must be fitted with safety grates on inlets (or other appropriate safety measures) to mitigate the risk of unintended entry into a piped systems. Design of such structures must be considered in the hydraulic design of drainage infrastructure, including impacts such as blockage and bypass overflows.
- (e) Open drainage structures must be designed and fitted with features that assist persons within the flow to exit the open drain structure.
- (f) In areas of high water table, the designer must consider buoyancy in relation to design of all drainage structures including pipe and culvert joints.
- (g) Design of drainage Public Infrastructure must consider maintenance requirements of the Relevant Authority.

7.9.1. PIPES

- (a) Scour protection must be provided at all pipes outlets.
- (b) Stormwater drainage pipes must comply with Table 23.

Table 23 – Pipes Design Criteria

Materials	Reinforced concrete, including fibre reinforced concrete, manufactured and tested to Australian Standards. Polypropylene, manufactured and tested to Australian Standards, may be considered but only used where approved by the Relevant Authority. Application to use polypropylene pipes must be supported with a detailed life cycle assessment, including but not limited to consideration of performance outcomes, economics and sustainability.										
Reinforced Concrete Pipes (RCP)	Minimum Size – DN 375 Minimum Class 2 Minimum clear cover must generally be 600mm in accordance with manufacturer's specifications. Reduced cover may be acceptable where higher class pipes are used. Provide sealed joints, such as Rubber Ring Joints (RRJ) or Flush Joint (FJ) with External Bands (EB)										
Clearances to Services	Provide minimum 150mm vertical and horizontal clearance between stormwater pipes / culverts and any other pipes or services, or greater if specified by the Service Authority.										
Minimum Grade ¹	0.50% (desirable), 0.30% (absolute)										
Maximum Grade ²	As required to control maximum velocities. Typical maximum grades for common pipe sizes are as follows: <table border="0"> <tr> <td>DN 375 - 15.0%</td> <td>DN 750 - 5.5%</td> </tr> <tr> <td>DN 450 - 11.0%</td> <td>DN 900 - 4.5%</td> </tr> <tr> <td>DN 525 - 9.0%</td> <td>DN 1050 - 3.5%</td> </tr> <tr> <td>DN 600 - 7.5%</td> <td>DN 1200 - 3.0%</td> </tr> <tr> <td>DN 675 - 6.5%</td> <td>DN 1500 - 2.2%</td> </tr> </table>	DN 375 - 15.0%	DN 750 - 5.5%	DN 450 - 11.0%	DN 900 - 4.5%	DN 525 - 9.0%	DN 1050 - 3.5%	DN 600 - 7.5%	DN 1200 - 3.0%	DN 675 - 6.5%	DN 1500 - 2.2%
DN 375 - 15.0%	DN 750 - 5.5%										
DN 450 - 11.0%	DN 900 - 4.5%										
DN 525 - 9.0%	DN 1050 - 3.5%										
DN 600 - 7.5%	DN 1200 - 3.0%										
DN 675 - 6.5%	DN 1500 - 2.2%										
Velocity Limits	Minimum 1.00m/s (self-cleansing) Maximum 6.00m/s (to prevent damage to concrete)										

1. 'Desirable' minimum grades must be complied with unless Development Site constraints govern adoption of 'absolute' grades and approval is obtained from the Relevant Authority.

2. Maximum grades apply to both physical pipe grades and hydraulic grade lines.

7.9.2. DRAINAGE PITS - GENERAL

- (a) All pits must be spaced maximum 90 metres intervals.
- (b) All pits subject to vehicle loading must be designed to withstand expected loads.
- (c) All access covers and grates must be Class D (Heavy Duty) in accordance with AS3996.
- (d) Pits to be free draining.
- (e) Reduction in pipe sizes downstream of pits will not be permitted.
 - (i) Pipework openings must be located within a single wall of a pit; that is, pipes must not be permitted to enter through the corners of a pit structure.
- (f) Pit depths must be minimum 1.2 metres and maximum 3.0 metres, unless otherwise approved by the Relevant Authority.
- (g) Pits must be located to minimise the likelihood of conflict with service conduits and future driveways
- (h) Minimum freeboard for pits must comply with the following during the Minor Storm Event:
 - (i) 150mm below the pit inlet on side entry pits and letterbox pits; and
 - (ii) 150mm below the surface for grated inlet pits and junction pits.

7.9.3. SIDE ENTRY PITS

- (a) The spacing and size of side entry pits (SEP) must be designed to achieve the flow criteria in Table 21.
- (b) SEPs must be located at all low (sag) points. One additional SEP must be provided on-grade upstream of a low point (one side only) for overflow relief, such that the inlet level of the on-grade pit is 200mm higher than the inlet level of the sag pit.
- (c) SEPs must be located immediately upstream of intersections, pedestrian crossings, and bus stops to limit the flow to 500mm maximum width for the minor design storm event in these locations.
- (d) SEPs must be located to reduce potential for conflict with driveways.
- (e) The location of stormwater pits on intersection tangent points or within the kerb radius at intersections must be avoided. If there is no suitable alternative, stormwater pits located in these areas may be approved by the Relevant Authority and, where approved, must be fitted with heavy duty frames and lids to provide protection from damage by wheel loads.
- (f) The clearance between the kerb invert and the underside of the lid, or lid support, where applicable, must be a maximum of 100mm. Where the inlet clearance is greater than 100mm, a 12mm diameter galv bar must be placed across the opening for safety purposes.

7.9.4. JUNCTION PITS (ACCESS CHAMBERS)

- (a) Junction Pits must be constructed at all pipe junctions and at changes in direction, grade, or diameter of pipe where there is not already a side entry pit or other inlet pit.
- (b) On long lengths of constant size and grade, where side entry pits or other inlet pits are not required, junction pits must be constructed at maximum 90 metre intervals for cleaning and maintenance purposes.

7.9.5. LETTERBOX PITS

- (a) Letterbox pits must be constructed within the invert of open drains or at low points in public open space to contain stormwater flows.
- (b) Appropriate erosion control measures, such as stone pitching, must be included.
- (c) The clear opening of the inlet must be a maximum of 100mm. Where the inlet clearance is greater than 100mm, a 12mm diameter galv bar must be placed across the opening for safety purposes.

7.9.6. GRATED INLET PITS

- (a) Grated Inlet Pits (GIPs) are not preferred due to risk of blockage, and must only be used where approved by the Relevant Authority. A proposal to use GIPs must address:
 - (i) whether the GIP is located on-grade allowing for bypass flows, or at a sag point;
 - (ii) if the GIP will be highly susceptible to debris loading leading to blockages, whether via natural organic matter or man-made waste; and
 - (iii) the risks associated with local stormwater flooding in the event of a blockage occurring, including whether appropriate overflow relief is available.
- (b) Where GIPs are approved for use, the following criteria must be met as a minimum:
 - (i) maximum depth of water must be limited to 300mm in a blockage and overflow relief must be provided.
 - (ii) grates must be provided with an alan key bolt down feature (or similar approved) and safely trafficable for pedestrians, cyclists and vehicles.

7.9.7. SURCHARGE PITS

- (a) The use of surcharge pits is subject to approval by the Relevant Authority.
- (b) Where approved for use, the pit must be designed to address the following:
 - (i) grates/outlet screens must be provided with an alan key bolt down feature (or similar approved) and be safely trafficable for pedestrians, cyclists and vehicles unless provisions are in place to prohibit access for each respective mode of transport;
 - (ii) safety features must be provided to mitigate the risk of persons becoming trapped inside the pit;
 - (iii) the risk of blockage in the pit/grate must be appropriately considered, including assessment of potential flooding problems;
 - (iv) the pit and outlet screen must have sufficient structural integrity to withstand high outflow velocities and high pressure forces which may result due to blockage of the grate, particularly due to the presence of a bolt down feature; and
 - (v) safe maintenance access must be provided for clearing of debris.
- (c) Hydraulic design of surcharge pits must be undertaken in accordance with established industry guidelines and have due consideration for energy losses including 90° mitre bend loss, expansion loss, screen loss, exit loss, and friction loss in the chamber.

7.9.8. BLIND PITS AND BANDAGE JOINTS

- (a) Underground (Blind) pits are not permitted.
- (b) Bandage joints for pipe connections are not permitted.

7.9.9. CATCH DRAINS

- (a) Where undeveloped land slopes towards the Development Site, catch drains must be provided to divert flow away from, or through, the Development Site in a controlled manner. Catch drains must be designed as open drains in accordance with Section 7.9.11, with sufficient capacity to safely convey the Major Storm Flows (1% AEP Event).

7.9.10. TABLE DRAINS

- (a) Table drains must be lined with appropriate dry land grasses. Concrete lined table drains are not encouraged and must be approved by the Relevant Authority. Unlined drains will not be approved.
- (b) Table drains must be trapezoidal in shape, with profiles such that mowing can be achieved with tractor mounted equipment.
- (c) Where deflections in drain alignments are necessary, horizontal curves with a minimum 5 metre radius must be provided.
- (d) Where drop structures are employed to control slope and velocity, the designer must address the potential for additional scour and erosion, associated maintenance issues and public safety.
- (e) Scour protection must be provided at change of direction, drop structures and at the inlet / outlet to pipes and culvert structures.
- (f) The design of table drains must ensure public safety and amenity is a priority. A risk assessment must be carried out and appropriate control measures put in place.
- (g) Table drains must only retain water during storm conditions.
- (h) Provide a minimum 1.5m offset between the top of batter and adjacent property boundary, widened as necessary to suit service corridor allocations.
- (i) Table Drains must be designed in accordance with Table 24.

Table 24 – Table Drain Design Criteria

Minimum Base Width	2.0m
Maximum Batter Slope	1:6 (desirable); 1:4 (absolute)
Minimum Grade ¹	0.50% (desirable); 0.30% (absolute)
Maximum Flow Depth	750mm
Minimum Freeboard	Minimum 200mm to edge of shoulder. Freeboard must be increased on bends to account for dynamic effects.
Maximum Velocity	Not to exceed scour velocity, as determined by the designer
Maximum Depth x Velocity	0.40m ² /s. Higher values may be proposed to the Relevant Authority for approval, supported by a risk assessment in accordance with ISO 31000 prepared by a Qualified Professional.

1. 'Desirable' minimum grades must be complied with unless Development Site constraints govern adoption of 'absolute' grades and approval is obtained from the Relevant Authority.

7.9.11. OPEN DRAINS

- (a) In urban environments, open drains are only permitted where they form part of the trunk drainage system.
- (b) Open drains must be lined with appropriate grass as a minimum. Open unlined drains will not be approved.
- (c) Profiles of grass lined drains must be such that mowing can be achieved with tractor mounted equipment.
- (d) All deflections in drain alignments must be provided with horizontal curves with min 5m radius.
- (e) Where drop structures are employed to control slope and velocity, the designer must consider the potential for additional scour and erosion, associated maintenance issues and public safety.
- (f) Scour protection must be provided at any change of direction, drop structures and at inlets/outlets to pipes and culverts.
- (g) Open drains must only retain water during storm conditions. They must be provided with suitable outlets to ensure they are free draining and mitigate erosion of downstream environments.
- (h) The design of open drains must ensure public safety and amenity is a priority. A risk assessment must be carried out and appropriate control measures put in place, including fencing where appropriate. Where fencing is used, it must have suitable gate provisions to permit access for maintenance purposes.
- (i) Open Drains must be designed in accordance with Table 25.

Table 25 – Open Drain Design Criteria

Minimum Base Width	2.0m
Maximum Batter Slope	1:6 (desirable); 1:4 (absolute)
Minimum Grade ¹	0.50% (desirable); 0.30% (absolute)
Maximum Flow Depth	750mm
Minimum Freeboard	Freeboard to be the greater of: <ul style="list-style-type: none"> • 300mm; • 20% of Channel Depth; and • Velocity Head ($V^2/2g$).
Maximum Velocity	Not to exceed scour velocity, as determined by the designer
Maximum Depth x Velocity	0.40m ² /s. Higher values may be proposed to the Relevant Authority for approval, supported by a risk assessment in accordance with ISO 31000 prepared by a Qualified Professional.
Low Flow Drains	<p>Low Flow Drains must be provided in all open drains servicing Category A Public Infrastructure localities within the Monsoonal North Climatic Region (Figure 3), to preclude the creation of boggy saturated areas and mosquito breeding sites due to Dry Season Base Flows.</p> <p>Low Flow Drains must meet the following criteria:</p> <ul style="list-style-type: none"> • The open drain base must be sloped to a low flow drain with a defined invert to prevent waterlogging and encourage self cleansing velocities; • The low flow drain must be impervious to prevent weed or other vegetation growth, ensuring it remains free draining, while also providing a benchmark for maintaining longitudinal design grades; • The low flow drain must be designed to wholly contain expected Dry Season Base Flows² and provide a profile which facilitates easy maintenance; and • Scour protection must be provided immediately adjacent the impervious low flow drain, with adequate hydraulic roughness to control low flow velocities.

1. 'Desirable' minimum grades must be complied with unless Development Site constraints govern adoption of 'absolute' grades and approval is obtained from the Relevant Authority.

2. Anticipated Dry Season Base Flows are site-specific and will be influenced by both groundwater drawdown and excess irrigation within the catchment. Estimation of Dry Season Base Flows should be undertaken during initial Development Site investigations.

7.9.12. CULVERTS

- (a) Culverts must be reinforced concrete box culverts.
- (b) All culverts under streets and driveway crossovers must have headwalls in accordance with Standard Drawings (Refer Part 3).
- (c) Headwalls must be designed with a clear zone width in accordance with Austroads Guidelines: Guide to Road Design – Part 6: Roadside Design Safety and Barriers, unless otherwise approved by the Relevant Authority.
- (d) Scour protection must be provided at the inlet and outlets of all culverts.
- (e) Culverts must comply with Table 26.

Table 26 – Culverts Design Criteria

Materials	Reinforced concrete, including fibre reinforced concrete manufactured and tested to Australian Standards.
Reinforced Concrete Box Culverts (RCBC)	Minimum Height – 450mm Designed in accordance with Australian Standards Provide sealed joints with mortar and external seals
Clearances to Services	Provide minimum 150mm vertical and horizontal clearance between stormwater pipes / culverts and any other pipes or services, or greater if specified by the Service Authority.
Minimum Grade	0.50% (desirable) 0.30% (absolute)
Velocity Limits	Minimum 1.00m/s (self-cleansing) Maximum 6.00m/s (to prevent damage to concrete)

7.9.13. FLOODWAYS

- (a) Where a natural low point exists within an existing or proposed new street, a floodway may be required to manage stormwater drainage flows across this point.
- (b) Floodways must be designed to be trafficable during a 1% AEP storm event. Trafficable access/egress will be deemed sufficient where a floodway meets the 'Major Storm Criteria' listed under Table 22.
- (c) Floodways must meet the following criteria:
 - (i) The floodway must have an appropriate pavement strengthening method, approved by the Relevant Authority;
 - (ii) Concrete margins are required at both the upstream and downstream edge of pavement, with weep holes installed in the downstream margin;
 - (iii) Appropriate upstream and downstream protection measures must be constructed to mitigate erosion/scour and prevent damage to both private and Public Infrastructure;
 - (iv) Warning sign(s) for floodways, including depth markers and "Water Over Road" signs, must be installed.
- (d) Floodways resulting in street/road closures for any period must only be provided where approved by the Relevant Authority. The decision to provide such a floodway must be supported by adequate consideration of alternatives, identifying that it is not viable to construct a bridge, culvert, or trafficable floodway. The average annual time of closure (AAToC) must also be determined and considered in a detailed risk assessment of interruptions to transport access/egress in the area. The requirements of Clause 4.2.1(f) must also be demonstrated to be met.

7.9.14. DETENTION BASINS

- (a) Detention basins may be required to attenuate post-development peak flow rates to match pre-development flow rates discharging from the Development Site, as discussed in Section 7.2.3(a)(iii).
- (b) Detention basins must generally be designed in accordance with Australian Rainfall & Runoff, including considerations for:
 - (i) hydrological design, flood capacity, and freeboard requirements;
 - (ii) hydraulic design of primary and secondary outlets;
 - (iii) basin floor and embankment design;
 - (iv) public and operational safety; and
 - (v) maintenance requirements.
- (c) Detention basins can be considered as dams and design must give appropriate consideration to The *Australian National Committee on Large Dam (ANCOLD) Guidelines*.
- (d) Detention basins must be modelled using runoff-routing software and designed to ensure pre-development flow rates are not exceeded for all storm events ranging from 1EY to 1% AEP, and all storm durations ranging from 10min to 72 hours.
- (e) Detention basins must be designed both hydraulically and structurally to permit safe discharge of floods in excess of the 1% AEP storm event. The AEP for which the performance of the basin must be checked needs to be determined in consultation with the Relevant Authority, with appropriate consideration to the likely consequences of failure.
- (f) Minimum freeboard must comply with the recommendations of Australian Rainfall & Runoff and be not less than 300mm for the 1% AEP storm event.
- (g) With the exception of natural ornamental lakes and wetlands, detention basins must be free draining within a 72-hour period and are not to pond water, to prevent the creation of breeding sites for biting insects.
- (h) The basin floor must be designed with a suitable grade that provides positive drainage to the basin outlet, with all basin inlet pipes / drains connected to the basin outlet via low flow drains to ensure continual flows do not create water logging and ponding on the basin surface (see Table 25 for low flow drain requirements).
- (i) All batter slopes must be constructed 1 in 6 or flatter, unless otherwise approved by the Relevant Authority and supported by a site-specific geotechnical assessment.
- (j) Fill materials used to construct the detention basin embankments must be non-dispersive. The Developer must prepare project-specific earthworks specifications and pipe laying details including cut-off collars for penetrations through embankment walls, as required.
- (k) Public amenity, usability, risk, and safety must be paramount considerations in drainage design.
- (l) The basins must be designed with adequate safety provisions relating to potential public access. This includes consideration for exclusion fencing, inlet grates on pipes / structures, and safe egress for persons that may enter the basin. Where a basin is to be fenced, a minimum 1.5m offset between the fence and top of batter must be provided.
- (m) The basins must be designed to minimise the required levels and frequency of maintenance, and ensure safe and adequate maintenance access is provided.
- (n) Where approved by the Relevant Authority, Detention basins may be co-located with stormwater quality treatment devices as described in Section 7.10.2. Stormwater treatment devices are typically designed to facilitate bypass of major storm event flows, so co-location will typically lead to increased sediment loads, flow velocities and extended detention depths during infrequent storm events, which may result in adverse compromises. Where co-location of systems is proposed, the Developer must demonstrate that the functional requirements of both stormwater drainage and stormwater quality management systems are met, to the satisfaction of the Relevant Authority.

7.9.15. SUBSURFACE DRAINAGE CONTROL

- (a) Subsurface drainage control is required to allow the pavement subgrade to drain and mitigate the effects of groundwater seepage, and irrigation / stormwater infiltration through street surfaces and verges.
- (b) Subsurface drainage control typically comprises the use of subsoil drains and/or table drains, which must comply with Austroads Guidelines and Standard Drawings (Refer Part 3). Where table drains are used, the invert must be min 150mm below the pavement subgrade level.
- (c) The Developer must undertake a detailed investigation to determine the scope of subsurface drainage works required.
- (d) Subsurface drainage control must be provided on both sides of street pavements, as well as in roundabouts and islands with soft landscaping. Where necessary, subsurface drainage must also be incorporated into walkways, drainage easements/reserves and public open space to ensure adequate protection of buildings, structures and public amenities from groundwater.
- (e) If groundwater seepage problems occur on the Development Site, including the sites of any External Works, within the Defects Liability Period, the Developer must:
 - (i) conduct works to rectify the groundwater seepage problems; and
 - (ii) repair all damaged works resulting from groundwater seepage.

7.10. STORMWATER QUALITY MANAGEMENT

- (a) Stormwater is rainwater, including anything the rain runoff carries along with it into the public drainage system. Stormwater from activities associated with development and post subdivision development can carry many pollutants, (e.g. sediment, oil, chemicals, nutrients, heavy metals and general wastes) that are known to cause pollution of Waterways as well as sedimentation in stormwater infrastructure.
- (b) Developers must ensure stormwater systems are designed to comply with the requirements listed in the following sections.
- (c) Developers may be subject to prosecution for activities associated with Subdivision development resulting in the discharge of pollutants into stormwater infrastructure or the environment (or both). In addition, Relevant Authorities may recover damages from Developers that cause damage to Public Infrastructure by failing to appropriately manage sediment and other pollutants.

7.10.1. WASTE CONTROL

- (a) Any stormwater discharged from the Development Works must not contain contaminants or wastes.
- (b) Development Works and associated activities must be continually managed to prevent wastes or contaminants (e.g. sediment runoff, vehicle washing wastes, concrete wastes, paint residues, oil/chemical spillages or leaks) from entering the stormwater system and, subsequently the environment.
- (c) Water quality control systems are required for all stormwater discharges for both the construction and operational phase of all developments. These must be designed and located to best achieve the following criteria:
 - (i) produce optimum removal of pollutants;
 - (ii) minimise ongoing maintenance requirements/costs;
 - (iii) provide suitable maintenance access; and
 - (iv) respond to the types of pollutants being generated from the catchment(s).
- (d) If the Development Site includes or may include contaminated land, refer to Section 3.5 for details.
- (e) Trade Waste must not be discharged into stormwater infrastructure, which must be demonstrated in the Stormwater Management Plan. Options for handling Trade Waste typically include:
 - (i) Capture and recycle all Trade Waste streams;
 - (ii) Capture all Trade Waste streams and have them removed by an appropriately licensed collector/ transporter; or
 - (iii) Discharge Trade Wastes to the sewerage system under a Trade Waste Agreement with the sewerage provider (PowerWater).

7.10.2. STORMWATER QUALITY

- (a) The *Waste Management and Pollution Control Act 1998 (NT)* and the *Water Act 1992 (NT)* are the primary legislation that protects natural water resources in the Northern Territory. Developers must also consider any other relevant Northern Territory guidelines or strategies (e.g. Darwin Harbour Strategy).
- (b) When conducting any activity or performing any action that may cause pollution or environmental harm, or that may generate waste, Developers must comply with their general environmental duty to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm.
- (c) Specific stormwater quality requirements for Subdivisions are as follows:
 - (i) Developers must include stormwater quality objectives and mitigation measures in Stormwater Management Plans (Refer Section 7.1) that are intended to be met as part of its conditions of development approval;
 - (ii) Stormwater quality controls must be designed to consider all stormwater flows, including Dry Season Base Flows, and achieve the pollutant reduction targets at Table 27.
 - (iii) The Developer must design all stormwater quality treatment devices using MUSIC (Model for Urban Stormwater Improvement Conceptualisation) software and provide all model data and outputs to the Relevant Authority for approval;
 - (iv) The Developer must develop operational management plans for all proposed stormwater quality treatment devices and provide to the Relevant Authority for approval;
 - (v) The Part 2 Stormwater Management Plan must be Certified to demonstrate compliance with Australian best industry practice for stormwater environmental management during the construction and post construction phases of Subdivisions; and
 - (vi) Compliance with the requirements of this guideline does not guarantee performance of stormwater quality treatment devices. Further works may be required should pollution result from the installation of a stormwater management system that is inappropriate to suit project specific conditions.

Table 27 – Stormwater Pollutant Reduction Targets

Stormwater Pollutants	Pollutant Reduction Targets (%)
Gross Pollutants (GP)	90%
Total Suspended Solids (TSS)	75%
Total Phosphorous (TP)	60%
Total Nitrogen (TN)	35%

- (d) The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) is a software tool that simulates the behaviour of stormwater quality within catchments. MUSIC is the preferred tool for demonstrating the performance of stormwater quality treatment systems. To ensure a consistent and uniform approach to stormwater quality modelling and assessment in the Northern Territory, MUSIC Models must be designed using the following parameters to demonstrate compliance with the stormwater quality management objectives. Further support for MUSIC Modelling is provided in the *MUSIC Modelling Guidelines* and *MUSIC User Manual* provided by Water by Design.
- (i) In the absence of a hydrological calibration of MUSIC in the Northern Territory, the interim rainfall parameters in Table 28 must be adopted.
 - (ii) All other parameters must be used as outlined in the *MUSIC Modelling Guideline*.

Table 28 – MUSIC Rainfall parameters

Location	Rainfall gauge	Mean annual rainfall (mm)	10yr rainfall period	10yr Average rainfall (mm)
Greater Darwin Region	Darwin Airport (014015)	1728	1987 - 1996	1699
Katherine Region	Katherine Aviation Museum (014903)	1091	1997 - 2006	964
Alice Springs Region	Alice Springs Airport (015590)	284	1997 - 2006	276

- (e) The following stormwater quality treatment devices have been installed in the Northern Territory and thus have available field data. Suitable climates and design requirements for each treatment device are nominated at Table 29.

Table 29 – Stormwater Treatment Devices

Treatment System	Suitable Climates (Refer Figure 3)		Design Requirements in the Northern Territory
	Monsoonal North	Rangelands	
Bioretention systems	Y	N	Only to be allowed as at-source treatment devices; and Requires irrigation during the dry season.
Ponds	Y	N	Designed to tolerate dry season condition (once established) without an artificial water supply. The effects of Dry Season Base Flow within the Monsoonal North climatic region must be appropriately considered in the design of these systems.
Wet/Dry Tropics Wetland	Y	N	
Ephemeral Wetland	Y	Y	

- (f) Stormwater quality treatment systems are not limited to the options provided in Table 29; and any available treatment device can be presented to the Relevant Authority during the design development phase for approval at the discretion of the Relevant Authority. All stormwater quality treatment designs must be modelled in MUSIC with the correct parameters for the location and submitted for approval by the Relevant Authority.

- (g) Typical design parameters for the common treatment systems outlined in Table 29 are as follows:
- (i) Bioretention systems are a combination of vegetation and filter substrate that provide treatment of stormwater through filtration, extended detention and some biological uptake. They are designed to accept stormwater runoff and allow it to percolate through the densely vegetated filtration media before it is discharged (Table 30).

Table 30 – Bioretention Typical Design Parameters

Filter Media Depth	0.5m
Extended Detention Depth	0.2m
Infiltration Rate	100mm/hr

- (ii) Ponds as stormwater treatment devices are open water bodies that may contain submerged aquatic plants. They are designed to intercept stormwater pollutants, but are vulnerable to inter-event water quality issues such as algal blooms or nuisance growths of aquatic macrophytes. Typical design parameters for ponds are provided in Table 31 and the *NT Stormwater Treatment Pond Design Guidelines* (Refer Part 2).

Table 31 – Pond Typical Design Parameters

Depth	1.5m (minimum)
Inlet Zone	Approx. 20% of pond area
Extended Detention Depth ¹	0.1m
Detention Time	48 hours

A 1 year ARI capacity connection between the inlet zone and main pond

Table Notes:

1. Extended detention depths can be greater, where pond is co-located with a detention basin (Refer Section 7.9.14)

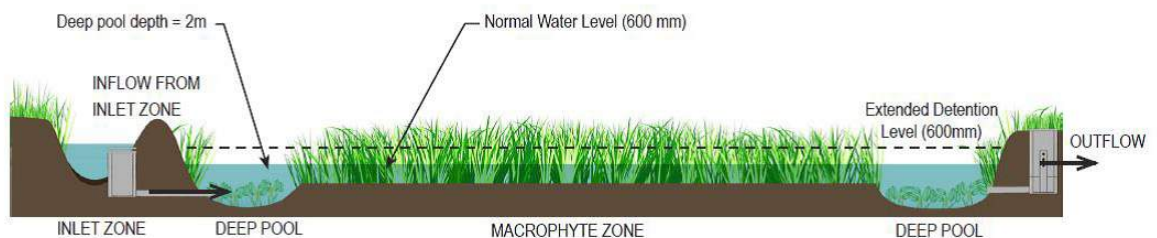
- (iii) Wet/Dry Tropics Wetlands are designed to treat stormwater runoff by capturing and retaining the stormwater for an extended period to provide treatment. The wetlands consist of deep pools (20% by area), which provide refugia for mosquito predators and a densely vegetated macrophyte zone (80% by area) (Table 32). The recommended design has been developed to ensure the wetlands will sustain permanent water in the deep pools to function as predator habitat and be able to sustain perennial vegetation in the macrophyte zone during the dry season. Where Development Sites may be expected to experience Dry Season Base Flows, the permanent pool depth should be reduced. Typical design parameters for Wet/Dry Tropic Wetlands are provided in Table 32.

Table 32 – Wet/Dry Tropic Wetland Design Parameters

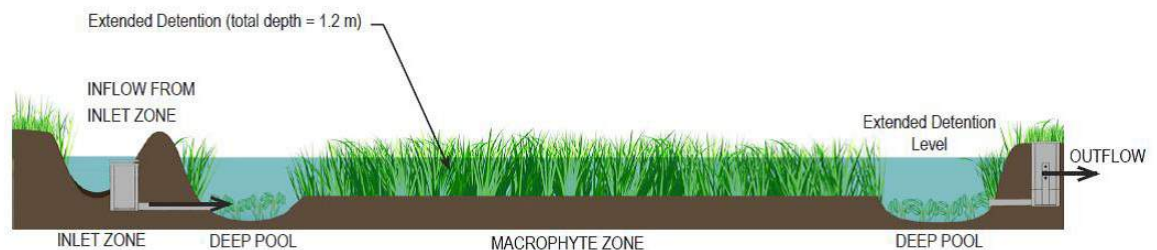
Extended Detention Depth	0.6m
Deep pool Depth	2m
Macrophyte Zone Depth (no Dry Season Base Flow)	0.6m
Macrophyte Zone Depth (with Dry Season Base Flow)	0.35m
Inlet Zone	Approx. 20% of Wetland Area
Detention Time	48 hours

A 1 year ARI capacity connection between the inlet zone and macrophyte zone

NORMAL WATER LEVEL



EXTENDED DETENTION



- (iv) Ephemeral Wetlands are typically freshwater systems that experience regular inundation during rainfall, but drain and have no permanent standing water. Typical design parameters for Ephemeral Wetlands are provided in Table 33. They should be designed to resemble natural bushland settings in the NT, such as:
 - (A) Melaleuca / pandanus ecosystems in the Greater Darwin / Katherine Regions
 - (B) Woodland / grassland ecosystems in the Alice Springs Region

Table 33 – Ephemeral Wetland Design Parameters

Extended Detention Depth	0.6m
Inlet Zone	Approx. 20% of the Wetland Area
Detention Time	48 hours
No Standing water in vegetated wetland zone under normal conditions	
A 1 year ARI capacity connection between the inlet zone and macrophyte zone	

- (h) The configuration of the above stormwater treatment devices must include a forebay sedimentation zone. In ponds and the wet/dry tropic wetlands this would be a wet sediment basin. Ephemeral wetlands in would include a dry inlet zone.
- (i) All stormwater treatment devices must be protected through the construction/land disturbance phase to protect them from sediment laden stormwater flows.
- (j) All plant species proposed for Water Quality treatment devices must be selected by a suitably qualified landscape architect/ecologist/horticulturalist, be low maintenance and suitable for the intended use, location, Development Site soil and drainage conditions. Plant species must be in accordance with requirements of the Relevant Authority, where available, and submitted to the Relevant Authority for approval.

7.10.3. EROSION AND SEDIMENT CONTROL

- (a) Erosion and sediment control refers to the works undertaken to manage the disturbance of soils with the purpose of preventing and/or mitigating erosion and subsequent sediment discharge from a Development Site. The objective is to prevent detriment to the built and/or natural environments through the implementation of best practice management.
- (b) The Relevant Authorities in respect of erosion and sediment control are:
 - (i) Department of Environment and Natural Resources (DENR) in relation to planning and design of Erosion and Sediment Control Plans (ESCPs);
 - (ii) the relevant Local Authority and the Department of Infrastructure, Planning and Logistics in respect of regulation and clearance of Development Permit conditions requiring the preparation and implementation of ESCPs; and
- (c) The Relevant Authorities for administering environmental offences are:
 - (i) The Northern Territory Environmental Protection Authority (NT EPA) in respect of offences under the *Waste Management and Pollution Control Act 1998 (NT)*; and
 - (ii) DENR in respect of offences under the *Water Act 1992 (NT)*.
- (d) Sediment discharge from Development Sites can create issues which may result in liability for damages, extra costs for the Developer, and can give rise to unnecessary delays and disputes. These include but are not limited to the following:
 - (i) Damage to land and Public Infrastructure on and/or adjacent to the Development Site.
 - (ii) Nuisance.
 - (iii) Traffic and pedestrian hazards.
 - (iv) Blockage of stormwater drainage systems.
 - (v) Mosquito breeding in ponded water as a result of erosion and sediment deposition.
 - (vi) Environmental harm to Waterways, wetlands and estuaries.
- (e) ESCPs are often required by Local Authorities and Relevant Authorities as part of their respective consent and compliance processes for Subdivisions involving the clearing of land (whether of vegetation or of pre-existing buildings, structures, or other infrastructure) or other soil disturbing activities.
- (f) The level of information and detail supplied in the ESCP must be commensurate with the potential environmental risk and the complexity of the proposed works; and of sufficient clarity to allow onsite personnel to appropriately implement the plan and achieve the required natural and built environmental protection.
- (g) An ESCP should be prepared by, or under the supervision of, a suitably qualified and experienced professional and submitted to the Relevant Authority for acceptance and/or approval prior to any Development Site disturbance (including pre-works activities). It is the responsibility of the Developer and Contractor to ensure the ESCP is implemented and effective.
- (h) Based on the size, complexity and location of the Subdivision, a Certified Professional in Erosion and Sediment Control (CPESC) may be required to develop the ESCP and in some cases may be required to oversee implementation to ensure effectiveness. For high to extreme risk Subdivisions, a suitably qualified and experienced CPESC third party auditor may be required to review and verify the ESCP prior to submission to the Relevant Authority for approval.
- (i) Regular inspections may be undertaken by the Relevant Authority, or their delegate, to ensure compliance. When works are complete, an inspection will be undertaken by the Relevant Authority, or their delegate, to ensure works are satisfactory in relation to erosion and sediment control and Development Site stabilisation.
- (j) For Subdivision Works, DENR recommends the International Erosion Control Association (IECA) Australasia Best Practice Erosion and Sediment Control (BPESC) manual as a guide for the type of information, detail and data that should be included in an ESCP. The ESCP must detail strategies, methods, controls and treatments for mitigating erosion and sediment loss from the Development Site during the clearing, establishment and construction phases.

7.11. LAWFUL POINTS OF DISCHARGE TO STORMWATER INFRASTRUCTURE

- (a) The Relevant Authorities for a Lawful Point of Discharge to stormwater Public Infrastructure are:
 - (i) Local Authorities in respect of Lawful Point of Discharge to stormwater Public Infrastructure in Local Authority streets, parks or other public areas under the care and control of the Local Authority;
 - (ii) The Department of Infrastructure, Planning and Logistics in relation to stormwater Public Infrastructure in Northern Territory Government Controlled Road Reserves or on Crown land.
- (b) All stormwater infrastructure constructed as part of Subdivision developments requires a Lawful Point of Discharge into downstream drainage Public Infrastructure. The Developer must seek and obtain written authorisation from all Relevant Authorities prior to making any connection into existing stormwater Public Infrastructure and must comply with any conditions imposed upon such authorisation.
- (c) Where easements are required through downstream private property to convey stormwater flows from the Development Site to a Lawful Point of Discharge, the Developer is responsible for the production of all easement documents and for execution and registration on each relevant title.
- (d) Prior to approval of the Lawful Point of Discharge by the Relevant Authority, the Developer must obtain written approval to discharge stormwater into downstream environments:
 - (i) from the Relevant Authority(s) of a receiving trunk drainage system;
 - (ii) from a Relevant Authority or Regulatory Authority that administers a Waterway (Section 7.12).
- (e) The discharge of stormwater to a Lawful Point of Discharge must not exceed pre-development flows, as per Clause 7.2.3(a)(iii). The Relevant Authority may, subject to their approval, consider unattenuated discharge where:
 - (i) The Developer's Consultant provides Certified engineering calculations supporting capacity of the downstream drainage network is sufficient to accommodate flows from all contributing catchments without any adverse impacts, considering full development across all contributing catchments in accordance with permitted land use under the Planning Scheme; or
 - (ii) The Developer's Consultant provides Certified engineering calculations and designs demonstrating the scope of upgrade works required to provide the downstream drainage network with sufficient capacity to accommodate increased flows from the Subdivision, without any adverse impacts, and the Developer undertakes these works to the satisfaction of the Relevant Authority, at no cost to the Relevant Authority.
- (f) The Developer must demonstrate that stormwater discharging from the Development Site will meet water quality objectives prior to the Relevant Authority providing approval for a Lawful Point of Discharge.

7.12. DISCHARGE TO WATERWAYS

- (a) All stormwater infrastructure constructed as part of a Subdivision requires approval to discharge to Waterways. The Developer must seek and obtain written authorisation from all Relevant Authorities and Regulatory Authorities prior to making any connection into the natural environment and must comply with any conditions imposed upon such authorisation.
- (b) The Relevant Authorities for discharge to Waterways are as follows:
 - (i) The Local Authority, where a Waterway resides within Local Authority owned land or a private parcel of land which receives stormwater via easement from stormwater drainage Public Infrastructure owned by the Local Authority.
 - (ii) Department of Infrastructure, Planning and Logistics (DIPL), where a Waterway resides within NT Government owned land or a private parcel of land which receives stormwater via easement from stormwater drainage Public Infrastructure owned by the NT Government.
 - (iii) DIPL - Crown Land Estate office, where a Waterway is located within a parcel of Crown land.
- (c) Written approval to discharge stormwater into a Waterway, from applicable Relevant Authorities as described under Clause 7.12(b), is required prior to approval of the Stormwater Management Plan(s) and Design Drawings by the Relevant Authority.

8. WATER

- (a) All Subdivisions must make provisions for an adequate supply of potable water to service the Subdivision, having regard to the nature and context of the Subdivision.
- (b) The Relevant Authorities for water supply are:
 - (i) Power and Water Corporation (PWC) for connections to and supply of water from municipal systems within Power and Water Corporation licence areas; and
 - (ii) Department of Environment and Natural Resources, Water Resources Division, in relation to licensing and advice on installation of bores and extraction of ground or surface water.
- (c) The Indigenous Community Engineering Guidelines (ICEG) must be considered in the preliminary planning and design of water infrastructure for remote indigenous communities, as defined in Appendix A of the ICEG.

8.1. WATER MAINS

- (a) All water Public Infrastructure to be gifted to PWC must be designed by a PWC accredited professional to the requirements of PWC's Connection Code for Water Supply and Sewerage Services and the Water Supply Code of Australia NT Supplement (Refer Part 2 - Reference Documents), and submitted to PWC for approval.
- (b) The PWC Connection Code for Water Supply and Sewerage Services sets out the technical, procedural and charging requirements of PWC in relation to Subdivision development activity. It is intended that this Connection Code will encourage orderly, well designed and cost-effective connection, augmentation and extension of PWC Public Infrastructure.
- (c) PWC encourages master planning of the entire development to assess network capacity for the full development. In smaller networks, new development activity may impact on existing source and/or treatment capacity, and augmentation could involve long lead times. PWC recommends early engagement by the Developer to facilitate preliminary assessment of network capacity for the proposed Subdivision.
- (d) Where there is no reticulation near the Development Site, PWC encourages early engagement by the Developer to facilitate preliminary assessment of potential costs and technical issues in servicing the Subdivision.
- (e) Minimum information required by PWC for all Development Applications:
 - (i) Address
 - (ii) Proposed town planning zones;
 - (iii) Number of lots;
 - (iv) Lot layout;
 - (v) Area of each lot;
 - (vi) Existing land use and zoning;
 - (vii) Subdivision staging;
 - (viii) Known development constraints;
 - (ix) Proposed servicing arrangements;
 - (x) Contours of land at 0.5 metre intervals;
 - (xi) Specific building development; and
 - (xii) Constrained land details.
- (f) Minimum information required by PWC for assessment and approval of the proposed water supply network:
 - (i) Water Masterplan showing current and ultimate water network, water strategy, and Equivalent Population (EP) loads including allocation for lots other than Single Dwellings;
 - (ii) Provision of primary and secondary water supplies;
 - (iii) Internal designs with assumed connection points;
 - (iv) Detailed survey and geotechnical information for pipe bedding and structural designs;
 - (v) Design Report outlining:
 - (A) Assumed design parameters and boundary conditions;
 - (B) Hydraulics and structural calculations; and
 - (C) Modelling inputs/outputs, including a summary of results for various scenarios.

8.2. BORES

- (a) The use of groundwater for domestic and commercial use is regulated under the *Water Act 1992 (NT)*. This includes provisions for granting bore work permits, drilling licences and licences for extracting surface water and/or groundwater.
- (b) Developers must seek advice from DENR Water Resources Division prior to the construction of a bore.
- (c) Within Water Control Districts, the drilling and construction of all bores must be permitted. Bores must be constructed by a driller with an NT drilling licence in accordance with the national standard.
- (d) Groundwater extraction from bores for domestic purposes, drinking water for grazing stock or irrigating a garden less than 0.5ha will require a permit to construct a bore in a water control district; however, does not require a licence to extract and use groundwater for these purposes. Extraction and use of groundwater for any other purpose within water control districts must be licensed. For extraction outside of water control districts, contact the DENR Water Resources Division.

8.2.1. SITE SELECTION CRITERIA

- (a) A Groundwater Assessment that describes the suitability of the quality and quantity of local aquifers for the intended use of the groundwater for the proposed Subdivision must be provided to the Relevant Authority during the project development phase (Refer Section 3.9 for further details).
- (b) The key considerations in locating a new bore is the separation distance to waste control and pollution sources. The following are the specified distance separations in Department of Health Guidelines (Refer Part 2):
 - (i) 100 m separation distance for a traditional septic tank effluent trench;
 - (ii) 50m separation distance for aerated waste water treatment systems (unchlorinated effluent); or
 - (iii) 30m separation distance for aerated waste water treatment systems (where effluent is continuously chlorinated); and
 - (iv) 100m separation distance for any pollution source, such as fertiliser and / or chemical storage area, packing sheds, plant workshops and animal enclosures;
 - (v) Other location requirements are:
 - (A) No bore is permitted to be constructed within a firebreak; and
 - (B) Bores must be separated by a minimum distance of 70m to avoid interference between pumps.

8.2.2. BORE INSTALLATION

- (a) Installation of bores and wastewater systems are intrinsic to each other to ensure water being extracted from bores and the underlying aquifer is not contaminated. The location of bores and on-site wastewater management systems must be shown on the Rural Master Services Plan.
- (b) For any lots less than or equal to 2ha in area, the Developer must construct all bores required on these lots at the locations shown in the approved Rural Master Services Plan. This is to ensure that subsequent land purchasers are not precluded from constructing bores by the site selection criteria set out above, due to the construction of bores or septic systems on neighbouring properties.

9. WASTEWATER MANAGEMENT

- (a) The management, including treatment and disposal of wastewater (e.g. domestic sewage) is an important consideration in all Subdivisions, whether urban, rural or remote and whether disposal is intended to be through an established reticulated network or by On-site Wastewater Management Systems (OWMS) using septic tanks or otherwise.
- (b) Connection to reticulated sewerage is the preferred option for collection and treatment of wastewater.
- (c) Developers proposing OWMS as an alternative to reticulated sewerage are required to demonstrate it is feasible.
- (d) Large scale OWMS and community wastewater management systems require specific approvals to operate from environmental and health agencies; however, the complexity and scale of these systems requires them to be captured within the planning stages of a Subdivision.
- (e) The Indigenous Community Engineering Guidelines (ICEG) must be considered in the preliminary planning and design of wastewater infrastructure for remote indigenous communities, as defined in Appendix A of the ICEG.

9.1. RETICULATED SEWERAGE

- (a) All subdivisions should provide for connection to reticulated sewerage where practicable.
- (b) Reticulated sewerage is a network of pipes including property connection sewers that receives wastewater from customer properties. In most cases, reticulated sewerage for wastewater disposal will be available within or adjacent to urban areas.
- (c) The Relevant Authorities for Reticulated Sewerage are:
 - (i) Development Consent Authority (DCA) is the consent authority for provision of reticulated sewerage through the Planning Scheme;
 - (ii) Department of Housing & Community Development provides guidance for Public Infrastructure development for remote communities in the NT through the Indigenous Community Engineering Guidelines (ICEG 2014);
 - (iii) Power and Water Corporation (PWC) manages extensions and connections to existing reticulated sewerage via an Authorised Connection; and
 - (iv) The Utilities Commission establishes new and extends current Sewerage Services License Areas.
- (d) All Subdivisions are to be connected to reticulated sewerage where required by the Planning Scheme.
- (e) It may be necessary to extend or upgrade the existing reticulated sewerage to service a Subdivision. In these cases, advice and the approval of the Power and Water Corporation (PWC) and the Utilities Commission to extend the reticulated sewerage will be required.
- (f) Any External Works undertaken should consider the full range of potential end uses to ensure Public Infrastructure is sufficient to prevent discharge to the environment (or stormwater system) of industrial wastewater or contaminated stormwater from potentially polluting end users (e.g. mechanics and car wash facilities).
- (g) Reticulated sewerage within a PWC Sewerage Services Licence Area must:
 - (i) be designed to the requirements of PWC's Connection Code for Water Supply and Sewerage Services and the NT Supplement to the WSAA Code; and
 - (ii) be designed by a PWC accredited hydraulic designer.
- (h) Minimum information required by PWC for assessment and approval of the proposed sewer network:
 - (i) Sewer Masterplan showing current and ultimate sewer network, sewer strategy, and Equivalent Population (EP) loads including allocation for lots other than Single Dwellings;
 - (ii) Internal designs with assumed connection points;
 - (iii) Detailed survey and geotechnical information for pipe bedding and structural designs;
 - (iv) Design Report outlining:
 - (A) Assumed design parameters and boundary conditions;
 - (B) Hydraulics and structural calculations; and
 - (C) Modelling inputs/outputs, including a summary of results for various scenarios.

- (v) Other documents as listed in Table 3 – Design, Construction and Handover Process.
- (i) Reticulated sewerage within a Sewerage Services Licence Area outside of PWC control must be provided in accordance with the terms of a licence issued by the Utilities Commission.
- (j) Development of reticulated sewerage in remote communities must be in accordance with ICEG.
- (k) Most reticulated sewerage schemes are not designed to accept Trade Waste. If Trade Waste cannot be accepted by the sewerage provider, alternative arrangements must be made in accordance with *Water Supply and Sewerage Services Act 2000 (NT)* and the requirements of the sewerage provider.

9.2. FEASIBILITY/RISK ASSESSMENT OF UNSEWERED SUBDIVISIONS

- (a) The Developer must demonstrate initially through a feasibility assessment that connection of the Subdivision to reticulated sewerage is not feasible. If demonstrated, the Developer must undertake a risk assessment to determine if On-site Wastewater Management Systems (OWMS) is an acceptable solution. This is to allow decisions to be made upon:
 - (i) Assessment of overall risk of utilising OWMS, including accumulative risk and pollutant modelling;
 - (ii) The level of risk posed by Development Site based constraints for individual allotments or activities in the proposed subdivision; and
 - (iii) Determining appropriate types of OWMS technology and any limitations, and referencing this to the Subdivision.
- (b) The Relevant Authorities are as follows:
 - (i) The DCA for considering feasibility studies and risk assessments of unsewered areas within their Divisions;
 - (ii) The Minister for Lands and Planning for considering feasibility studies and risk assessments of unsewered areas outside of the DCA Divisions;
 - (iii) PWC for input to extending reticulated sewerage within a Sewerage Services Licence Area; and
 - (iv) The Utilities Commission for extending or excising areas within a Sewerage Services Licence Area.
- (c) Relevant Authorities must seek comment about feasibility and risk assessments for OWMS from the following Referral Authorities:
 - (i) Department of Environment and Natural Resources (DENR);
 - (ii) Northern Territory Environmental Protection Authority (NT EPA);
 - (iii) Department of Infrastructure, Planning and Logistics (DIPL); and
 - (iv) Department of Health (DOH).
- (d) A feasibility assessment for an unsewered subdivision must be provided to the DCA, which assesses the broad economic, health and environmental consequences of not connecting to reticulated sewerage. It must include the following as a minimum:
 - (i) Assessing feasibility of not connecting to reticulated sewerage;
 - (ii) Exploring opportunities to extend reticulated sewerage;
 - (iii) Providing a long-term planning horizon for connecting to reticulated sewerage; and
 - (iv) Assessing risks and outlining the costs and benefits of OWMS versus reticulated sewerage.
- (e) For Subdivisions within a PWC Sewerage Services Licence Area, beyond the existing sewer reticulation, the developer must seek PWC's input for eventual sewer servicing options and requirements.
- (f) Where a community wastewater management system is proposed and all or part of the Subdivision falls within an existing Sewerage Services Licence Area, the feasibility assessment must consider excision of the Subdivision from the Sewerage Services Licence Area.
- (g) A Wastewater Management Risk Assessment for an unsewered Subdivision must be developed, which examines the site based constraints relevant to the proposed subdivision to determine the level of risk of using OWMS. It must include the following as a minimum:
 - (i) A Land Capability Assessment undertaken in accordance with these Guidelines for Land Capability Assessment for On-site Wastewater Management (Refer Part 2).
 - (ii) Detailed site-specific information identifying the site and soil constraints to be considered when selecting and designing OWMS, including any constraints which might compromise the long-term effectiveness of using OWMS;

- (iii) Evaluation of any risk of contamination of groundwater/surface water and associated health risks; and
 - (iv) Evaluation of the sustainability and environmental implications of OWMS for the Subdivision, including impacts on public health, land use and the continuing uses of energy, materials and finances. Refer NT EPA Guideline: 'Recommended Land Use Separation Distances' (Refer Part 2) for requirements on buffer distances to minimise interaction between potentially conflicting land uses.
- (h) A draft Wastewater Management Risk Assessment must be provided to the Referral Authorities for consideration at the project development phase. A final Wastewater Management Risk Assessment must be submitted with a Development Application for approval by the DCA.

9.3. ON-SITE WASTEWATER MANAGEMENT SYSTEMS

- (a) There are two broad categories of On-site Wastewater Management Systems (OWMS) recognised in the NT:
- (i) Small OWMS servicing individual lots with a daily hydraulic capacity <2000 L/day (e.g. residential and commercial systems); and
 - (ii) Large-scale OWMS servicing individual lots, or a group of properties that are part of a single activity, with a daily hydraulic capacity >2000 L/day (e.g. shopping centres, correctional facilities, workers camps, etc.). Large-scale OWMS may also include community wastewater management systems that incorporate a centralised package treatment that collects wastewater from individual properties connected to a sewer main.
- (b) The Relevant Authorities for OWMS generally are:
- (i) DIPL – Building Advisory Services (BAS) for wastewater generators of less than 2000 L/day on an individual lot within a building control area;
 - (ii) Department of Health (DOH) for wastewater generators of less than 2000 L/day on an individual lot outside of a building control area;
 - (iii) DOH, BAS and NT Environmental Protection Authority (NT EPA) for wastewater generators greater than 2000 L/day on a single lot within any area;
 - (iv) DOH/NT EPA for the treatment and disposal aspects of community wastewater management systems; and
 - (v) PowerWater Corporation in relation to any on-site sewage treatment system proposed within a Wellhead Protection Zone.
- (c) The Developer must ensure that requirements from Relevant Authorities are met and considered within planning submissions.
- (d) The Developer must consider the following Reference Documents (Refer Part 2) for design of OWMS:
- (i) AS/NZS 1547: On-site Domestic Wastewater Management.
 - (ii) Code of Practice for On-site Wastewater Management: for design of small OWMS.
 - (iii) Guidelines for Wastewater Works Design Approval of Recycled Water Systems: for design of large-scale OWMS.
 - (iv) Guidelines for Land Capability Assessment for On-site Wastewater Management.
 - (v) NT EPA Recommended Land Use Separation Distances: for requirements on buffer distances to minimise interaction between potentially conflicting land uses.
- (e) Designing large-scale OWMS is complex, relying upon different levels of documentation dependent upon project-specific considerations for effluent reuse, level of treatment required, system loading and receiving environment for effluent disposal. The proposed designs must respond to site constraints identified in the Land Capability Assessment.
- (f) The treatment and disposal of wastewater must not result in the creation or exacerbation of mosquito breeding. Information on design and management principles can be found in the Department of Health guideline 'Mosquito Breeding and Wastewater Treatment and Disposal in the Northern Territory' (Refer Part 2).
- (g) Disposal of wastewater has the potential to impact on adjacent lands, stormwater drains, waterways or underlying aquifers, hence Developers may be required to obtain environmental approval including a Waste Discharge Licence from the Department of Environment and Natural Resources (DENR) or the Northern Territory Environmental Protection Authority (NT EPA).
- (h) All lots forming the proposed Subdivision must be individually certified by the Developer's engineer and referenced to the Developer's Subdivision Masterplan specifically for the Subdivision.

- (i) Subdivision Certification must include identification of site constraints to be considered by the Certifying Engineer (Hydraulic) for design and construction purposes, including:
 - (i) Minimum lot sizes and restrictions due to site constraints identified in the Land Capability Assessment;
 - (ii) Special requirements such as restrictions for water/wellhead protection zones;
 - (iii) Particular setbacks, referenced in the Code of Practice for On-site Wastewater Management, and noted within the subdivision (such as creeks, waterways, bores); and
 - (iv) Recognising the application and preference of small and large-scale OWMS.

10. ELECTRICAL

10.1. GENERAL

- (a) Electrical Public Infrastructure in subdivision developments must be designed by an appropriately qualified electrical consultant.
- (b) Electrical Public Infrastructure to be handed over to Power and Water must be designed by a Power and Water Corporation accredited electrical consultant (designer/engineer).
- (c) Electrical Public Infrastructure for all lighting must be designed in accordance with Section 12 - Lighting.
- (d) Electrical Public Infrastructure design for all other facilities to be handed over to the Relevant Authority (e.g. BBQs, GPOs, Irrigation Controllers etc.) must be designed in accordance with AS/NZS 3000: *Electrical Installations*.
- (e) The Indigenous Community Engineering Guidelines (ICEG) must be considered in the preliminary planning and design of electrical infrastructure for remote indigenous communities, as defined in Appendix A of the ICEG.

10.2. POWER AND WATER INFRASTRUCTURE

- (a) The Developer must provide the final subdivision layout and intended zoning of each newly created lot to the Power and Water Corporation accredited electrical consultant to facilitate design of the required minimum basic supply.
- (b) The Developer's Power and Water accredited electrical consultant must design the electrical reticulation in accordance with;
 - (i) Network Policy NP001 Design and Construction for Network Assets;
 - (ii) Network Policy NP020 Guidelines for Developers of Subdivisions and Electricity Infrastructure;
 - (iii) Network Policy NP041 Guidelines for Electrical Design Consultants; and
 - (iv) Power and Water Overhead Line, Underground and Aerial Bundled Cable Manuals.
- (c) The Developer must comply with the handover and documentation requirements set out in Network Policy NP001 – Design and Construction of Network Assets.
- (d) For remote communities the Developer and the Developer's Power and Water accredited consultant must also comply with, and ensure the proposed subdivision development will comply with, Indigenous Community Engineering Guidelines (ICEG 2017) for Remote Communities in the NT
- (e) Development in urban areas must have underground electrical reticulation.
- (f) Development in remote, rural and industrial areas must have overhead electrical reticulation unless the Relevant Authority requests underground electrical reticulation or the Developer has preference to use underground electrical reticulation.
- (g) The Developer's Power and Water accredited electrical consultant must provide Certification that all electrical designs comply with standards listed above via a Certificate of Electrical Design Compliance (NP041 Appendix B).

11. COMMUNICATIONS

- (a) The Developer is responsible for registering the design and installation of fibre-ready communications facilities to service all lots within Subdivisions of more than two allotments. The Developer must initially register the Subdivision with Telstra via the 'Telstra Smart Community' Portal, by making an 'Application for Reticulation'. On receipt of the application, Telstra will state if the Subdivision is in a Telstra or NBN Co. serviced area. If the Subdivision is found to be in an NBN Co. serviced area, a 'New Development Application Form' must be submitted to NBN Co.
- (b) Communications designs must be in accordance with:
 - (i) All relevant Legislation, including Communications Alliance G645: Fibre-Ready Pit and Pipe Specification for Real Estate Development Projects; and
 - (ii) Relevant Authority requirements, policies and technical specifications (Refer Part 2 - Reference Documents).
- (c) The Developer must liaise directly with the Relevant Authority to confirm the scope of work for provision of communications services to the Subdivision, including any External Works and the land provisions necessary for siting the utility Public Infrastructure within the Subdivision.
- (d) The Developer must submit applications and designs to the Relevant Authority for approval prior to construction, to the minimum time frames stipulated by the Relevant Authority.
- (e) Developers must install and obtain acceptance of the constructed communications fibre-ready pit and pipe Public Infrastructure from the Relevant Authority.
- (f) The Developer is responsible for contacting the Relevant Authority to coordinate installation of communications cabling in advance of services being required, to the minimum time frames stipulated by the Relevant Authority.

12. LIGHTING

- (a) The Relevant Authorities for lighting are:
 - (i) Local Authority in relation to street lighting and lighting to other public parks and places to be vested in the Local Authority; and
 - (ii) Department of Infrastructure, Planning and Logistics in relation to street lighting to roads and lighting to other public places to be vested in the Northern Territory Government.
- (b) The Relevant Standards for street lighting and lighting within public areas are:
 - (i) AS/NZS 1158: Lighting for Roads and Public Spaces
 - (ii) AS/NZS 3000: Electrical Installations;
 - (iii) AS/NZS 4282: Control of the Obtrusive Effects of Outdoor Lighting;
 - (iv) Power and Water Corporation for electrical supply metering to public areas not within designated Road Reserves and for mounting street lights to overhead power poles; and
 - (v) Power and Water Corporation for connection to Relevant Authority main switchboards.

12.1. GENERAL

- (a) Developers must provide lighting to streets, carparks, bus stops, parks, walkways including pedestrian crossings, footpaths/shared paths and other public areas of the proposed subdivision development, unless otherwise specified by the Relevant Authority. This lighting must be in accordance with the relevant Australian Standards and the requirements and specifications of the Relevant Authority.
- (b) Smart lighting technology must be incorporated to the requirements of the Relevant Authority.
- (c) LED luminaire types must comply with Relevant Authority requirements. Where not specified, the following minimum standards/requirements must apply:
 - (i) Compliance with SA/SNZ TS 1158.6:2015 - Lighting for roads and public places Luminaires - Performance
 - (ii) Rated life of power supply: 100,000 hours minimum
 - (iii) Predicate power supply failure rate: 0.2% per 1000 operating hours
 - (iv) Ingress Protection (IP) ratings:
 - (A) Optical Module: minimum IP65
 - (B) Gear Chamber: minimum IP24
 - (C) Power Supply: minimum IP65
 - (v) Correlated Colour Temperature (CCT):
 - (A) Category V Streets: 4000K
 - (B) Category P Streets: 3000K and 4000k as directed by the Relevant Authority
 - (vi) Minimum Colour Rendering Index (CRI): - 70+Ra
 - (vii) Power supply dimming: Digital Addressable Lighting Interface (DALI) 2.0
 - (viii) Integral power supply to be Zhaga Book 18 compatible with DALI 2.0
 - (ix) Luminaire housing: aluminium alloy LM6
 - (x) Luminaire IK Rating:
 - (A) Category V Streets: minimum IK06
 - (B) Category P Streets: minimum IK08
 - (xi) Smart controls readiness: NEMA/ANSI C136.41 7 contact receptacle
 - (xii) Electrical Compliance: Class 1 and optional Class 2
 - (xiii) Surge protection: 20kV/10kA within the luminaire housing
- (d) Pole/outreach types, footing details, active/neutral streetlighting conductor types, and conduit size for all lighting to comply with the Subdivision Standard Drawings (Part 3) and AS/NZS 3000. Alternative pole/outreach types may be desirable to build a sense of character for the community; and may be submitted to the Relevant Authority for approval.
- (e) The Developer must provide structural certification for the proposed luminaire/pole/outreach/footing arrangements, noting that the Subdivision Standard Drawings (Part 3) are based on assumed wind loading which will vary significantly between different localities.

- (f) All lighting must be designed by an appropriately qualified Consultant, meeting the requirements of the Relevant Authority.
- (g) All lighting designs must be Certified by an appropriately qualified Consultant, having a minimum of four years experience in the design of lighting for subdivisions and:
 - (i) for Infrastructure Categories A and D, being a full Member of the Illuminating Engineering Society of Australia and New Zealand (MIES ANZ), or holding equivalent qualifications acceptable to the Relevant Authority.
 - (ii) for Infrastructure Categories B, C and E, meeting any additional requirements of the Relevant Authority.
- (h) Certification required under section 12.1(g) must include a statement confirming that the design meets the requirements of the Subdivision Development Guidelines, any additional requirements of the Relevant Authority, and all requirements of the applicable parts of the AS/NZS 1158 standard series. Where any aspects do not comply, these must be clearly identified and justified.
- (i) The Developer must obtain asset numbers from the Relevant Authority and install identification markers on all lighting poles, in accordance with the requirements of the Relevant Authority.

12.2. PUBLIC OPEN SPACE LIGHTING

- (a) Public open space lighting design to comply with AS/NZS 1158.3.1, with associated electrical reticulation designed to comply with AS/NZS 3000. Lighting must be designed to ensure no nuisance/obtrusive lighting in accordance with AS/NZS 4282.
- (b) Developers must provide lighting to Public Open Space areas to Category P with Sub Categories (e.g. P1 to P4, P6 to P12), as advised by the Relevant Authority.
- (c) Lighting must support public safety and comply with Crime Prevention Through Environmental Design (CPTED) principles.
- (d) Feature lighting, such as bollard lights and ground lights, can be provided but must not form part of the compliance calculations for illumination.
- (e) Public open space lighting must be energy efficient LED type. Some Relevant Authorities may have LED manufacturer type preferences to use. With freestanding pole mounted LED luminaires, additional surge diverter/s must be incorporated within the base of the pole as part of the pole switch pack.
- (f) Public open space light poles must be rigid Type 9 or 5 in accordance with the Standard Drawings. Poles must be galvanised, or colour powder coated if advised by the Relevant Authority.

12.3. STREET LIGHTING

12.3.1. GENERAL

- (a) Streetlighting design within subdivisions to comply with AS/NZS 1158.3.1 Category P1/P2/P3/P4, as advised by the Relevant Authority. Developers may be required to provide new or upgrade existing street lighting at intersection/s with the existing streets/roads, to either Category V or P with Sub Categories AS/NZS 1158.1.1 Category V3/V5/Flag Lighting or AS/NZS 1158.3.1 Category P1/P2/P3/P4, as advised by the Relevant Authority.
- (b) Street lighting is generally not provided in rural subdivisions, however, Relevant Authorities may request;
 - (i) Category V3 Lighting in accordance with AS/NZS 1158.1.1 to intersections with arterial/sub arterial roads;
 - (ii) Flag Lighting in accordance with AS/NZS 1158.1.1 to intersection with all other streets/roads; and
 - (iii) Lighting in accordance with AS/NZS 1158.1.1 and AS/NZS 1158.3.1 for special traffic managements treatments (e.g. pedestrian refuges).
- (c) Street lighting for dedicated pedestrian crossings away from signalised intersections must be in accordance with the lighting technical parameters of AS/NZS 1158.4.

12.3.2. MATERIALS

- (a) Street lighting must be energy efficient LED type with integral surge diverter/s. Some Relevant Authorities may have LED manufacturer type preferences to use. With freestanding streetlight pole mounted LED luminaires, additional surge diverter/s must be incorporated within the base of the street light pole as part of the pole switch pack.
- (b) Street light poles must be galvanised, or colour powdercoated if advised by the Relevant Authority. Generally Rigid type poles must be used; however, frangible type (i.e. vehicle impact absorbing columns) may be required by the Relevant Authority.

12.3.3. LOCATION

- (a) Street light poles are to be generally aligned with dividing boundary of allotments as far as practicable.
- (b) Street light poles must be located within the vicinity of pedestrian refuge locations but not too close as to cause possible viewing obstruction.

12.3.4. CONTROL

- (a) Street lighting control is to be designed as outlined in Table 34 below;

Table 34 – Street Lighting Control	
Electrical Reticulation	Street Lighting Control Type
Underground	Underground street lighting reticulation is connected to the Relevant Authority main switch board. Control is by the Relevant Authority main switch board containing a contactor (with Photoelectric (PE) cell control), or an individual PE cell/switch/smart control on each streetlight luminaire.
Overhead	Where overhead Power and Water LV reticulation is Open Wire or Aerial Bundled Conductor (ABC) type, street lighting control must be via an individual Photoelectric (PE) Cell or smart control on each streetlight luminaire.

12.3.5. REQUIREMENTS FOR UNDERGROUND ELECTRICAL RETICULATION

- (a) Where underground street lighting reticulation is used, compliance with AS/NZS 3000 is required.
- (b) The point of supply for the underground street lighting reticulation must be from a Relevant Authority main switch board.
 - (i) Where more than one Relevant Authority is involved (e.g. at intersections), then multiple Relevant Authority main switch boards will need to be provided for connection of each Relevant Authority street lighting reticulation.
 - (ii) The Relevant Authority main switch board(s) must comply with Power and Water Installation and Service Rules.
 - (iii) The Relevant Authority main switch board(s) must incorporate a Multiple Earth Neutral (MEN) connection, connected to earth via an earth stake located adjacent to the Relevant Authority main switch board(s).
 - (iv) The Relevant Authority main switch board(s) must incorporate a 3 phase circuit breaker main switch and a single phase RCD for traffic signal controller circuits (which are deemed as final sub-circuits with dedicated active/neutral/earth conductors).
- (c) Underground street lighting reticulation is to be within the same trench alignment as HV/LV electrical reticulation and communications Public Infrastructure to AS/NZS 3000 Category installation requirements, with minimum 0.10m separation and typically at 0.75m depth of cover to top of street lighting reticulation conduit. Underground street lighting reticulation cabling type is to be 25sqmm Cu XLPE/NJ/PVC active and neutral conductors, with a 35sqmm Cu PVC-insulated green-yellow earth cable sized to AS/NZS 3000 requirements. All actives, neutral and earth cables are to be enclosed within the same 80mm HD uPVC conduit.

- (d) The Relevant Authority street lighting columns must have switch packs located within each column containing an individual RCD per luminaire, as per the Subdivision Standard Drawings (Part 3).

12.3.6. REQUIREMENTS FOR OVERHEAD ELECTRICAL RETICULATION

- (a) Where overhead electrical reticulation is used within a Subdivision, street lights are typically mounted on the power poles in accordance with Power and Water standards, subject to approval by Power and Water.
- (b) Where overhead street lighting reticulation is used on Power and Water overhead power poles, compliance with AS/NZS 3000 is not required as each streetlight luminaire will be connected to the Power and Water service fuse located on the overhead power pole to Power and Water standard drawings.

13. PRACTICAL COMPLETION, DEFECTS, SECURITIES, HANDOVER AND ACCEPTANCE

13.1. PRACTICAL COMPLETION

- (a) The Developer must give each Relevant Authority 10 Business Days prior written notice of the date upon which the Developer estimates it will complete construction of each component of the Development Works intended to be handed over to that Relevant Authority.
- (b) When the Developer considers it has completed construction of a component of the Development Works intended to be handed over to a Relevant Authority, the Developer must give notice in writing to the Relevant Authority. Each Relevant Authority may outline its own requirements for information to be submitted upon completion. The following information must be submitted as a minimum in a digital format with appropriate indexing:
 - (i) Completion Certificate, including certificates of compliance;
 - (ii) Construction report, including CCTV Inspection of underground stormwater networks;
 - (iii) As-constructed drawings, including As-Constructed Survey files;
 - (iv) Register of non-conformances and changes from the approved design, including evidence of Certification by the Certifying Engineer and approval by the Relevant Authority;
 - (v) Register of assets to be handed over, including Construction Cost and Dilapidation Reports; and
 - (vi) All manuals, warranties and other documents required for the use, operation and maintenance of all services and systems forming part of the Development Works.
- (c) Within 10 Business Days of receiving written notice in accordance with section 13.1(b), the Relevant Authority will inspect the relevant component of the Development Works and:
 - (i) if satisfied Practical Completion has been achieved, provide to the Developer a Practical Completion Letter and Clearance Letter (as applicable); or
 - (ii) if not satisfied Practical Completion has been achieved, give notice to the Developer setting out the works required to be undertaken, or the documentation required to be provided, to achieve Practical Completion.
- (d) The Developer must perform the works or provide the documentation set out in a notice under section 13.1(c)(ii) as soon as possible after receipt of the notice and, upon completion may give to the Relevant Authority a further notice in accordance with section 13.1(b).
- (e) This section 13.1 will continue to apply in respect of each component of the Development Works intended to be handed over to a Relevant Authority until such time as the Relevant Authority issues a Practical Completion Letter to the Developer pursuant to section 13.1(c)(i).
- (f) The Developer must refer to the Relevant Authority for details on applicable charges and payment terms for inspections required under section 13.1(c).

13.2. DEFECTS

- (a) During the Defects Liability Period in respect of any component of the Development Works handed over to or intended to be handed over to a Relevant Authority, if any Defect is found or occurs in respect of those works, the Developer must:
 - (i) repair, replace or otherwise make good the Defect and any damage to the Development Works caused by the defect; and
 - (ii) carry out such rectification works:
 - (A) causing as little disruption to the operation of the relevant Development Works (and any surrounding Public Infrastructure) as possible;
 - (B) in accordance with these Guidelines as if the rectification works were Development Works; and
 - (C) in accordance with the reasonable requirements of any Relevant Authority.

- (b) The Developer must undertake rectification works for all Defects within the following timeframes after becoming aware of the relevant Defect (whether by notice from a Relevant Authority or otherwise):
 - (i) Major Defects - within 48 hours.
 - (ii) Minor Defects - within 20 Business Days.
- (c) If the Developer fails to undertake rectification works in accordance with this Section within the periods set out above, or if and to the extent a Major Defect requires immediate rectification works (and it is not reasonable to require 48 hours notice to the Developer), then:
 - (i) the Relevant Authority may carry out the works, or engage third parties to carry out the works; and
 - (ii) the costs, including incidental costs incurred by the Relevant Authority in connection with doing or procuring the works will be a debt due and payable by the Developer to the Relevant Authority on demand and (without limiting any other rights of the Relevant Authority at law) may be deducted from any Security Bond.
- (d) The Developer must maintain all soft landscaping in a healthy condition for the duration of the applicable Defects Liability Period. Any soft landscaping elements which become unhealthy prior to handover and acceptance will be considered a Defect.

13.3. SECURITIES

- (a) A Relevant Authority may, in respect of any component of Development Works handed over to and accepted by or to be handed over to and accepted by that Relevant Authority, require the Developer to provide a Security Bond in respect of the Developer's obligations to rectify Defects in and maintain the relevant component of the Development Works, such Security Bond to be in the form of:
 - (i) cash to be held by the Relevant Authority; or
 - (ii) one or more unconditional and irrevocable guarantees;
 - (A) issued by an authorised deposit-taking institution as defined in the *Banking Act 1959 (Cth)*, or an insurer, acceptable to the Relevant Authority;
 - (B) in favour of the Relevant Authority;
 - (C) given expressly in respect of the Developer's obligations to rectify Defects in and maintain the relevant component of the Development Works; and
 - (D) with no expiry date.
- (b) If the Developer defaults in the performance of its obligations to rectify Defects or maintain the relevant component of the Development Works, the Relevant Authority will be entitled (without prejudice to any other rights or remedies available to it) to:
 - (i) forfeit or call upon the Security Bond in accordance with its terms; and
 - (ii) apply part or all of the Security Bond as it sees fit.
- (c) Provided there are no outstanding or unrectified Defects in respect of the relevant component of the Development Works at the expiry of the Defects Liability Period, the balance of the Security Bond will be returned to the Developer. Where there are outstanding or unrectified Defects at the expiry of the Defects Liability Period, the balance of the Security Bond may be called upon by the Relevant Authority or held by the Relevant Authority until such time that the Relevant Authority is satisfied all Defects have been rectified to its satisfaction.

13.4. HANDOVER AND ACCEPTANCE

- (a) The processes for handover and acceptance of Development Works by each Relevant Authority are set out in the Schedule of Variations.
- (b) Where, for any Relevant Authority, there is no handover and acceptance process set out in the Schedule of Variations the following process will apply:
 - (i) Not less than 20 Business Days prior to the expiry of the Defects Liability Period in respect of any component of the Development Works, the Developer must give notice in writing to the Relevant Authority setting out the date upon which the Defects Liability Period expires.

- (ii) Within 10 Business Days of receiving a notice pursuant to section 13.4(b)(i), the Relevant Authority must inspect the relevant component of the Development Works and must:
 - (A) give notice to the Developer that there are no outstanding Defects required to be rectified by the Developer, confirming the date on which the Defects Liability Period will expire and the Security Bond (if any) will be released; or
 - (B) give notice to the Developer that there are outstanding Defects which must be rectified by the Developer prior to the end of the Defects Liability Period (and in any event before the Relevant Authority will accept handover of the relevant component of the Development Works).
- (iii) If a Relevant Authority gives the Developer a notice under section 13.4(b)(ii)(B), the Developer must rectify the identified Defects and, when complete, must issue a further notice in accordance with 13.4(b)(i).
- (iv) Sections 13.4(b)(i) to 13.4(b)(iii) will continue to apply until the Relevant Authority issues a notice pursuant to section 13.4(b)(ii)(A).

14. SCHEDULE OF VARIATIONS

14.1. EXAMPLE

Document Reference	Detail of Variation	Variation Date
7.9.1 - Table 23	Minimum pipe size may be DN300 sewer grade PVC.	01 Apr 2019
7.9.6	Council will not accept Grated Inlet Pits.	01 Apr 2019
4.7.1(b)	Liaise with Council to confirm Minimum Design Traffic.	01 Apr 2019
Part 3 – SS3002	Council will not accept Type 2 Lot Connections.	01 Apr 2019
Part 4 – 8.9.3	Developer to analyse all three bitumen samples and provide NATA endorsed test reports to Council.	01 Apr 2019

14.2. CITY OF DARWIN

Document Reference	Detail of Variation	Variation Date

14.3. CITY OF PALMERSTON

Document Reference	Detail of Variation	Variation Date

14.4. ALICE SPRINGS TOWN COUNCIL

Document Reference	Detail of Variation	Variation Date

14.5. KATHERINE TOWN COUNCIL

Document Reference	Detail of Variation	Variation Date

14.6. LITCHFIELD COUNCIL

Document Reference	Detail of Variation	Variation Date

14.7. BELYUEN SHIRE COUNCIL

Document Reference	Detail of Variation	Variation Date

14.8. WAGAIT SHIRE COUNCIL

Document Reference	Detail of Variation	Variation Date

14.9. COOMALIE COMMUNITY GOVERNMENT COUNCIL

Document Reference	Detail of Variation	Variation Date

14.10. BARKLY REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.11. CENTRAL DESERT REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.12. EAST ARNHEM REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.13. MACDONNELL REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.14. ROPER GULF REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.15. TIWI ISLANDS REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.16. VICTORIA DALY REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.17. WEST ARNHEM REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.18. WEST DALY REGIONAL COUNCIL

Document Reference	Detail of Variation	Variation Date

14.19. NHULUNBUY CORPORATION LIMITED

Document Reference	Detail of Variation	Variation Date

14.20. DEPARTMENT OF INFRASTRUCTURE PLANNING AND LOGISTICS

Document Reference	Detail of Variation	Variation Date



Subdivision and Development **POLICY INF08**

Name	INF08 Subdivision and Development
Policy Type	Council
Responsible Officer	Director of Infrastructure and Operations
Approval Date	[Approval Date]
Review Date	[Review Date]

1. Purpose

This policy provides an overview of Council's requirements for subdivisions and developments within the Litchfield Municipality.

2. Scope

This policy applies to all subdivisions and developments within the Litchfield Municipality.

3. Definitions

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

Activity Centre	Locality as defined by identification in Northern Territory Government strategic planning documents.
Area Plan	Strategic planning document developed by Northern Territory Government; adopted Area Plans are found within the NT Planning Scheme.
Developer	Any person, or business, or representative thereof, that undertakes Development or Subdivision works.
Development	Any development or construction within a property's boundaries, which may or may not have an impact on Council infrastructure, including impacts throughout the duration of the construction process and the operation of the new structure/use on the site. This includes works within Council road reserves, whether by the developer or by others at the instruction of the developer.
Development and Subdivision Standards (Standards)	Litchfield Council's Development and Subdivision Standards, current at the time of Development approval.
Schedule of Variations	The Schedule of Variations within the Northern Territory Government Subdivision Development Guidelines where Council has included specific requirements.

Subdivision	The subdivision (and/or consolidation) of properties, which may or may not require the development of new assets that impact and/or will be handed over for Council ownership.
Subdivision Development Guidelines (Guidelines)	Northern Territory Government Subdivision Development Guidelines, current at the time of Subdivision approval.

4. Policy Statement

4.1. Council Responsibility

- 4.1.1. Council is responsible for ensuring that developers are provided with the minimum standards acceptable to Litchfield Council for Development and Subdivision design, construction, and maintenance for land within Litchfield Municipality.
- 4.1.2. Council is responsible for ensuring that new Council assets created, or impact upon existing Council assets, by Developments and Subdivisions meet Council's requirements for long term control and maintenance.
- 4.1.3. Council may, from time to time, adopt Policies that take precedence over any Guidelines or Standards that are in place.
- 4.1.4. Council aims to ensure that Development and Subdivision within the Litchfield Municipality is suitable to the area and supports retaining the amenity of the municipality. The overarching amenity of the municipality is rural, with urban features within Activity Centres and/or Area Plan areas.

4.2. Development

- 4.2.1. Developers undertaking Development works within the Litchfield Municipality are required to meet the Litchfield Council Subdivision and Development Standards, or agreed alternative, to the satisfaction of Council.

4.3. Subdivisions

- 4.3.1. Developers undertaking Subdivision works within the Litchfield Municipality are required to meet the requirements of the Northern Territory Government Subdivision Development Guidelines, including Council's Schedule of Variations within the Guidelines, or alternative agreed to by Council, to the satisfaction of Council.

5. Associated Documents

Any policies, templates, procedures, guidelines, strategies or plans relevant to the policy.

6. References and Legislation

- Northern Territory Local Government Act
- Northern Territory Planning Act
- Northern Territory Planning Scheme
- Control of Roads Act

7. Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)

14.6 LITCHFIELD COUNCIL

Document Reference	Detail of Variation	Variation Date
Clause 2.1 Table 1	Category A (set 1) for lot sizes ≤ 4000 sqm Category D for lot sizes ≥ 4000 sqm	
Clause 2.1 Table 2	Pathways / Concrete pathways and shared paths to be constructed in Category D	
Clause 2.2 Table 3	Refer Litchfield Council Application Forms	
Clause 4.5.1 Table 6	Minor street/Cul-de-sac and Access Streets - Reserve Width (minimum) to be 20m	
Clause 4.5.3 Table 12	All Carriageway width (minimum) to be 10m (2x3.5m lanes 2x1.5m shoulders)	
Table 13	Residential and Rural Residential/Rural Living Streets Secondary Collector/Primary Collector - design vehicle to be Prime Mover and Semi Trailer (19m)	
Table 13	Mixed Use and Industrial Streets - All design vehicles to be Prime Mover and Semi Trailer (19m)	
Clause 4.7.4 Table 14	Residential/Mixed Use Streets (ADT $\leq 5,000$ AADT) Cul-de-sac and intersections - Prime and 30mm Asphalt AC10 - mix Type 2 (S10E) Intersections (with heavy vehicle movement) - Prime and 40mm Asphalt AC10 - mix Type 5 (A15E) Residential/Mixed Use Streets (ADT $> 5,000$ AADT) Street - Prime and 30mm Asphalt AC10 - mix Type 2 (S10E) Intersections - Prime and 40mm Asphalt AC10 - mix Type 5 (A15E)	
Clause 4.7.4 Table 16	Rural Streets (ADT $\leq 5,000$ AADT) Streets - Prime and 14/7mm Two-Coat Spray Seal (S10E) Cul-de-sac and Intersections (no heavy vehicle movements) Prime and 30mm Asphalt AC10 - Mix Type 2 (S10E) Remove Rural Streets (ADT $> 5,000$ AADT)	
Clause 6.3.2	Refer to Councils Tree Species list	
6.3.4	Refer to Councils Seed mix specification	
7.12 - b) i)	Council is not responsible to assess the discharge point where the stormwater is discharged into a natural water way	

Notes: Council Standard forms to align with Table 3 stages and process
Formalise tree species list
Formalise Seed mix specification



COUNCIL REPORT

Agenda Item Number:	15.4
Report Title:	Mira Square - Application for Crown Land
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Wendy Smith, Planning & Development Manager
Meeting Date:	18/03/2020
Attachments:	A: 20 March 2019 Council Report 15.6 Southport Mira Square Development – Proposed Staging B: 20 March 2019 Council Meeting Minutes (Resolution on Item 15.6)

Executive Summary

This report seeks Council approval to apply to Crown land for a lease over a portion of Mira Square in Southport.

Recommendation

THAT Council:

1. proceed with an application for Crown land for a portion of Mira Square for initial construction of a serviced shed and play area; and
2. authorise the Chief Executive Officer to lodge such application and enter into a lease agreement for the site.

Background

Council has worked with Crown Land Estate and the Southport Progress Association (SPA) for a number of years regarding the potential acquisition of the community purpose site in Southport commonly known as Mira Square. The current pathway provided by NT Government is to apply for a grant of Crown land for a lease over the site.

Attachment A, a Council Report from 20 March 2019, discussed in detail the requirements of lodging an application for Crown land, a business case for land acquisition, and proposed staging for future development of the site. The report detailed a proposal for Council to request a grant of Crown land for a lease over an 8,000m² portion of Mira Square for a term not in excess of 12 years, with the intent to seek a longer extension to the lease post-development of Stage 1 works.

Attachment B illustrates Council's resolution as a result of that 20 March 2019 report, which was:
THAT Council:

1. *endorses a staging plan for the development of Mira Square that includes:*
 - a. *Stage 1 - construction of an approximately 400m² shed connected to appropriate services,*
 - b. *Stage 2 - creation of a cleared area for children's play,*
 - c. *Stage 3 - internal storage and meeting spaces within the shed, and*
 - d. *Stage 4 - installation of playground equipment; and*

2. includes the granting of Mira Square and the site's development as an advocacy project within the 2019/20 Municipal Plan.

While Council endorsed the staging plan in March 2019, to date Council has not formally resolved to apply to Crown land for a lease over the 8,000m² portion of Mira Square as set out in the March 2019 report. This report seeks Council approval to apply to Crown land for a 10-year lease over the north east corner of the total site, with opportunity to enter into a longer-term lease at a later date. (Applying for a lease term in excess of 12 years would require a formal subdivision application and would incur substantial other costs at this time in terms of application fees and surveys for the site. The Crown land policy allows for an initial short-term lease with a longer-term lease option in the future post-initial development works.)

Financial requirements related to the application lodgement are discussed in detail under *Financial Implications* in a following section of this report.

If Council were successful with the application, the following actions would be required:

- enter into a 10-year lease with the NT Government for the site;
- construct the facilities included as Stage 1 development works;
- allocate capital works funding to fully fund the Stage 1 development works, either through Council funding or the acquisition of grant funding;
- identify and apply for grant funding to supplement any dedicated Council funding;
- negotiate a sub-lease arrangement with SPA to manage the site or develop an alternative management arrangement;
- negotiate a funding arrangement with SPA for management of the site, as applicable;
- allocate funding as per the funding arrangement as negotiated with SPA, as applicable, in future Council budgets.

Prior to site development, should SPA determine not to enter into an appropriate lease with Council to manage the site, Council could choose to relinquish any Crown lease offered. After site development, should SPA determine not to renew any lease with Council for management of the land, Council would be required to find alternative ways of managing the reserve, likely similar to the Howard Springs and Knuckey Lagoon Reserve Committees.

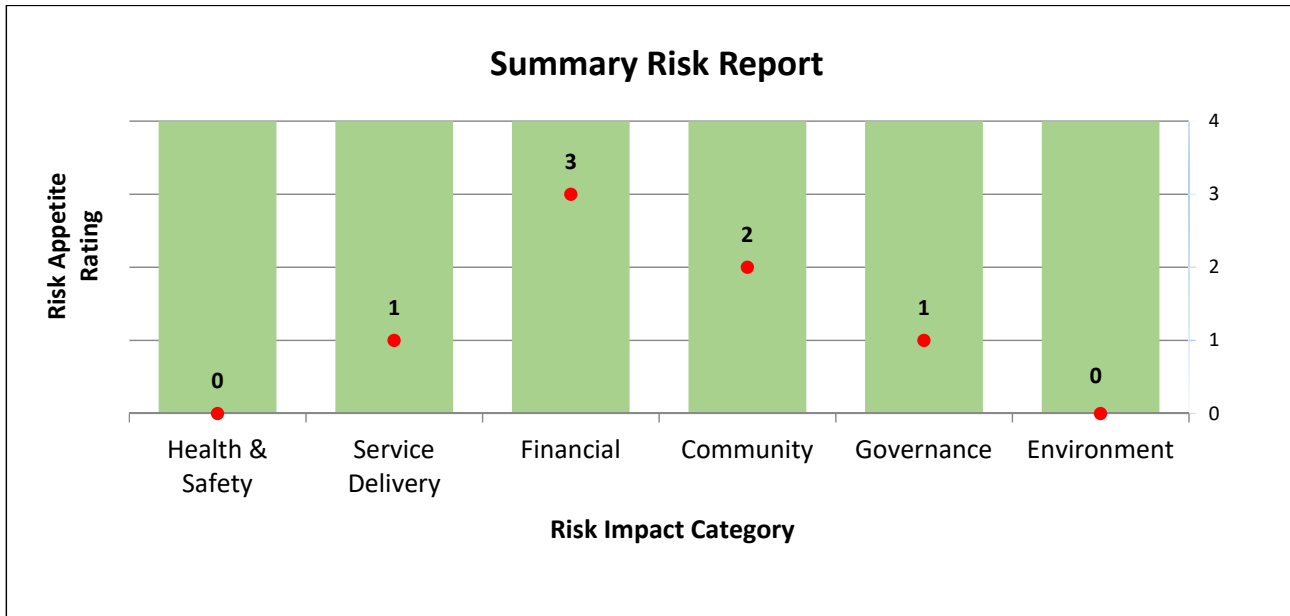
Links with Strategic Plan

A Great Place to Live - Recreation

Legislative and Policy Implications

The above proposal satisfies the assessment criteria and business case required under Council Policy *GOV12 Land Acquisition*.

Should Council be successful in the leasing of the site from Crown Land Estate, it is expected that a lease would be required between Council and SPA for ongoing management and maintenance of the site, in accordance with Council Policy *LC38 Reserves*.



Service Delivery

Council resources will be required to manage the site, at a minimum to manage coordination with SPA and to administer tree management on the site. These resource implications have not been planned for with either staffing or budgetary considerations for FY20/21.

Financial

Should Council not be successful in securing grant funding for the project, Council will be required to fund the project to receive the Crown lease over the land. The methods for dedication of this funding have not been finalised. Funding is discussed in greater detail below under *Financial Implications*.

There is a risk that an application from Council without full commitment of the \$267,000 for the Stage 1 works may be rejected by Crown land.

There are also long-term costs for Council for ongoing management and maintenance of the reserve, which are not included in any current budgets.

Community

The development of Mira Square into with community facilities, including a community hall and playground space, will have positive impacts upon the local Southport community. The provision of a dedicated meeting space and children's play area will resolve long-standing community requests for these facilities to support community development.

However, there is a risk that while SPA has been consulted, the broader community, including residents outside of Southport, have not been consulted regarding Council's potential acquisition of this new asset.

Failure to secure the land through a rejected application from Crown land may lead to dissatisfaction of Southport residents, who have encouraged Council to acquire the land on numerous occasions.

Governance

There are requirements for Council entering into leasing agreements with government agencies and other organisations.

Financial Implications

Application Lodgement Fee

The lodgement fee for an application for a grant of Crown land is estimated at \$1,000. This amount can be covered through current departmental operational budgets.

Funding for Construction of Site Works

In accordance with Crown Land Estate's requirements, the applicant needs to demonstrate full funding available for the project, prior to applying for each project stage. Specifically, to meet the technical requirements of the application process, Council would need to demonstrate \$267,000 in Council's budget for that year, or have a resolution dedicating that amount to the project, for the first stage of this project.

At this time, Council has no funding dedicated to the acquisition of or first stage of construction for Mira Square. Currently, Council is considering inclusion of limited funding for the project as part of Council's 2020/21 budget development process; it is not expected that any final decisions on funding for the project would be made until adoption of Council's 2020/21 Municipal Plan, currently proposed to be at the 24 June 2020 Council meeting.

As previously noted, it is expected that Council will apply for grants to fund a portion of the project; most grants would expect a minimum 50% contribution from Council as well. Specific grant funding amounts are unknown at this time.

However, a recent meeting with NT Government officials discussed Council's predicament in terms of dedicated financing, and it is intended to lodge the application noting the potential for future funding, while seeking specific in-principle support from NTG for the application to be made without the dedicated funding being available at this time.

On-going Funding for Site Management

Should Council be successful in achieving a grant of Crown land for Mira Square and arranging a lease with the SPA, in line with the current arrangements with all other Council reserves managed by outside boards, Council may choose to allocate an annual amount to SPA to manage and maintain the site; this funding support may be incorporated into the leasing arrangements for the site.

Previously in April 2016, Council resolved to "allocate \$10,000 annually, commencing in 2017/18 as an operating grant to the Southport Progress Association to manage Mira Square"; this resolution has not been carried forward as Mira Square has not been acquired.

The amount allocated to each of Council's reserves is being reviewed as part of the finalisation of leasing arrangements for each reserve.

The existing Council reserves most similar in nature to the proposal for Mira Square are McMinns Lagoon, Berry Springs, and Livingstone, which received annual amounts of \$25,195, \$66,315, and \$59,224, respectively, in Council's 2019/20 Municipal Plan budget. It is proposed that upon

construction of similar community facilities, similar annual funding would be expected by the community.

There will also be whole of life costs of long-term management of the site and facilities as a new asset for Council, including funding dedicated to tree management in Council operational budgets as well as time required by Council staff for site coordination and management.

Community Engagement

Council has worked closely with the SPA over a number of years to progress this project.

However, Council has not consulted formally with Southport residents (other than through SPA) regarding the project and has not consulted with the broader community on the project, beyond noting its inclusion as an advocacy project in Council's 2019/20 Municipal Plan.



COUNCIL REPORT

Agenda Item Number:	15.6
Report Title:	Southport Mira Square Development – Proposed Staging
Report Number:	19/0031
Meeting Date:	20/03/2019
Attachments:	Nil

Purpose

This report provides, for Council consideration, a proposed program for staging and funding the development of Mira Square, Southport.

Summary

Council has worked with Crown Land Estate and the Southport Progress Association (SPA) for a number of years on acquiring the community purpose site in Southport commonly known as Mira Square. The current pathway provided by NT Government is to apply for a grant of Crown Land for a lease over the site. Primary requirements for achieving the grant of land include a detailed plan for development of the site and proof of funding for the proposed works on the site.

This report presents a proposed staging plan for initial development of Mira Square, to meet community needs as identified by SPA, along with estimated costs.

The report recommends that Council agree to a proposal for the application for grant of lease not exceeding 12 years for development of an 8,000m² portion of Mira Square. Initial required costs are estimated at \$1,000 for the application to Crown Land and \$267,000 for supply, installation, and servicing of an enclosed shed to provide a meeting space for residents. Further staged works are also proposed and discussed further within the body of this report.

Council would need to consider budget availability each year and whether to commit funding to proceed with each stage in future Council budgets.

Recommendation

THAT Council:

1. endorses a staging plan for the development of Mira Square that includes:
 - a. Stage 1 - construction of an approximately 400m² shed connected to appropriate services,
 - b. Stage 2 - creation of a cleared area for children's play,
 - c. Stage 3 - internal storage and meeting spaces within the shed, and
 - d. Stage 4 - installation of playground equipment; and
2. includes the granting of Mira Square and the site's development as an advocacy project within the 2019/20 Municipal Plan.

Background

History

The community of Southport, through the Southport Progress Association (SPA), has been seeking community support for the development of a community hall for approximately 25 years. Council has been approached for and provided varying degrees of involvement with this proposal over the years.

The first known application submitted by Council, was for an application for a Community Land Grant to the NT Government (NTG) for Mira Square in December 2011. However, this application did not progress as further information was required.

In 2015, Council wrote to the NTG seeking to acquire Mira Square as a recreation reserve to be run by the SPA. Advice was received from NTG that Council should lodge a Community Land Grant application for such a proposal.

At its 20 April 2016 meeting, Council resolved to endorse an application for the acquisition of Mira Square, approve the allocation of a \$20,000 grant to the SPA as seed funding for 2016/17 and allocate \$10,000 annual from 2017/18 to the SPA as an operating grant to manage Mira Square. It was Council's understanding at the time that an application was made to the NTG in early 2016; however, Crown Land claim not to have receipt of a formal application. Communication between Council and Crown Land in early 2017 indicated that the process to apply for acquisition for Crown Land had changed and that Council needed to submit a new application.

Over the past year, Council has worked with the NTG's Crown Land division to determine the current appropriate application requirements and process and with the SPA to determine the highest priority community desires and needs for the site.

Requirements for Crown Land Grant

To make an application for a grant of Crown Land, the following is required:

- *Understanding of proposed corporate governance of the site.*
In this instance, the proposal is for a Community Land Grant of the parcel to Council, with Council retaining ultimate ownership of the site and leasing management of the site to the Southport Progress Association.
- *Details of how the project will be funded. Crown Land require that there be a commitment to the full cost of the project prior to their granting the land.*
At a minimum, the application would require Council to confirm that there are funds available and promised for Stage 1 works. The funding for subsequent stages could be allocated within identified timeframes.
- *Demonstration of skills and experience to undertake the project.*
It is considered that Council's expertise would be sufficiently relevant to meet this criterion.
- *Information on the proposed development, including concept plans, proposed staging and development timeframes.*
A master plan for the site has been prepared. It is proposed that the community hall would be the first stage of the development, as the highest priority item for the community. The play space and other infrastructure would follow.
- *Information on the viability of the project from a commercial considerations' perspective.* It is considered that Council would be able to adequately address this criterion.

Discussion

For the purposes of Mira Square, the grant of Crown Land from Crown Land Estate through the leasing process and eventual long-term lease to Council should be evaluated similarly to formally acquiring the land for Council ownership, due to the length of expected eventual lease term of approximately 30-40 years.

Typically, Crown Land would grant a short-term lease for development purposes followed by a longer term for the operation of the use.

Business Case for Land Acquisition

Council Policy *GOV12 Land Acquisition* provides a set of criteria against which to assess land acquisition. Council shall acquire land after development and assessment of a sound business case, accepting that acquisition incurs on-going maintenance costs for the land. An assessment of acquiring a Crown lease over Mira Square follows:

Table 1

Criteria	Assessment
Site condition and suitability, including, but not limited to:	
Physical site characteristics	No notable features, flat and suitable for community purpose uses.
Zoning of the land	Located in Zone CP (Community Purpose), appropriate for a community centre, play space, and community facilities.
Current use and existing structures on the site	Vacant land
Property contamination	No contamination
Cultural heritage/native title issues	No heritage value or native title issues
Independent valuation of the land	Cost for Crown Land is nil; thus, valuation is less relevant in this instance.
Community benefit and demand	<p>The site would provide a community gathering space for current and future residents of Southport. Council currently has approximately 177 ratepaying properties in Southport with approximately 150 vacant Crown Land blocks. There is currently no community space in Southport other than the shed at the bore, which fits approximately ten people, with no facilities. There is no designated play space for children in the small lot community.</p> <p>If the town of Southport were subdivided today, under the current NT Planning Scheme requirements, it would require approximately</p>

	<p>9 hectares of public open space to be provided for the community and dedicated to Council. Mira Square is 3.248 hectares.</p> <p>It is noted that the site is 8.3km from the Berry Springs Reserve, however from a community planning perspective it is considered inappropriate to expect children to travel that distance to the reserve for regular recreation. Any requirement for the use of the space for community meeting space should be considered by Council.</p>
Priorities of Council	This has been an ongoing project for Council and funds have been allocated and resolutions made. Council's 2018-2019 Municipal Plan includes funding to support the development of community facilities on Mira Square. Council's 2018-2022 Strategic Plan, outcomes of Council's Development and Open Space priority include, <i>Maintain and manage our public open space well to provide enjoyable recreational areas and support our neighbourhood amenity.</i>
Potential financial benefit	Nil direct financial benefit to Council from this grant of land; ongoing costs will be incurred.
Cost of initial acquisition	The costs of acquiring the grant of land for this site can be considered to be staged over the course of development of the site; Crown Land would require payment for an application and confirmation of funding for development of Stage 1 works at a minimum. This cost is estimated at \$268,000 (with approximately \$1,000 for the Crown Land application fee). Grant funding is expected to be applied for but is not guaranteed; Council would likely be expected to match grant funding received.
Assessment of long-term maintenance costs for the land	Council would seek to enter into a leasing arrangement with SPA for long-term maintenance of the site and structures. Typical Council practice is for the lease to be accompanied by a funding arrangement for the maintenance and management of the site. In the past, Council has resolved to give annual funding to SPA for Mira Square; however, as the site has not been obtained, the funding has not been required. Appropriate funding amounts would be determined at the time of lease of negotiation.
Availability of funding for the purchase and ongoing maintenance costs	Council would need to allocate funds within its Municipal Plan(s) for the project; further development of the land would be sought from future Council budgets and/or grant funding.
Risk, including undue financial implications for Council and risk of acquisition opportunity being lost or rendered unsuitable for intended use.	Risks include securing funding for the construction of the shed and other site feature. Should Council choose not to acquire the land at this time, there is little expected risk that the land would be lost to another developer or that the land would be made unsuitable for the proposed use. However, there would remain the risk that the community is dissatisfied with the lack of community facilities within the townsite.

The above assessment indicates that, subject to funding availability, the site is suitable for Council to request a grant of Crown Land for a lease for community use.

Proposed Site Development

It is currently proposed that Council request a grant of Crown Land for a lease over an 8,000m² portion of Mira Square, adjacent to Barrow Street. The initial Crown lease would extend for the term of development of the site and would be a lease not in excess of 12 years. Following the development, a Crown lease term (typically for 40 years) would be issued. Subdivision of the parcel would be required at that time. Crown Land have advised that they no longer offer freehold land or Crown lease in perpetuity to Council and that a long-term lease would be required.

Discussions with the SPA indicate that the highest priority for the community remains an undercover community hall. Additionally, there is a desire for a play space for local children and an enclosed, lockable meeting room and storage area.

A staged development proposal has been prepared as shown in the table below, and further explained within this report; communication from SPA received 25 February 2019 indicated SPA's agreement to this proposal.

Table 2

Stage	Proposed Facility	Estimated Cost (excluding GST)
1	Supply and installation of approximately 400m ² shed, including clearing, slab and footings, plus electrical connection, rainwater tank, septic system and one disabled toilet and hand basin	\$267,000
2	Clearing, grassing and watering of 1,000m ² of site to provide play space for children	\$40,000
3	Addition of internal walls, windows, ceilings and doors for enclosed meeting rooms and storage	\$50,000
4	Supply and installation of playground equipment	\$150,000

The proposal includes asking Crown Land for a lease over 8,000m² of the 3.248ha site. The area proposed for lease is the northernmost section of the site, adjacent to Barrow Street, Ringwood Street and Aldridge Street, equivalent to four typical Southport housing sites. Proposed site features would be located within the site to allow for appropriate future development. An application to Crown Land Estate for the land would precede Stage 1 development and is expected to cost approximately \$1,000, which is expected to be able to be accommodated within Council's operational budget.

The staging proposes in Stage 1 to locate an approximately 400m² enclosed shed on the site, with Colourbond sides and four roller doors. This stage would include clearing, slab and footings, as well as supply and installation of the shed. To meet building code requirements for a community gathering hall, the site must be provided with electricity, water, and septic services, which are proposed to be installed at this time to meet minimum requirements.

Following provision of the enclosed gathering space, it is proposed in Stage 2 to clear and dryland grass 1,000m² of the site to provide an off-street play space for children. As noted previously, there is no public open space in Southport and there is no park space for children to play. It is understood that children currently play on a semi-cleared vacant Crown Land block immediately adjacent the Southport boat ramp. SPA recently applied for a Community Land Grant for that space; however, it

was rejected by Crown Land Estate as the space is zoned for rural residential development rather than public open space or community purpose space.

Stage 3 proposes to create an enclosed meeting room and enclosed storage space within the existing shed, leaving approximately 300m² of open gathering space. It is estimated that approximately 150 people could gather within that space, which is expected to continue to meet the community's immediate needs for a number of years.

The final stage of development proposed at this time is for formal playground equipment to be installed, to further enhance the facilities for local children.

No specific timing is proposed for the staged proposal at this point, other than the requirement to complete the stages in line with the conditions of any development lease granted by Crown Land. It is expected that the four stages could be completed within the development lease timeframe of not more than 12 years.

In order to apply for the grant of the land from Crown Land, Council would have to commit to funding the project, for the proposed Stage 1 at a minimum (\$267,000). While Council would be required to commit to funding the proposed development on the site for the Crown Land lease application, it is fully expected that grant funding would be sought to assist with the project. Both Council and SPA can apply for different grants to seek funding, noting grants identified to date require at a minimum a 50% matching of requested funding.

Next Steps

Should Council choose to endorse the staging plan for development of Mira Square, the next step would be for Council to including funding for Stage 1 works within a future Council budget and note as an action in Council's Municipal Plan.

Council will continue to communicate with SPA and Crown Land Estate over development of the site.

Links with Strategic Plan

Priority # 2 – A great place to live

Legislative and Policy Implications

The above proposal satisfies the assessment criteria and business case required under Council Policy *GOV12 Land Acquisition*. Should Council be successful in the leasing of the site from Crown Land Estate, it is expected that a lease would be required between Council and SPA for ongoing management and maintenance of the site, in accordance with Council Policy *LC38 Reserves*.

Risks

Should Council not be successful in securing grant funding for the project, Council will be required to fully fund the project to receive the Crown lease over the land.

Financial Implications

The lodgement fee for an application for a grant of Crown Land is estimated at \$1,000.

In accordance with Crown Land Estate's requirements, Council will need to allocate full funding of the various stages of the project in future Council budget, at times appropriate to each project stage. Specifically, when Council first chooses to proceed with the project as proposed above, Council will need to allocate \$267,000 in Council's budget for that year for the first stage of this project.

As previously noted, it is expected that Council will apply for grants to fund a portion of the project; most grants would expect a minimum 50% contribution from Council as well. Specific grant funding amounts are unknown at this time.

Should Council be successful in achieving a grant of Crown Land for Mira Square and arranging a lease with the SPA, in line with the current arrangements with all other Council reserves managed by outside boards, Council may choose to allocate an annual amount to SPA to manage and maintain the site; this funding support may be incorporated into the leasing arrangements for the site. Previously in April 2016, Council resolved to "allocate \$10,000 annually, commencing in 2017/18 as an operating grant to the Southport Progress Association to manage Mira Square"; this resolution has not been carried forward as Mira Square has not been acquired. The amount allocated to each of Council's reserves is being reviewed as part of the finalisation of leasing arrangements for each reserve.

There will be whole of life costs of long-term management of the site and facilities as a new asset for Council, including time required by Council staff.

Community Engagement

Council has worked closely with the SPA over a number of years to progress this project.

Recommending Officer: **Nadine Nilon, Director Infrastructure and Operations**

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.



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Meeting

held in the Council Chambers, Litchfield
on Wednesday, 20 March 2019 at 6:30pm

Present	Maree Bredhauer Doug Barden Christine Simpson Mathew Salter	Mayor Councillor South Ward Councillor Central Ward Councillor North Ward
Staff	Kaylene Conrick Nadine Nilon Silke Maynard Kim Moon Debbie Branson	Chief Executive Officer Director Infrastructure and Operations Director Community & Corporate Services Human Resource and WHS Advisor Executive Assistant
Public	Jackie Rawles Doreen Ruttledge Bruce Lofts Steven Wallis	Berry Springs Southport Southport Southport

1. OPENING OF THE MEETING

The Mayor opened the meeting and welcomed members of the public.

The Mayor advised that an audio recording of the meeting will be made for minute taking purposes as authorised by the Chief Executive Officer.

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the traditional custodians of the land on which the Council meet on. The Mayor also conveyed Council's respect to the Elders past, present and future for their continuing custodianship of the land and the children of the land across generations.

3. APOLOGIES AND LEAVE OF ABSENCE

Mover: Cr Barden
Seconded: Cr Simpson

THAT Council notes and approves:

Apologies	Deputy Mayor Kirsty Sayers-Hunt	
Leave of Absence	Mayor Bredhauer	14 – 17 May 2019
Leave of Absence	Mathew Salter	14 – 21 April 2019

Mayor Bredhauer will be on Leave of Absence to attend the 2019 National Australian Local Government Women's Association Conference held in Blacktown NSW 15-17 May 2019.

CARRIED-1819/169

4. DISCLOSURES OF INTEREST

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

No further disclosures of interest were declared.

5. CONFIRMATION OF MINUTES

Moved: Cr Simpson
Seconded: Cr Barden

THAT the full minutes of the Council Meeting held 20 February 2019, 9 pages, be confirmed.

CARRIED-1819/170

6. BUSINESS ARISING FROM THE MINUTES

Moved: Cr Simpson
Seconded: Cr Barden

THAT Council receives and notes the Action List.

CARRIED-1819/171

7. PRESENTATIONS

Nil.

8. PETITIONS

Nil.

9. PUBLIC FORUM

9.1 Jackie Rawles – Berry Springs

Ms Rawles raised her concern in relation to the following:

- the need for bus shelters along Cox Peninsular Road and child safety
- road safety – the need for road signage for traffic approaching crests, ie Leonino Road
- the opportunity for Council to allow advertising signs for commercial operators and community events
- the lack of consultation regarding the rainbow signage on Oxford Road celebrating the annual Mardi Gras in Sydney

Mayor Bredhauer suggested Ms Rawles meet with the Director of Infrastructure and Operations after the meeting to discuss these concerns further.

9.2 Bruce Lofts – Southport

Mr Lofts expressed his concern in relation the Mira Square development, Southport and ongoing financial support from Council.

The Director of Infrastructure and Operations advised that there would be a lease between the Southport Progress Association (SPA) and Council along with a funding arrangement. The Director confirmed that Council had resolved in 2016 to commit support funds however, until the development is complete there is nothing in Council's budget.

10. ACCEPTING OR DECLINING LATE ITEMS

Nil.

11. NOTICES OF MOTION

Nil.

12. MAYORS REPORT

Moved: Cr Barden
Seconded: Cr Simpson

THAT Council receive and note the Mayor's monthly report.

CARRIED-1819/172

13. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees provided an update where relevant.

Moved: Cr Simpson
Seconded: Cr Barden

THAT Council note the Councillors' verbal report.

CARRIED-1819/173

14. FINANCE REPORT

14.1 Council Finance Report – February 2019

Moved: Cr Simpson
Seconded: Cr Salter

THAT Council receives the Litchfield Council Finance report for the period ended 28 February 2019.

CARRIED-1819/174

15. OFFICERS REPORTS

15.1 Draft Litchfield Animal Management Plan – Endorsement for Public Consultation

Moved: Cr Salter
Seconded: Cr Simpson

THAT Council:

1. endorses the draft Animal Management Plan for public consultation for a period of five weeks from 15 April to 19 May 2019; and
2. authorises the Chief Executive Officer to make editorial changes to the draft Animal Management Plan, if required, prior to consultation.

CARRIED-1819/175

15.2 Draft Youth Policy – Adoption of Policy

Moved: Cr Salter
Seconded: Cr Barden

THAT Council adopts the COM01 Youth Policy.

CARRIED-1819/176

15.3 McMinns Lagoon Recreation Reserve Request for Funding

Moved: Cr Barden
Seconded: Cr Simpson

THAT Council:

1. thanks, and acknowledges the ongoing contribution the McMinns Lagoon Reserve Association's Bushcare Major Day Out event in providing the opportunity for the community to get out and learn about the region and this nature reserve;
2. refers McMinns Lagoon Reserve Association to the Litchfield Council Annual Community Grants program to seek financial support for the annual Bushcare Major Day Out event; and
3. refers McMinns Lagoon Reserve Association to the Community Benefit Fund, Major and Minor Community Grants for further grant opportunities.

CARRIED-1819/177

15.4 670 Letchford Road Subdivision – Updated Request for New Road Name

Moved: Cr Simpson
Seconded: Cr Barden

THAT Council support the name Quinine for the new road within the new subdivision at 670 Letchford Road.

CARRIED-1819/178

15.5 Council Controlled Land Summary

Moved: Cr Simpson
Seconded: Cr Barden

THAT the report on Council Controlled Land be received and noted.

CARRIED-1819/179

15.6 Southport Mira Square Development – Proposed Staging

Moved: Cr Barden
Seconded: Cr Salter

THAT Council:

1. endorses a staging plan for the development of Mira Square that includes:
 - a. Stage 1 - construction of an approximately 400m² shed connected to appropriate services,
 - b. Stage 2 - creation of a cleared area for children's play,
 - c. Stage 3 - internal storage and meeting spaces within the shed, and
 - d. Stage 4 - installation of playground equipment; and
2. includes the granting of Mira Square and the site's development as an advocacy project within the 2019/20 Municipal Plan.

CARRIED-1819/180

15.7 March 2019 Summary Planning and Mining Report

Moved: Cr Salter
Seconded: Cr Barden

THAT Council:

1. receive the March 2019 Summary Planning and Mining Report; and
2. notes for information the responses provided to Development Assessment Services or Department of Primary Industries and Resources, as applicable, within Attachment A-PA2019/0052 to this report.

CARRIED-1819/181

15.8 Draft Burial and Cremation Bill 2018 - Submissions

Moved: Cr Salter
Seconded: Cr Barden

THAT Council:

1. notes the report on the impact of the Draft Burial and Cremation Bill 2018 on Thorak Regional Cemetery; and
2. makes a formal submission on the Draft Bill, specifically on the matters considered to potentially have impact on the management and operations of Thorak Regional Cemetery.

CARRIED-1819/182

15.9 Sponsorship – Territory Natural Resource Management Conference and Annual Awards

Moved: Cr Simpson

Seconded: Cr Barden

THAT Council:

1. partners with Territory Natural Resource Management as a sponsor of its 2019 Conference and Northern Territory Natural Resource Management Awards at the Silver level by financially contributing \$2,500;
2. allocates \$2,500 in its 2019/20 Budget to sponsor the 2019 Conference and Northern Territory Natural Resource Management Awards;
3. authorises the Chief Executive Officer to sign the Partnering / Sponsorship documentation; and
4. nominates the Mayor and Cr Barden to attend the annual Awards Gala Dinner.

CARRIED-1819/183

16. COMMON SEAL

Nil.

17. OTHER BUSINESS

Nil.

18. PUBLIC QUESTIONS

18.1 Jackie Rawles – Berry Springs

Ms Rawles questioned if the Draft Youth Policy was available on the Council's website and if it was available for comment.

The Mayor advised that the formal public consultation regarding the Draft Youth Policy had closed and the Council had endorsed the policy earlier in this meeting. The Mayor invited Ms Rawles to have a conversation with her outside the meeting regarding any feedback she may have.

19. CONFIDENTIAL ITEMS

Moved: Cr Simpson
Seconded: Cr Barden

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) regulations the meeting be closed to the public to consider the following Confidential Items:

19.1 CEO Recruitment- Appointment of Recruitment Agency

Regulation 8(c) information that would, if publicly disclosed, be likely to:

(i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

CARRIED-1819/184

The meeting was closed to the public at 7.46 pm.

Moved: Cr Salter
Seconded: Cr Barden

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.

CARRIED-1819/188

19.1 CEO Recruitment- Appointment of Recruitment Agency

Moved: Cr Simpson
Seconded: Cr Barden

THAT Council:

1. receive the resignation letter from its Chief Executive Officer, Kaylene Conrick;
2. writes and thanks Ms Conrick for her service to Litchfield Council and wishes her all the best for the future;
3. appoints McArthur to undertake a national recruitment search and process for the next chief executive officer;
4. allocates a budget of up to \$50,000 to undertake the recruitment process and CEO appointment, including any costs associated with the Employment Contract negotiation;
5. appoints the following Elected Members to form a CEO Recruitment Panel – Mayor Bredhauer and Crs Barden, Sayers-Hunt, Salter and Simpson;
6. invites Mr Iain Summers, Council's Risk Management and Audit Committee Chair to be on the Recruitment Panel to assist Council in the recruitment process;
7. appoints Mayor Bredhauer as Chair of the Recruitment Panel;
8. receives a report and recommendation from the CEO Recruitment Panel no later than 30 June 2019.

CARRIED-1819/187

The meeting moved to Open Session at 8.32pm.

20. CLOSE OF MEETING

The Chair closed the meeting at 8.32pm.

21. NEXT MEETING

Wednesday 17 April 2019.

MINUTES TO BE CONFIRMED

Wednesday 17 April 2019

.....
Deputy Mayor
Kirsty Sayers-Hunt

.....
Acting Chief Executive Officer
Nadine Nilon



COUNCIL REPORT

Agenda Item Number:	15.5
Report Title:	RV/Caravan Park and Dump Point Investigation Update
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Wendy Smith, Planning & Development Manager
Meeting Date:	18/03/2020
Attachments:	Nil

Executive Summary

This report provides an update to Council on the investigations into a potential site for a dump point and RV-friendly park within the Municipality, as well as potential partnership arrangements for such a site.

Investigations have revealed that partnership with CMCA at this time would not meet CMCA's minimum requirements for establishment of a caravan park and is unlikely to accomplish Council's goals for provision of a dump point available to service all Council residents and their guests.

It is therefore recommended that Council not proceed with partnership with CMCA to establish a caravan park at this time. It is recommended that travellers that would utilise RV/Caravan Parks, or require the use of a dump point, are included in the development of Council's Tourism Strategy and advocacy projects.

Recommendation

THAT Council:

1. receive and note the update on the investigation of a potential site for a dump point and RV-friendly park within the Municipality;
2. write to CMCA acknowledging appreciation for the interest in partnership with Council and advising that the opportunity is not suitable at this time;
3. include the consideration of overnight visitors in the development of Tourism Strategy project;
4. include consideration for the installation of a wastewater dump point as an advocacy priority project; and
5. write to the NT Minister for Tourism and NT Minister for Essential Services emphasising the need for an accessible free dump point within the Litchfield Municipality as part of NT tourism initiatives to service visitors throughout the region.

Background

Clarification

It is noted that Council's resolution on the subject of this report refers to RV parks; CMCA materials reference campervans, motorhomes, and RVs; and the NT Planning Scheme refers to a caravan as a vehicle "designed or adapted for human habitation". It is considered for the purposes of this report

that all of the above designations refer to the same type of vehicle/use, and, for clarity and consistency with regulatory documents, the terminology of “caravan” and “caravan park” will be used for the remainder of this report, except where quoting previous Council resolutions.

Background

In September 2019, Council resolved:

THAT Council:

- 1. approves an investigation into the development of Litchfield Municipality as an RV friendly destination;*
- 2. investigates suitable sites for an RV friendly Park in the Municipality;*
- 3. engages with the CMCA to explore the opportunity of becoming partners in an RV Park and dump point, in Litchfield Municipality; and*
- 4. prepare a report for the October 2019 meeting outlining what the partnership arrangement could look like, along with the commitment requirement of Litchfield Council and the CMCA.*

An October 2019 report to Council outlined updates on the above resolution undertaken thus far and Council resolved to receive a further update report:

THAT Council:

- 1. receives and notes the update on the investigation of a potential site for a dump point and RV-friendly park within the Municipality; and*
- 2. receives a further update report on potential dump point and RV friendly sites by March 2020.*

Over the past several months, research into the above matters has included, but not been limited to, interviews with CMCA, queries to local caravan parks, and review of a number of articles and information to understand how other Councils have established and operated parks and facilities, including dump points, around the country.

Caravan Park Site

Through liaison with CMCA regarding their interest in partnering with Council on a caravan park and dump point in the Litchfield Municipality, CMCA have noted the following requirements for a site:

- minimum 1 hectare of flat level ground,
- ability to allow for 19 metre vehicles to adequately park and turn,
- good road access,
- proximity to gravity sewer main and close to power and water, and
- not interested in sites that require rezoning to accommodate a caravan park.

Under the NT Planning Scheme, Zone CV (Caravan Parks) is considered to be the most suitable zone for a caravan park; however, caravan parks are discretionary uses in the following other zones throughout the NT: Zone TC (Tourist Commercial), Zone A (Agriculture), Zone FD (Future Development), Zone WM (Water Management), and Zone T (Township). Additionally, in Litchfield, the privately-owned site at 350 Arnhem Highway is under Specific Use Zone SL8, where the provision of a caravan park is a discretionary use.

Investigations into potential suitable Council-owned sites have revealed that Council only owns two portions of land that are in the correct zone for a caravan park:

- an approximately 1,000m² triangular portion of land in the south west corner of the Berry Springs Waste Transfer Station site and

- an approximately 3,500m² area of former road reserve at the western end of Lowther Road that is 10m x 350m in shape.

Neither of these two parcels of land was deemed suitable by CMCA for a caravan park. It is therefore understood that no currently Council-owned land under its current zoning would be suitable for a partnership between Council and CMCA for development of a caravan park.

Dump Point

CMCA have further stated that while, in recent times, CMCA have allowed individuals who are not members of CMCA to camp within their parks (for a higher fee), CMCA will not allow anyone who is not staying at their park to utilise the park's dump point.

Research has been undertaken, in 2017 and again in 2019, on the nine approved caravan parks within Litchfield Municipality as to the existence of a dump point on site and the availability of that dump point for use by private individuals not staying at that caravan park. Six of the nine parks have dump points. Two of those six caravan parks (Oasis Tourist Park and AAOK Lakes Resort and Caravan Park) indicated that they would allow individuals not staying at the park to utilise the dump point for a fee. (In 2017 fee for Oasis was \$10 and in 2019 it was stated as \$5; in 2017 fee for AAOK was stated as \$20 and in 2019 was quoted as "a small donation".)

2019	Caravan Park	Address	Dump Point Onsite?	Can Non-patrons use it?	If yes, cost?
1	Big-4 Holiday	173 Whitewood Road, Howard Springs	Yes	No	-
2	Darwin Boomerang Caravan Park	30 Virginia Road, Virginia	No	N/A	-
3	Oasis Tourist Park	17 Morgan Road, Virginia	Yes	Yes	\$5.00
4	Coolalinga Caravan Park	420 Stuart Highway, Coolalinga	Yes	No	-
5	Tumbling Waters Holiday Park	Cox Peninsula Road, Berry Springs	Yes	No	-
6	Darwin River Caravan Park	195 Darwin River Road, Darwin River	No	N/A	-
7	Noonamah Tourist Park	1807 Stuart Highway, Noonamah	No	N/A	-
8	Free Spirit Resort	901 Stuart Highway, Holtze	Yes	No	-
9	AAOK Lakes Resort and Caravan Park	170 Doris Road, Berry Springs	Yes	Yes	Donation

It is understood that part of the interest in Council supporting a dump point in the municipality is to provide for a local dump point for individuals who may be staying on private residential blocks (i.e. visiting relatives) whose current alternatives are to:

- dump in the bush,
- pay a small fee to utilise dump point at one of two caravan parks in Litchfield,
- drive to the NT Government (NTG) dump point at Winnellie.

As the CMCA requirements would not support the ability for these individuals to avoid the trip to Winnellie or use one of the commercial dump points, it is not believed that partnering with CMCA on a dump point would accomplish the intended goal.

Investigations into a suitable space for a dump point remain as reported to Council in Item 15.10 at Council's 15 November 2017 meeting, with the outcome being a preference for a Council-owned dump point to be located at Council's Humpty Doo Waste Transfer Station site.

Locating a dump point at the Humpty Doo Waste Transfer Station would require users to access through the monitored transfer station and would not be likely to require significant new roads or additional full-time staff to enable access, but the dump point would require a capital cost to construct and connect, as well as incurring regular maintenance costs. As Council's Humpty Doo Waste Transfer Station site is the subject of a lease from Crown land, Council would need to ensure that Crown land are amenable to installing this feature on the site as part of the current, or renegotiated, lease terms.

If Council were to consider the establishment of a site in the future, it would cost in the order of \$50,000 to establish and approximately \$10,000 annually to maintain. While Council could apply to the NT Government for Special Purpose Grant funding to construct a dump point, ongoing maintenance and management costs are not eligible for grant funding and would be required to be part of Council's operating budget.

Council could consider charging users for access; however, it would be competing with currently available dump points that also require a charge, as well as the free dump point at Winnellie.

Consideration should be given to whether individuals needing a dump point may still choose to dump in the bush due to distance to free dump points and/or the resistance to payment of any charge, however minimal.

Council may determine to investigate the following options, and then have further discussions with local caravan park owners regarding the prospect to:

- publicise the existing arrangements for the public to utilise dump points within the municipality for a small fee,
- explore opportunities for other dump point owners to institute similar practices,
- partner with existing caravan parks to subsidize utilisation of the dump point by visitors not staying at the caravan park or
- partner with interested caravan parks through an EOI process or similar to subsidize the provision of free dump points.

Such investigations are likely to take approximately 12 months to complete.

Council may also give consideration to whether the NTG is the more appropriate agency to provide a free dump point as part of NT tourism initiatives to service visitors throughout the region, not just Litchfield.

Summary

Caravan Park

Investigations into the potential for Council to partner with CMCA to establish a caravan park have revealed:

- No currently owned Council-land meets CMCA's requirements for establishment of a caravan park,
- CMCA allow non-CMCA member to utilise their parks (for a higher fee), and
- CMCA do not allow non-park users to utilise dump point facilities within CMCA parks.

Therefore, it is considered that there is not an opportunity to partner with CMCA that would both meet CMCA's requirements and accomplish Council's interests in providing a dump point site available for all users. Partnership with CMCA would require both an investment in identifying, and potentially purchasing, a suitable site, as well as working with CMCA to change arrangements to allow non-park users to utilise the site dump point.

It is therefore recommended that Council thank CMCA for the interest in partnership with Council and advise that the opportunity is not suitable at this time.

Dump Point

A dump point review has confirmed that there are six dump points located within the municipality, and two of these dump points are able to be publicly accessed for a small fee. Council is able to establish a dump point; however, establishing and managing a dump point would cost Council in the order of \$50,000 in capital expenditure and \$10,000 in annual operational expenditure.

It is recommended that Council:

- Include the consideration of travelling/overnight visitors in the development of Council's Tourism Strategy.
- refer the installation of a wastewater dump point project to the 2021/22 Budget development process for Council's consideration.
- write to appropriate NT Government ministers to discuss the need for a free dump point as part of NT tourism initiatives to service visitors throughout the region, not just Litchfield.

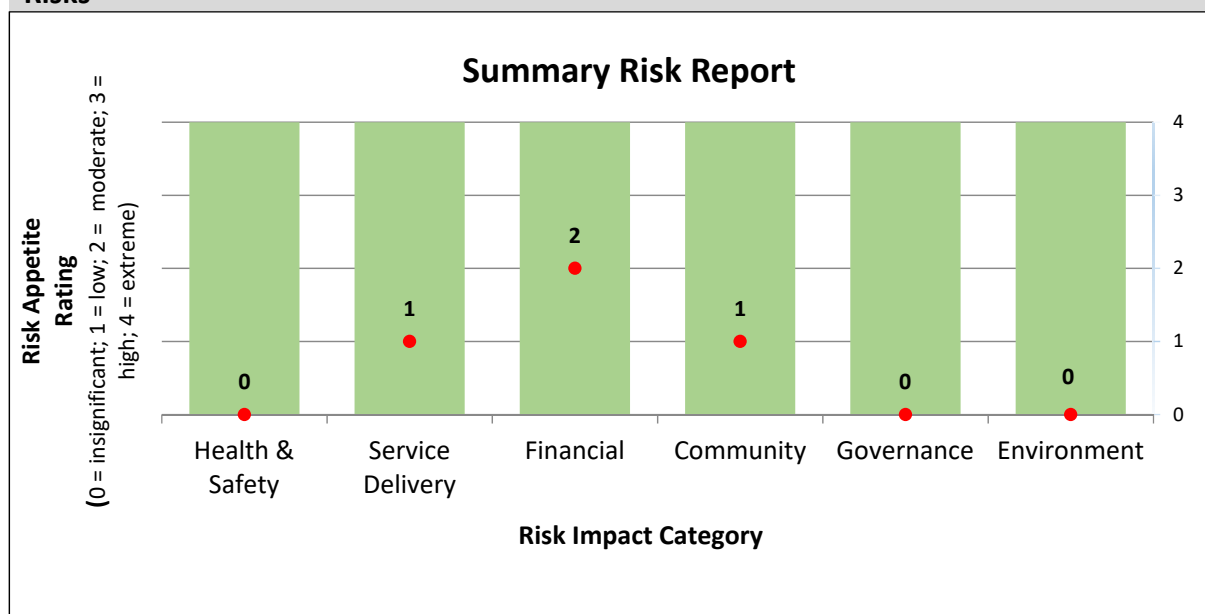
Links with Strategic Plan

A Great Place to Live - Recreation

Legislative and Policy Implications

Not applicable to this report.

Risks



Service Delivery

Some additional management and maintenance works will be required to be managed by Council Waste Transfer Station staff if a dump point is located at the Humpty Doo Waste Transfer Station.

Financial

Should Council determine to move forward with development of a dump point within the Municipality on a Council-owned site, Council would need to consider the construction and on-going maintenance costs in future Council budgets.

Community

Should Council determine to advocate for a dump point and caravan-friendly infrastructure in the Municipality, Council could consider including such initiatives in Council's Tourism Strategy and in future Municipal Plans.

Council notes the significant community interest in this project, both from community members interested in a low-cost caravan park and dump point within the municipality, as well as owners/operators of existing caravan parks within the municipality. The benefits and risks to both community groups should be considered in any final decisions related to this matter.

Governance

Whilst not a currently identified risk, should Council determine to move forward with development of a caravan park site within the Municipality on a Council-owned site, Council would need to identify a parcel of Council-owned land to rezone or identify a parcel of land to acquire for that purpose. Council would need to advertise an Expression of Interest to the public prior to entering into an agreement with any one organisation.

Financial Implications

It is clear that further pursuit of partnership with CMCA into development of a caravan park within the municipality would require substantial financial obligations, as it would involve, at a minimum, the identification and rezoning of suitable land, and at most, the acquisition of suitable land.

Further, the development of a dump point without CMCA involvement would involve both initial capital and ongoing operational costs.

The resources required are above the current commitments within the 2019-2020 Municipal Plan. Should Council wish to proceed with development of a caravan park or dump point within the Municipality, Council may consider referral of either project to future budget development processes for Council's consideration in the context of other capital projects and priorities.

Council could apply to the NT Government for Special Purpose Grant funding to construct a dump point (estimated \$50,000); typically, matching funding from Council is expected. However, ongoing maintenance and management costs (estimated \$10,000 per annum) are not eligible for grant funding and would be required to be part of Council's operating budget.

Community Engagement

Council has a strong commitment to consulting and engaging with our community. Council is aware that there is community interest in this topic. Council has received feedback from concerned residents, including owners of existing caravan parks within the municipality. There has also been feedback received from supporters of a potential dump point and/or caravan park within the municipality. Council will consider feedback received to date and will continue to engage with interested stakeholders throughout any future discussions around development of a caravan park or dump point within the Municipality to ensure a holistic view of the matter.



COUNCIL REPORT

Agenda Item Number:	15.6
Report Title:	Proposed Road Opening Richards Road, Blackmore – Section 1719
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Rodney Jessup, Development Engineer
Meeting Date:	18/03/2020
Attachments:	Nil

Executive Summary

This report seeks Council's approval to proceed with a road opening over the existing, constructed Richards Road in Blackmore, including over 2415 Cox Peninsula Road.

Richards Road was constructed in 2016 across Crown Land to service a new 28-lot subdivision. As the road was built within Crown Land, it was not created as a public road at the time of subdivision. In 2019, Council proceeded with a road opening over 2335 Cox Peninsula Road, which was finalised in January 2020. It has since been identified that there is an additional small section of road opening required over 2415 Cox Peninsula Road for the truncation of the road where it adjoins Cox Peninsula Road.

Recommendation

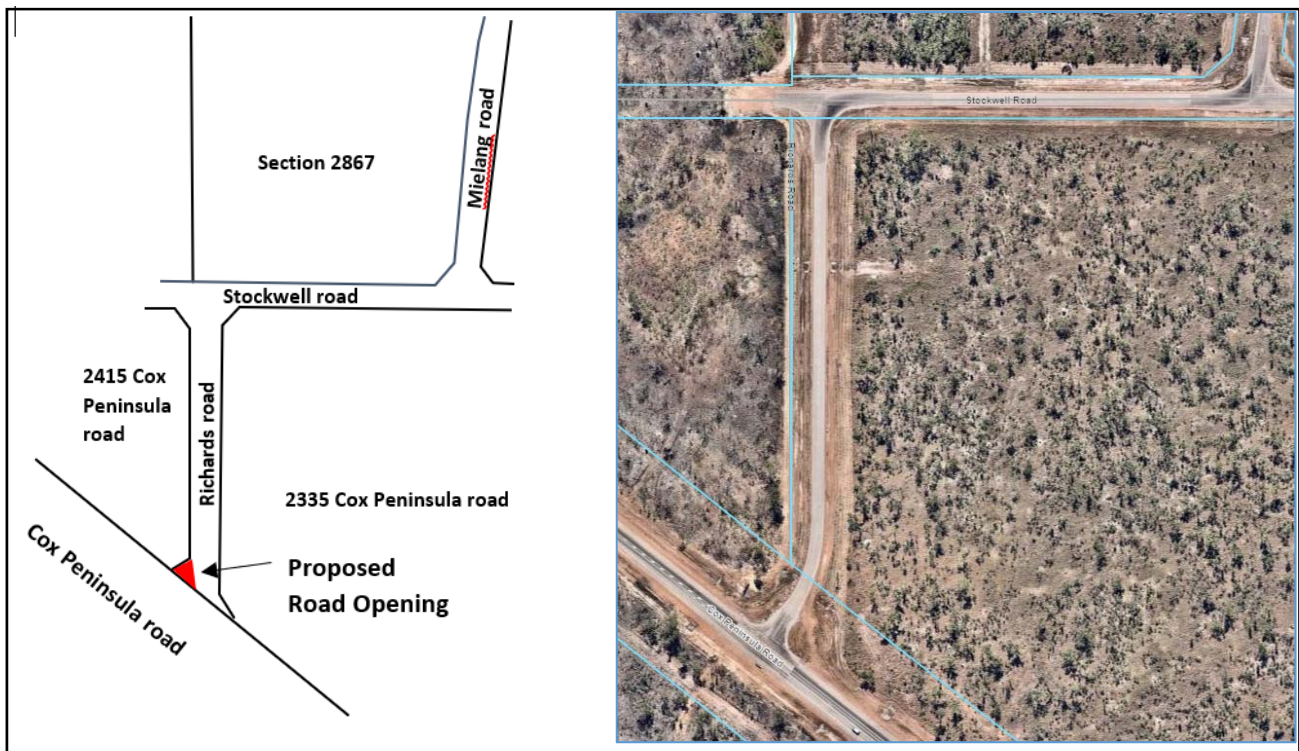
THAT Council:

1. proceed with the road opening process for Richards Road across 2415 Cox Peninsula Road, Blackmore; and
2. authorise all appropriate documents to be signed and common seal affixed by the Mayor and Chief Executive Officer for the opening of the road, as required.

Background

In 2016, Dragon Lady Pty Ltd developers constructed a new 28-lot subdivision off Stockwell Road, Blackmore. In order to access the site, the developer constructed a new road from Cox Peninsula Road to Stockwell Road.

In the original road opening report to Council in October 2019 (Report 15.08), Council approved progression of a road opening over 2335 Cox Peninsula Road, as it was understood at that time through previous communication with the Northern Territory Government that the entirety of the new road was within that parcel. However, it has since come to light that there is a 492m² portion of road truncation across 2415 Cox Peninsula Road, which is also Crown Land. The following image illustrates the area of 2415 over which a new road opening process needs to occur.



Location of Richards Road

The road opening process over 2335 Cox Peninsula Road, has now been completed. The Minister for Local Government, Housing and Community Development finalised that process through publication of the road opening in the 8 January 2020 Government Gazette; the main portion of Richards Road is therefore now vested in Litchfield Council.

The next steps in the road opening process for 2415 Cox Peninsula Road are to write to the Minister for Local Government, Housing and Community Development and the Minister for Infrastructure, Planning and Logistics seeking consent to vest the road reserve to Litchfield Council. Following approval from both Ministers, the department will place a notice in the Government Gazette, at which time the process is completed.

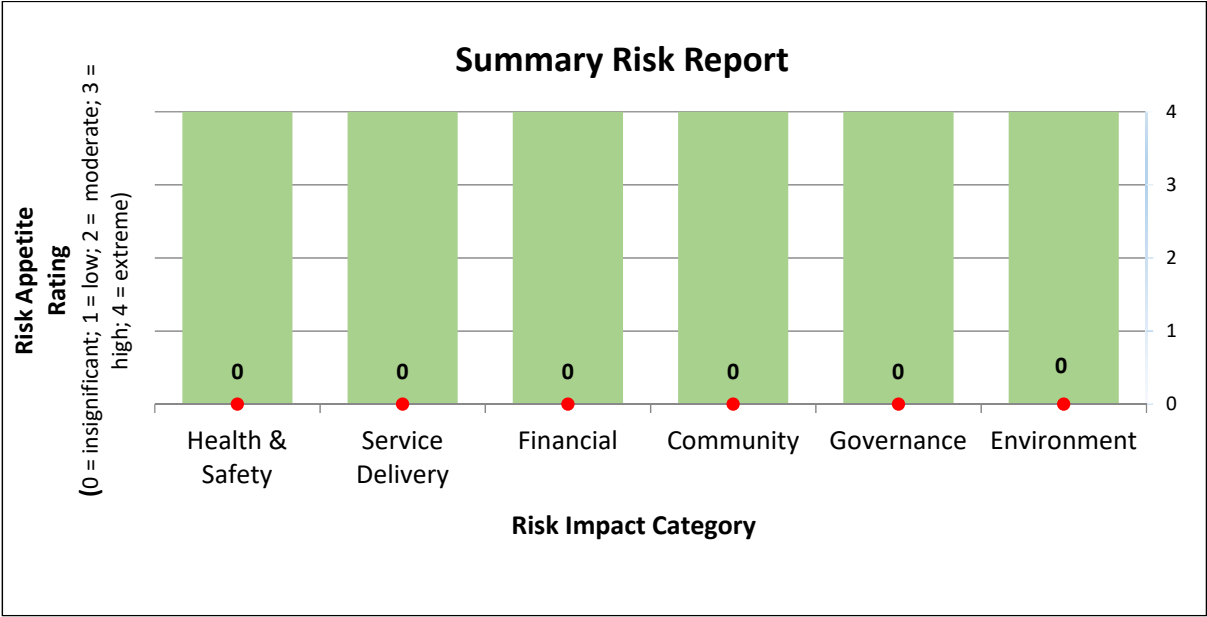
Links with Strategic Plan

Everything You Need - Roads and Transport

Legislative and Policy Implications

The Control of Roads Act sets out the process for opening a road over Crown Land.

Risks



Financial Implications

Council agreed to maintain the road at the time of subdivision approval and has been paid all applicable fees by the developer under the requirements of the subdivision process.

Community Engagement

This proposed road opening will be advertised for public comment on Council’s website and at the front counter for a 28-day period, in accordance with legislative requirements.



COUNCIL REPORT

Agenda Item Number:	15.7
Report Title:	Uniform Companion Animal Legislation in the Northern Territory
Recommending Officer:	Nadine Nilon, Director Infrastructure & Operations
Author:	Nicole Davenport, Supervisor Regulatory Services
Meeting Date:	18/03/2020
Attachments:	A: Councils letter of comment for Uniform Companion Animal Legislation in The Northern Territory. B: Uniform Companion Animal Legislation in the Northern Territory Discussion Paper

Executive Summary

The purpose of this report is to present to Council the Uniform Companion Animal Legislation in the Northern Territory Discussion Paper.

This report recommends that Council endorse the letter contained in attachment A as Council's response to the nine questions asked in the Uniform Companion Animal Legislation Discussion Paper.

Recommendation

THAT Council endorse Attachment A – Litchfield Council Comments on Uniform Companion Animal Legislation in the Northern Territory Discussion Paper.

Background

Since 1991, Local Government Councils in the Northern Territory have been able to make their own by-laws and rules about companion animal management without a mandatory scheme applicable to all Councils. During the November 2018 Local Government Association of the Northern Territory (LGANT) General Meeting, a resolution was passed that LGANT lobby the Northern Territory Government to introduce uniform domestic animal management legislation in the Northern Territory.

As a result, the Department of Local Government & Community Development have prepared a discussion paper for distribution to Local Government & relevant stakeholders to invite submissions on the proposed introduction of uniform companion animal legislation in the Northern Territory.

The discussion paper proposes to introduce uniform companion animal legislation in the Northern Territory. Currently, the Northern Territory is the only State or Territory that does not have companion animal legislation.

Uniform companion animal legislation provides uniformity regarding animal management and would assist Council to enforce microchipping/registration, dangerous dog record keeping and procedures.

When assessing the proposed introduction of uniform companion animal legislation discussion paper, it is essential to note that Council currently has By-laws for dog management and any new legislation for companion animal management will likely impact on Councils current activities. This may include the requirement for registering cats, utilising central record systems and the required to support these (such as impound facilities for cats).

The Discussion Paper presents nine questions to provide feedback on, which are included in Attachment A to this report.

Links with Strategic Plan

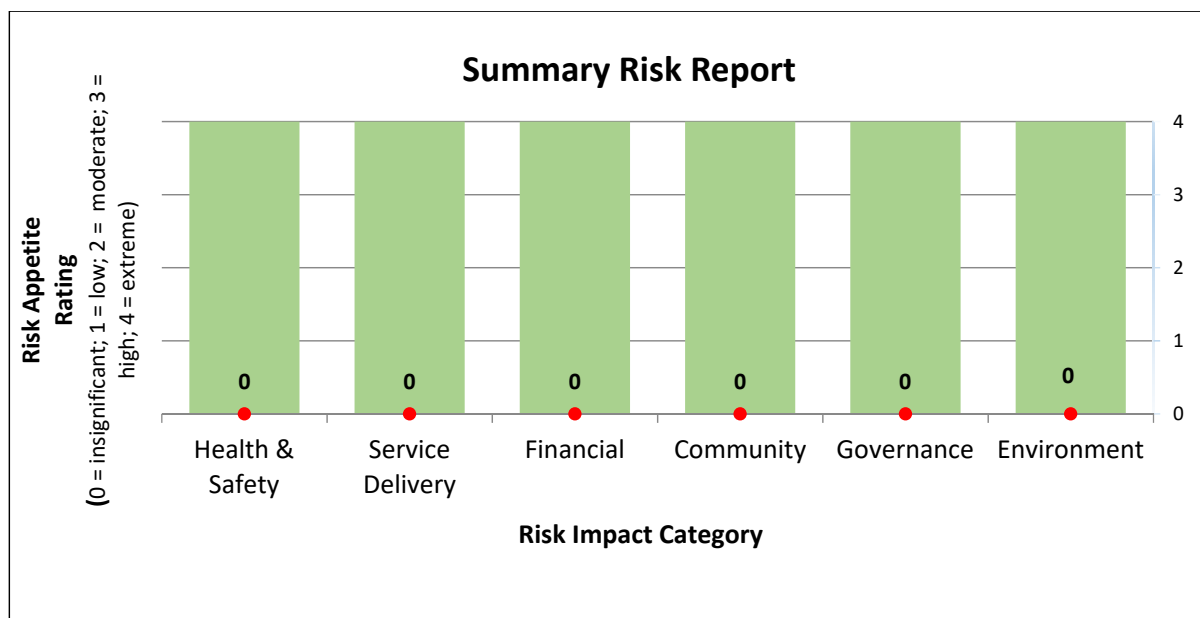
A Beautiful Safe Natural Environment - Animals and Wildlife

Legislative and Policy Implications

This Discussion Paper consultation will inform the proposed NT Companion Animal Legislation.

Depending on the proposed legislation, there will likely be an impact on Council's current by-laws relating to animal management. This will be reviewed as the legislation process progresses.

Risks



As this is a Discussion Paper, all risks have been assessed as insignificant at this time.

Financial Implications

Not applicable to this report.

Community Engagement

Not applicable to this report.



11 March 2020

Department of Local Government
Housing and Community Development
GPO Box 4621, Darwin NT 0801

Uniform Companion Animal Legislation in The Northern Territory

Thank you for the opportunity to make a written submission on this discussion paper.

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Council supports having the ability to determine what is unique to its environment, such as enclosures/containment, animals per property, types of animals. These requirements do vary across urban, semi-rural and rural environments and currently Councils are able to develop by-laws that support these unique factors, alongside resource and social considerations.

However, there are aspects where current arrangements do not support a consistent approach to animal management across Councils, such as registration requirements, declaration of dangerous dogs, and other terminology and definitions.

Question 2: If not, what are the problems or issues with the current arrangements?

As mentioned in response to question 1, there are issues with a lack of uniformity around identification/registration, microchipping requirements, aggressive/dangerous dogs procedures and record keeping. In particular, there should be a Territory-wide/nationwide-register regarding aggressive/dangerous dogs. Licencing of boarding kennels and breeders could also be considered to improve records.

Current by-laws also do not actively work alongside existing legislation that relate to animal welfare, planning, and environment. This results in significant 'grey areas' that are not covered by legislation and complaints or issues are often referred to Council, who often does not have by-laws or policies relevant to the issue.

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

It is not considered that these issues can be resolved without overarching legislation. By-laws, agreements, policies and other arrangements could be made between Councils; however these would only be prepared as required, and are unlikely to cover all requirements and all Councils.

Litchfield Council has been actively involved in the TOPROC Animal Management Working Group. This group has achieved some beneficial outcomes such as reciprocal registration, however it remains restricted in relation to broader issues such as dangerous dogs and by not having consistent by-law requirements.

Question 4: How would Territory-wide companion animal legislation solve the problems or issues identified under Question 2?

These are outlined in response to previous questions. Overall, Legislation results in a consistent approach, and this in turn will result in an improved service to the community.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

The Discussion Paper includes four models that could be adopted in the Northern Territory if companion animal legislation is introduced:

- (1) Amendments to existing Territory Government legislation such as the Local Government Act 2008 to require local government councils to have policies for dog and cat management policies.
- (2) Local Government Councils having primary responsibility for the administration and enforcement of the legislation, like Western Australia, South Australia and Tasmania.
- (3) Shared responsibilities between the Northern Territory Government and Local Government Councils, with Councils having the administrative functions and a sharing of enforcement responsibility in relation to dangerous dogs.
- (4) The Northern Territory Government being responsible for the administration and enforcement of the legislation.

Council is supportive of option 3 overall, with some aspects of option 2 remaining where there would be aspects specific to local environments (ie number of animals, types of animals), and aspects of option 4 being in place where the Northern Territory Government is the most relevant body to administer and enforce (ie where it relates to other NT Acts). This would provide Councils with flexibility to administer the law in a way that suits their local areas, circumstances and recourse constraints, with a shared responsibility between Northern Territory Government and Councils.

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

The QLD animal management (Cats and dogs) Act 2008 is an act Council Rangers are familiar with that may have some aspects that would be applied to the Northern Territory. In particular, the sections relating to identification, registration/microchipping and aggressive dogs. This act also provides a set of model local laws for smaller Local Government Councils to utilise and customise to suit their circumstances, recourses and local area.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Dogs should have compulsory identification and registration. Council doesn't currently have by-laws requiring the registration of cats. The inclusion of cats, dependent on the requirements of the legislations, would have a resource impact on Council that would need to be assessed.

Council's should be able to determine if, and what, fees may be applied for the registration of animals as the resources required for registration do vary. In relation to cats specifically, typically registration fees are low so there is likely to be a cost impact to Council if this was a requirement and Council would need to better understand the community benefit of registering cats.

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

Yes, dogs and cats should have compulsory identification through microchipping to provide permanent Identification. As microchipping is also attached to a national database, it is easily utilised and currently accessed by councils to re-unite microchipped animals with their owners.

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

The following matters are considered appropriate to be regulated; registration, microchipping, aggressive/dangerous dogs (including powers of entry), backyard breeding, assistant animals and requirements of a person or organisation to hand in stray animals within a reasonable timeframe. Clarity should also be provided in relation to other acts relevant to animals in the Northern Territory to ensure clarity around responsibilities of administration and legislation.

Kind Regards

Nadine Nilon
Director Infrastructure & Operations

Uniform Companion Animal Legislation in the Northern Territory

Discussion Paper

Please submit written comments to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

Submissions close on 28 March 2020.

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1. Introduction

Since 1991, local government councils in the Northern Territory have been able to make their own by-laws and rules about companion animal management without a mandatory scheme applicable to all councils.

The management and control of dogs in the Territory was formerly regulated by the *Dog Act 1980* (the Act). This Act included:

- the requirements to register all dogs and for dogs to wear tags during the period of registration;
- licensing of premises where more than two dogs were to be kept;
- sterilisation of dogs;
- establishment of pounds;
- seizing, impounding and release or destruction of dogs; and
- the appointment of registrars, inspectors and pound managers.

The Act allowed local government councils to make rules (by-laws) in relation to:

- the management of pounds they established;
- the form and type of dog-tag that was to be worn by a registered dog ordinarily kept in their local areas;
- the manner in which sterilised dogs were to be marked; and
- the declaration of any area of vacant Crown land within their council areas as a public place for the purposes of the Act.

Of note, a local government council did not have the power to appoint a registrar unless it had established a pound. In practice, the Act only applied to urbanised areas of the Territory.

The Act was repealed in 1991 by the *Dog Act Repeal Act* (the Repeal Act). In the second reading speech for this legislation, it was noted that an Inter-Governmental Rationalisation of Functions Working Party had made recommendations as to which level of government was best suited to perform certain administrative functions of government to achieve 'maximum public economy and efficiency'. The rationalisation and passing of functions to local government during the 1990s was agreed between the Northern Territory Government and Local Governments and was not confined to divesting physical assets such as roads and parklands. It included resolving the administrative overlap and duplication with regard to dog control and management. According to the second reading speech, the *Dog Act 1980* was repealed because the *Local Government Act 1985*, while empowering councils to make by-laws, required that those by-laws not conflict with Northern Territory legislation. Therefore, there was no need for specific Northern Territory legislation. The Repeal Act removed barriers which prevented councils bringing in the measures they saw as necessary to manage dogs within their boundaries.

The repeal of the *Dog Act 1980* was requested by the then Darwin City Council and Palmerston Town Council. Those councils indicated their preference for stronger controls than those that were available at the time under the Act. Alice Springs Town Council also supported the repeal.

After repeal of the *Dog Act 1980*, dog by-laws were enacted in 1992 for the Alice Springs Town Council, Borroloola Community Government Council, Darwin City Council, Jabiru Town Council, Katherine Town Council, Mataranka Community Government Council, Palmerston Town Council, Pine Creek Community Government Council, Tennant Creek Town Council and Timber Creek Community Government Council. The then Litchfield Shire Council, with its then rural constituency, decided not to enact by-laws for dog control. The Litchfield Council Rural Dog Management By-laws commenced in March 2011.

It is worth noting that Part X of the *Law Reform (Miscellaneous Provisions) Act 1956* was introduced as part of the repeal of the *Dog Act 1980*. The Part provides that a dog owner is responsible for any actions of his or her dog which cause loss, damage or injury, that there is a prima facie defence for a person who kills or injures a dog if it is attacking them or another person or an animal or bird in the person's care and that a dog may lawfully be put down if it is so diseased or injured that it is humane to do so.

During the November 2018 Local Government Association of the Northern Territory (LGANT) general meeting, a resolution was passed that LGANT lobby the Northern Territory Government to introduce uniform domestic animal management legislation in the Northern Territory. In February 2019, Mr Damien Ryan, President of LGANT wrote to the Minister for Local Government, Housing and Community Development on this matter.

This paper has been developed to inform and generate feedback about Territory-wide Companion Animal legislation. The issues and questions identified in this discussion paper are provided as a guide. You are invited to address these issues and questions, as well as any other matter related to the management and control of companion animals in the Northern Territory.

Of note, the focus of this paper is the management and control of companion animals. Animal welfare matters are regulated by the *Animal Welfare Act 1999* and are outside the scope of this paper.

2. Companion Animal Legislation in the Northern Territory

The Northern Territory does not have Territory-wide Companion Animal legislation. However, section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. Northern Territory local government councils which have dog management by-laws include:

- (i) Alice Springs Town Council;
- (ii) City of Darwin;
- (iii) City of Palmerston;
- (iv) Coomalie Community Government Council;
- (v) Katherine Town Council;
- (vi) Litchfield Council; and
- (vii) Tiwi Islands Regional Council.

The East Arnhem Regional Council, Roper Gulf Regional Council and Wagait Shire Council are in the process of making dog management by-laws for their respective council areas.

Central Desert Regional Council has resolved to develop a policy on dog management and control. The council believes that this will better suit the needs of the council and its communities.

Dog management by-laws for councils are usually similar but are drafted to suit each council's locally specific circumstances.

Cat management by-laws are also in place in the Alice Springs Town Council and City of Darwin council areas. In addition, East Arnhem Regional Council has begun reviewing a proposal to introduce new cat management by-laws.

The current arrangements provide local government councils with flexibility to make by-laws or adopt policies that suit their local areas, circumstances and resource constraints.

Apart from council by-laws, some Territory laws cover aspects of animal management. Section 75A of the *Summary Offences Act 1923* provides that the owner of a dog that attacks or menaces a person or animal is guilty of an offence. Also, a person who entices a dog to attack or menace a person or animal is guilty of an offence.

The same section provides that a member of the police force may seize, impound or destroy a dog that they believe has or may cause serious injury to a person or animal, and can enter any land to do so.

Section 32 of the *Law Reform (Miscellaneous Provisions) Act 1956* provides that the owner of a dog is liable for any loss, damage or injury as a result of the actions of the dog. Section 33 of that Act provides defences for killing or injuring a dog, such as where a person believes on reasonable grounds that they are about to be attacked by a dog.

Section 10 of the *Animal Welfare Act 1999* provides for offences of cruelty to animals and section 22 of that Act provides that if a vet is of the opinion that an animal is so severely injured, diseased or in such a poor physical condition that it is cruel to keep it alive, the vet may put it down.

Across the Territory there are different historical influences that affect the relationship between people and dogs. Aboriginal people have lived alongside dogs as companions for thousands of years. There are many communities in regional areas where dog ownership has never been regulated. It would be rare to see a dog on a leash in an Aboriginal community.

Issues for regional communities include prioritisation of resources, lack of infrastructure such as fences and pounds, lack of familiarity with registration practices and the availability and affordability of veterinary assistance.

3. Companion Animal Legislation in other Australian Jurisdictions

All other jurisdictions have state-level companion animal legislation which primarily regulates the management of dogs and cats. In the Australian Capital Territory, New South Wales, Queensland, South Australia and Victoria, the regulations are contained in one piece of legislation while Western Australia and Tasmania have separate pieces of legislation for the management and control of dogs and cats.

Of note, the New South Wales *Companion Animals Act 1998* defines companion animal to include a dog, cat and any other animal prescribed by regulations as a companion animal. Currently, there is no other prescribed animal in the *Companion Animals Regulation 2018* (NSW). In addition, the Victorian *Domestic Animals Act 1994* regulates pet shops as well as the sale of caged birds.

Local government councils in South Australia, Tasmania and Western Australia are primarily responsible for the administration and enforcement of state animal management legislation.

In the more densely populated states of New South Wales, Queensland and Victoria, the administration and enforcement responsibilities are shared between the relevant State departments and councils. In these States, councils have the administrative functions relating to identification, registration and control (in general) of dogs and cats, whereas there is a sharing of enforcement responsibility in relation to declaring and registering dangerous dogs and dogs of restricted breeds as well as seizure of dogs and cats.

In New South Wales, Tasmania and Western Australia, the Minister responsible for local government is responsible for Companion Animal legislation. In Queensland, Companion Animal legislation is the administrative responsibility of the Minister for Agricultural Industry Development and Fisheries; in South Australia, the Minister for Environment and Water; and in Victoria, the Minister for Agriculture. The Australian Capital Territory does not have local government councils and the equivalent legislation is the administrative responsibility of the Minister for City Services.

4. Consideration of Territory-wide Companion Animal Legislation

The introduction and implementation of any legislation, including companion animal legislation, usually confers duties, obligations and responsibilities on people and organisations. In these cases, the duties, obligations and responsibilities would mainly fall on local government councils. The Territory Government may also have disciplinary and/or enforcement responsibilities against a council which is not carrying out its duties, obligations or responsibilities under the legislation.

Section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. The by-laws can be on any matter councils may wish to regulate, subject to the by-laws meeting certain principles including avoiding duplication of, or overlap with, other Territory legislation and not imposing unreasonable burdens on the community.

Currently, there are seven local government councils which have dog or cat management by-laws and three other councils are in the process of introducing new dog or cat management by-laws within their respective council areas. The remaining seven councils do not have any companion animal management by-laws.

The Department of Local Government, Housing and Community Development (the Department) currently provides on-going support to councils (free of charge) in the preparation of drafting instructions for the Office of the Parliamentary Counsel. The Department also assists councils through the drafting process. Amongst other things, this helps to promote consistency of by-laws across the Northern Territory.

In April 2018, the Top End Regional Organisation of Councils (TOPROC), wrote to the Minister for Local Government, Housing and Community Development seeking support from the Department to work together to develop common by-laws for all the TOPROC member councils to create consistency throughout the region. TOPROC is a group of six local government councils which surround the Darwin harbour, namely; Belyuen Community Government Council, City of Darwin, City of Palmerston, Coomalie Community Government Council, Litchfield Council and Wagait Shire Council. The Department continues to work with these councils towards harmonising by-laws.

While the local government sector has requested the introduction of Territory-wide companion animal legislation, it is unclear what the problems are with the current arrangements. The *Dog Act Repeal Act* was introduced because it was determined that control of companion animal management sits with local government because it provides greater flexibility to suit local areas, circumstances and resource constraints. In addition, it may be challenging to draft Territory-wide legislation that caters for all the different circumstances, particularly between urban and regional councils.

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Question 2: If not, what are the problems or issues with the current arrangements?

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Question 4: How would Territory-wide companion animal legislation solve the problems or issues identified under Question 2?

4.1. Model for Territory-wide Companion Animal Legislation

There are four models that could be adopted in the Northern Territory if companion animal legislation was to be introduced. These are:

- (1) Amendments to existing Territory Government legislation such as the *Local Government Act 2008* to require local government councils to have policies for dog and cat management, policies in relation to dangerous dogs and a requirement to notify other councils if a council is aware of the movement of a dangerous dog outside of its council area to another council area.

This retains the flexibility for councils to administer animal management in a way that suits their local areas, circumstances and resource constraints, while having basic requirements in uniform legislation. However, there may be inconsistencies between councils as different councils will adopt different policies on dangerous dogs and companion animal management.

- (2) Local government councils having primary responsibility for the administration and enforcement of the legislation, similar to Western Australia, South Australia and Tasmania.

This would provide councils with some flexibility to administer the law in a way that suits their local areas, circumstances and resource constraints. However, there may be inconsistencies between councils in regards to enforcement of the legislation depending on the approach adopted by each council.

- (3) Shared responsibilities between the Northern Territory Government and local government councils, with councils having the administrative functions relating to identification, registration and control (in general) of dogs and cats and a sharing of enforcement responsibility in relation to declaring dangerous dogs, dog attacks, nuisance dogs and cats and registering or restricting breeds of dogs.

This approach treats dog and cat management as a shared responsibility between the Territory Government and local government councils. However, there is potential for overlap and duplication of enforcement responsibilities between the two levels of government.

- (4) The Northern Territory Government being responsible for the administration and enforcement of the legislation.

This approach ensures uniformity in dog and cat management and control. However, it removes the flexibility for councils to choose to make by-laws that suit their unique circumstances.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

4.2. Resourcing of Territory-wide Companion Animal Legislation

Barkly Regional Council, Belyuen Community Government Council, Central Desert Regional Council, MacDonnell Regional Council, Victoria Daly Regional Council, West Arnhem Regional Council and West Daly Regional Council do not have council wide dog management and control by-laws. For other councils that currently have dog and cat management by-laws and those that are considering introduction of by-laws, their resourcing strengths and abilities differ.

If Territory-wide companion animal legislation is introduced, the model adopted for such legislation will have resource implications. For example, the companion animal legislation may, among other things, require the level of government responsible for administration and enforcement of the legislation to:

- have adequate authorised officers to register animals, license premises and carry out routine inspections;
- establish and maintain pounds as well as administer the procedures for seizing, impounding and releasing or destructing impounded animals; and
- prosecute breaches of the legislation.

4.3. Scope of Territory-wide Companion Animal Legislation

In other Australian jurisdictions, companion animal legislation generally requires that dogs and cats be registered. The registration of dogs and/or cats has resource implications for the public and the local government sector. It is possible to have a system which does not require registration. For example, legislation could simply require that all dogs/cats be microchipped, or require a collar and tag with the owner's contact details.

A microchip is a permanent method of electronic identification. The chip itself is very small (about the size of a grain of rice) and is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animal's neck. Each chip has a unique number that is detected using a microchip scanner. The microchip number is recorded on a microchip database registry with details about the animal and owner. Should an animal wander or become lost, animal shelters and local government councils can scan the animal for a microchip and contact the owner via the database.

Another option would be for the legislation to be at a less prescriptive level, not requiring individual identification of animals. It might provide only for certain offences in relation to ownership of dogs.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

The *Dog Act 1980* contained provisions relating to the registration of dogs; the requirement for dogs to wear tags during the period of registration; licensing of premises where more than two dogs were to be kept; sterilisation of dogs; establishment of pounds; seizing, impounding and release or destruction of dogs; and the appointment of registrars, inspectors and pound managers.

In other Australian jurisdictions, the equivalent companion animal legislations have provisions relating to:

- registration of companion animals;
- licensing of premises where more than two companion animals are to be kept;
- sterilisation of companion animals;
- containment or confinement of companion animals within the property in which they are kept;
- disqualification of a person from owning or being in charge or control of a dog;
- restrictions or prohibition of certain breeds of dogs;
- declaration of restricted/prohibited areas for companion animals;
- exemptions for assistance animals;
- declaration of dangerous dogs (as a result of attacking or menacing a person or another animal);
- liability for injury or death caused by a dog;
- declaration of dog exercise or training areas;
- commercial breeding of companion animals;
- seizure, impounding and release or destruction of companion animals;
- sale and transfer of ownership of companion animals;
- keeping of greyhounds;
- regulation of implanters of microchips;
- boarding of companion animals;
- fostering of companion animals; and
- management fund for companion animals (sourced from a proportion of fees such as registration and licensing fees, received by councils).

While there may be merit in having the above topics included in companion animal laws or by-laws, it may be prudent to consider the applicability of each topic to the unique circumstances of the relevant area of the Territory.

For example, in remote and regional areas, it is not unusual to find properties that do not have any fencing, yet dogs are kept at such properties. In some cases, the occupiers of the properties might rent, rather than own the property, and might not be in a position to fence the property.

Consideration would need to be given as to whether a requirement to contain dogs would adversely affect Territorians who own dogs in remote and regional areas. Another example would be a requirement to contain cats. Cats are usually agile and not easily contained unless significant resources are used to confine the property and space in which the cat is kept.

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

5. Call for Submissions

Submissions are invited from the local government sector and the public on the proposal for the introduction of uniform companion animal legislation in the Northern Territory and any related matters.

5.1. Questions for Consideration

Questions included in this Discussion Paper, and listed below for convenience. These questions are designed to generate discussion and consideration of issues. You may also wish to raise matters not canvassed in the Discussion Paper and this would be appreciated.

- Question 1:** Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?
- Question 2:** If not, what are the problems or issues with the current arrangements?
- Question 3:** Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?
- Question 4:** How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?
- Question 5:** Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?
- Question 6:** Can you think of any other models which may be appropriate for the Northern Territory?
- Question 7:** If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?
- Question 8:** If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?
- Question 9:** If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

5.2. How to make a Submission

Written submissions can be sent by post or email to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

5.3. Closing date for Submissions

The closing date for submissions is 28 March 2020.



COUNCIL REPORT

Agenda Item Number:	15.8
Report Title:	FIN07 Community Grants Policy Draft
Recommending Officer:	Silke Maynard, Director Community & Corporate Services
Author:	Jessica Watts, Community Development Officer
Meeting Date:	18/03/2020
Attachments:	A: DRAFT FIN07 Grants, Donations and Sponsorships Policy

Executive Summary

FIN07 Grants, Donations and Sponsorships was last reviewed in March 2017 and is therefore due for review to ensure the policy remains relevant to the community's needs.

The proposed changes include an addition of a Youth Development Grant and minor amendments to the existing grant program.

Recommendation

THAT Council adopt FIN07 Grants, Donations and Sponsorships Policy.

Background

FIN07 Grants, Donations and Sponsorships was last reviewed in March 2017 and is therefore due for review to ensure the policy remains relevant to the community's needs.

The proposed changes to policy are outlined below:

Addition of a Youth Development Grant

- For youth travelling for sporting competition, professional development opportunities, or other opportunities that will develop their skills
- Must be travelling more than 100km from home
- Must not have any outstanding debt to Council
- Only one grant can be awarded to an applicant every two years
- Funding amounts as per follows:
 - NT Event: \$150
 - National Event: \$300
 - International Event: \$500
- This grant will target youth. Specifically, the need for funding for professional development opportunities has come from discussions at the Palmerston and Rural Youth Services meetings and Council has funded some of these activities over the Community Initiative Grants in the past years.
- Must be acquitted within 3 months of receiving the funds unless otherwise stipulated

Community Initiative Grants

- Now only for not for profit organisations or incorporated community groups
- Applicant must not have any outstanding debt to Council
- Must be acquitted within 3 months of receiving the funds

Annual Community Grants

- These grants will now be open in the first half of the financial year
- Will have one drop in information night held at Council Chambers and two grant application assistance sessions held at Taminmin Community Library
- Successful applicants must sign a funding agreement which will specifically outline what the grant money is to be spent on and acquittal requirements

Community Grants Committee

- The Committee will comprise Director Community and Corporate Services or nominated delegate, the Director Infrastructure and Operations or nominated delegate and two elected Councillors as nominated by Council.
- This change is recommended to allow for a variety of perspective and input into the awarding of the grants

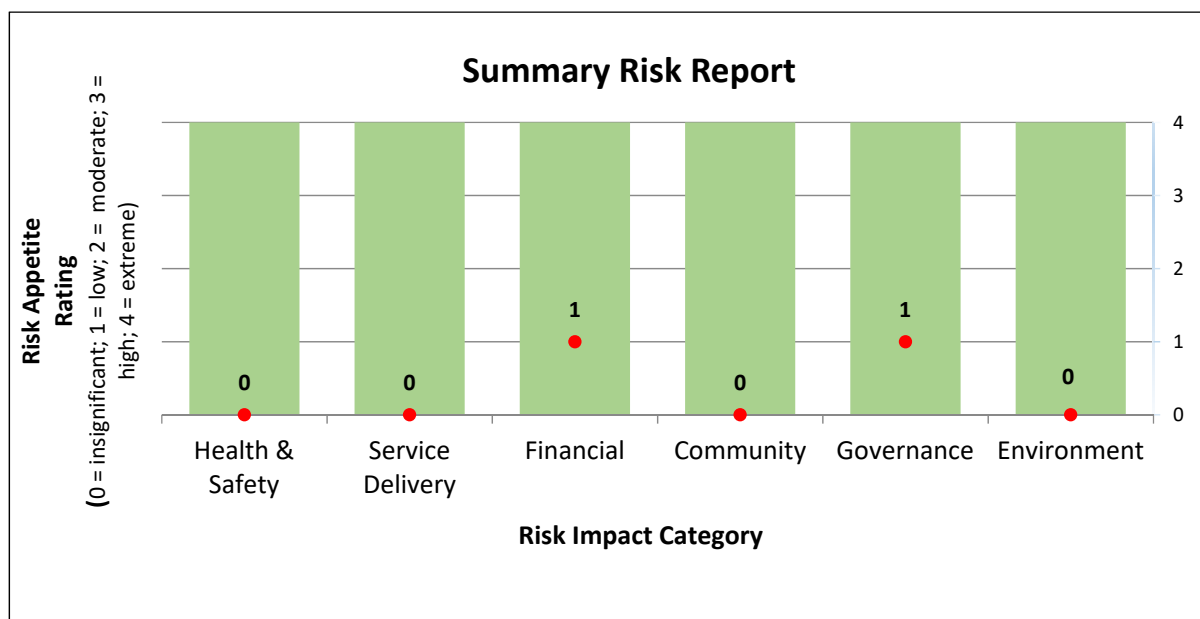
Links with Strategic Plan

A Well-Run Council - Good Governance

Legislative and Policy Implications

FIN07 Grants, Donations and Sponsorships – included as Attachment A to this report

Risks



The governance risk is managed through the policy and procedures applied by staff. Any financial risk is managed through budgetary processes. Should applications exceed budget allocation, Council has the ability to address this through a budget review.

Financial Implications

As in the previous policy, this policy confirms a commitment from Council to budget for the grants governed in the policy.

Community Engagement

Nil

Community Grants, Donations and Sponsorships **FIN07**

Name	FIN07 Community Grants, Donations and Sponsorships
Policy Type	Council
Responsible Officer	Director Community and Corporate Services
Approval Date	18/03/2020
Review Date	20/03/2024

1. Purpose

This policy outlines Council's role in supporting the community and outlines the method by which support is provided to individuals or incorporated community groups by way of grants, sponsorship and donations. This policy will provide a framework, which will guide the provision of consistent community grants administration and assessment processes across Council.

2. Scope

This policy applies to all applicants of a community grant, sponsorship or donation from Litchfield Council.

3. Definitions

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

Grant	Where Council provides financial or in-kind support to a community organisation carrying out a project or activity benefitting the community, and where the organisation will need to acquit funds provided. Grants will be issued either via the Annual Community Grants or the Community Initiatives programmes.
Donation	Where Council provides a financial payment to fundraising appeals for local, major national or international issues. Donations are made under the Community Initiatives programme, follow the Community Initiatives guidelines and will not require an acquittal.
Sponsorship	Where Council provides financial or in-kind support to a community organisation carrying out a project, activity, or purchase of material goods that contribute to the achievement of Litchfield Council strategic priorities. Annual sponsorships may go over more than one year but will be for a fixed term and will require a council decision to renew. An acquittal in the form of an annual project report is required.

Incorporated Associations	An “incorporated association”: (a) Cannot operate for the profit or gain of its individual members; (b) Contributes to the community in a social, sporting, cultural, environmental or charitable context; and (c) Demonstrates local volunteer involvement
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4. Policy Statement

Council will provide financial support to not for profit organisations and incorporated community groups that undertake activities and services that benefit the community and to individuals in particular circumstances in line with the objectives of this Policy.

4.1 For all grants, sponsorships and donations the following applies:

- 4.1.1 All grants, donations and sponsorships must benefit the Litchfield Council Municipality or its residents, and applications must identify how it relates to the goals and strategies in the Municipal or Strategic Plans;
- 4.1.2 Guidelines and eligibility for all grants, donations and sponsorships are set out in the Litchfield Council Community Grants Scheme Guidelines;
- 4.1.3 Only one application per organisation per financial year will be considered for the annual community grants and the community initiative grants;
- 4.1.4 Only one application per individual every two years will be considered for the youth development grants;
- 4.1.5 Applications by commercial entities will not be considered; and
- 4.1.6 4.1.7 All grant amounts payable under this Policy are exclusive of Goods and Services Tax (GST). Where the Australian Taxation Office regards a grant payment as subject to GST, and the grant is made to an organisation that is registered or required to be registered for GST, 10% GST will be added to the grant payment.

4.2 Annual Community Grants

- 4.2.1 Eligibility will be outlined in the Community Grants Guidelines;
- 4.2.2 Applications must be made using the Annual Community Grants application form;
- 4.2.3 Applications will only be accepted from incorporated not for profit organisations or community groups;
- 4.2.4 Applications must fall under the categories as outlined in the Community Grant Guidelines with the maximum amount that can be applied for also outlined;
- 4.2.5 Applications will be assessed as per the Litchfield Council Community Grant Scheme Guidelines by the Community Grants Committee;

- 4.2.6 Grants will be awarded by Council decision following the recommendations from the Community Grants Committee;
- 4.2.7 Applicants must agree to sign an Acceptance of Funding Form and raise a tax invoice prior to a cheque being issued or funds being transferred into a bank account; and
- 4.2.8 Applicants must complete an Acquittal Report as outlined in the funding agreement and failure to do so may render the applicant ineligible for future funding.

4.3 Community Initiative Grants

- 4.3.1 Eligibility will be outlined in the Community Grants Guidelines;
- 4.3.2 Are open all year round until allocated funds have been exhausted;
- 4.3.3 Applications must be made using the Community Initiative Grants application form;
- 4.3.4 Applications will only be accepted from incorporated not for profit organisations;
- 4.3.5 Funding will not be granted retrospectively;
- 4.3.6 Applications must fall under the categories as outlined in the Community Grant Guidelines;
- 4.3.7 Applications will be approved under delegation by the CEO; and
- 4.3.8 Funding must be acquitted within three months of receiving the funds and failure to do so may render the applicant ineligible for future funding.

4.4 Youth Development Grants

- 4.4.1 Council recognises the significant costs associated with travelling for sport and recreation competitions as well as other development opportunities;
- 4.4.2 Eligibility will be outlined in the Community Grants Guidelines;
- 4.4.3 Applications must be received prior to event commencement date;
- 4.4.4 The Youth Development Grants are open all year round until allocated funds have been exhausted;
- 4.4.5 Applications must be made using the Youth Development Grants application form;
- 4.4.6 Applicants must be over the age of 18. Applicants under the age of 18 must have a parent or guardian apply on their behalf;
- 4.4.7 Applicants must not have any outstanding debt to Council;
- 4.4.8 Applications will be approved under delegation by the CEO; and
- 4.4.9 Funding must be acquitted within three months of receiving the funds and failure to do so may render the applicant ineligible for future funding.

4.5 Donations

- 4.5.1 Donations can be applied for under the Community Initiative Grants and must meet sections 4.3.1 to 4.3.4;
- 4.5.2 Donations will be approved by Council resolution; and
- 4.5.3 Donations do not require an acquittal.

4.6 Sponsorship

- 4.6.1 A sponsorship agreement will not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions legally, fully and impartially;
- 4.6.2 Sponsorship requests are determined by Council resolutions;
- 4.6.3 May be recurrent, fixed term or once off;
- 4.6.4 Are identified yearly in the Council budget;
- 4.6.5 A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties; and
- 4.6.6 Recipients of sponsorship must supply an annual report each year including a full financial report as per the timelines set out in the sponsorship agreement.

4.7 Community Grants Committee

- 4.7.1 The Annual Community Grants will be assessed by the Community Grants Committee who will make recommendations to Council for endorsement; and
- 4.7.2 The Committee will comprise Director Community and Corporate Services or nominated delegate, the Director Infrastructure and Operations or nominated delegate and two elected Councillors as nominated by Council. The Mayor will have an ex-officio role on the Committee.

4.8 Commitment to Funding

- 4.8.1 The Council commits to setting an amount in its budget process dedicated to initiatives governed by this policy.

5. Associated Documents

Litchfield Council Grants Register

6. References and Legislation

Northern Territory Local Government Act

Northern Territory Local Government (Administration) Regulations

Northern Territory Local Government (accounting) Regulations

Australian Accounting Standards

Ministerial Guidelines

7. Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)
17/9/2015	Approved by Council resolution
7/3/2017	Updated to reflect current policy format and Litchfield Community Grants Scheme guidelines



COUNCIL REPORT

Agenda Item Number:	15.9
Report Title:	HPRR Playground Upgrades Acquittal
Recommending Officer:	Silke Maynard, Director Community & Corporate Services
Author:	Jessica Watts, Community Development Officer
Meeting Date:	18/03/2020
Attachments:	A -Acquittal Form Howard Park Recreation Reserve Playground Upgrades B – Expense Listing Howard Park Recreation Reserve Playground Upgrades

Executive Summary

Council received a Special Purpose Grant from the Northern Territory Government Department of Local Government, Housing and Community Development on 11 December 2018 for Howard Park Recreation Reserve Playground Upgrades. Works have commenced in the 2018/19 financial year, with remaining funds to be expended in the 2019/20 financial year. A total of \$69,970.00 was received in funding with \$70,241.34 spent as at 29 February 2020.

Recommendation

THAT Council approve the acquittal of the Special Purpose Grant for the upgrades to the Howard Park Recreation Reserve Playground to the value of \$69,970 as of 29 February 2020.

Background

As part of the process, \$68,041.34 were partially acquitted at the November Council meeting, leaving \$1,928.66 remaining.

With the playground upgrades complete, Council received a variation to this grant to spend the remaining funds on repairs to the skate park soft fall. This was a suggestion of the Howard Park Recreation Reserve Committee.

The soft fall repairs cost \$2,200.00 resulting in \$271.34 of the cost covered by the repairs and maintenance budget of Howard Park Recreation Reserve.

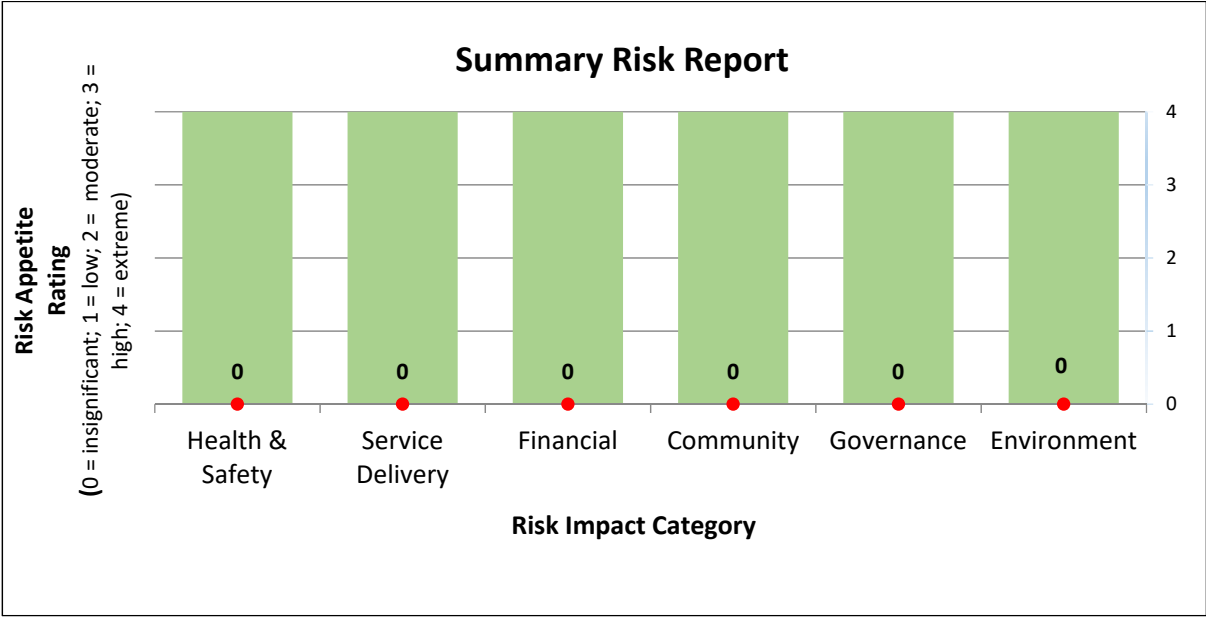
Links with Strategic Plan

A Well-Run Council - Good Governance

Legislative and Policy Implications

Nil

Risks



Financial Implications

Nil

Community Engagement

Nil



DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT

Litchfield Council

2018-19 ACQUITTAL OF SPECIAL PURPOSE GRANT

Department of Housing and Community Development

File number: HCD 2017/01687

Purpose of Grant: reconditioning of the existing playground and establishment of a shade structure at Howard Park Reserve.

Date of Approval of Variation to Grant (if applicable)

15/ 01 /2020

INCOME AND EXPENDITURE ACQUITTAL FOR THE PERIOD ENDING 28 February 2020

Special Purpose Grant	\$69 970.00
Other income	<u> </u>

Total income	<u>\$69 970.00</u>
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Expenditure (Specify accounts and attach copies of invoices and ledger entries)

An 'administration fee' is not to be apportioned to the grant for acquittal purposes.

Total Expenditure	<u>\$70,241.34</u>
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Surplus/(Deficit)	<u>\$ (271.34)</u>
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We certify, in accordance with the conditions under which this grant was accepted, that the expenditure shown in this acquittal has been actually incurred and reports required to be submitted are in accordance with the stated purpose of this grant.

Acquittal prepared by Silke Maynard, Director Community and Corporate Services

02/03/2020

Laid before the Council at a meeting held on 18/03/2020 **Copy of minutes to be attached following meeting.**

CEO or CFO

07/07/2019

DEPARTMENTAL USE ONLY

Grant. amount correct?

YES/NO

Expenditure conforms with purpose

YES/NO

Minutes checked

YES/NO

Balance of funds to be acquitted

\$

Date next acquittal due

/ /

ACQUITTAL ACCEPTED

YES/NO

Prepared by

Comments

Donna Hadfield – Manager Grants Program

Work Order
Transaction Listing by Work Order
Posting Year: 2019

ATTACHMENT B

Double click onto the Work Order Task to access Transaction Detail

Litchfield LIVE

Program - c_wo007	26-Feb-20	4:36:37PM							
Work Orders:	4677	to	4677	Task Code:	0	to	999999	Classification 1:	All Records
Posting Period:	1	to	12						
Work Order	Description								

4677	Howard Park Reserve - Recondition Existing Playground								
Task	Description	Transactions	Committed	Oncost	Actual Val	Total Value	GST		
190	Building Capital - Grants	4	0.00	0.00	60,762.26	60,762.26	6,076.23		
11/04/19	16037	PU 1554	PTY LTD	RFQ19-193 Howard Park Recreation Reserve Playgroun	58,097.26	0.00	0.00	58,097.26	0.00
11/04/19	16038	PU 1554	PTY LTD	d Shade and Refurbishment RFQ19-193 Howard Park Recreation Reserve Playgroun	2,665.00	0.00	0.00	2,665.00	0.00
26/06/19	INV911	AP 1554.01	PTY LTD	d Shade and Refurbishment. Additional Service. Rep lace Poly Crawl Tunnel. RFQ19-193 Howard Park Recreation Reserve Playgroun	(2,665.00)	0.00	2,665.00	0.00	266.50
26/06/19	INV912	AP 1554.01	PTY LTD	d Shade and Refurbishment. Additional Service. Rep lace Poly Crawl Tunnel. RFQ19-193 Howard Park Recreation Reserve Playgroun	(58,097.26)	0.00	58,097.26	0.00	5,809.73
				d Shade and Refurbishment					
Total Transactions for Work Order 4677		4		0.00	0.00	60,762.26	60,762.26	6,076.23	
GRAND TOTAL		4		0.00	0.00	60,762.26	60,762.26	6,076.23	

Work Order

Transaction Listing by Work Order

Posting Year: 2020

Double click onto the Work Order Task to access Transaction Detail

Litchfield LIVE

Program - c_wo007	26-Feb-20	4:38:19PM							
Work Orders:	4677	to	4677	Task Code:	0	to	999999	Classification 1:	All Records
Posting Period:	1	to	12						
Work Order	Description								

4677	Howard Park Reserve - Recondition Existing Playground								
Task	Description	Transactions	Committed	Oncost	Actual Val	Total Value	GST		
130	Capital Purchase	2	0.00	0.00	7,279.08	7,279.08	727.91		
18/09/19	17248 PU 1651 HARDY LANDSCAPING PTY LTD Playground installation		8,500.00	0.00	0.00	8,500.00	0.00		
07/11/19	INV-0794 AP 1651.01 HARDY LANDSCAPING PTY LTD Playground installation		(8,500.00)	0.00	7,279.08	(1,220.92)	727.91		
225	Ground Improvements	2	0.00	0.00	2,200.00	2,200.00	220.00		
17/01/20	18089 PU 1193 NT SHADE & CANVAS Repairs to Skatepark softfall		2,000.00	0.00	0.00	2,000.00	0.00		
30/01/20	2657 AP 1193.01 NT SHADE & CANVAS Repairs to Skatepark softfall		(2,000.00)	0.00	2,200.00	200.00	220.00		
Total Transactions for Work Order 4677		4	0.00	0.00	9,479.08	9,479.08	947.91		
GRAND TOTAL		4	0.00	0.00	9,479.08	9,479.08	947.91		



COUNCIL REPORT

Agenda Item Number:	15.10
Report Title:	Litchfield Council Advocacy Strategy 2020 – 2022
Recommending Officer:	Daniel Fletcher, Chief Executive Officer
Author:	Nicky McMaster, Community Engagement Advisor
Meeting Date:	18/03/2020
Attachments:	A: Draft Litchfield Council Advocacy Strategy 2020 - 2022

Executive Summary

Advocating for residents means seeking the appropriate level of support and funding from relevant governments for much needed community infrastructure and regional projects to improve our rural lifestyle and deliver on the vision of our Litchfield Council Strategic Plan 2018 – 2022.

The Advocacy Strategy will guide Council in identifying its advocacy pursuits and describe how it will advocate for the community.

The Strategy will provide tangible allocated actions and measurable targets.

Recommendation

THAT Council:

1. endorse the Litchfield Council Advocacy Strategy 2020 – 2022; and
2. authorise the Chief Executive Officer to make minor editorial changes, as necessary.

Background

It was identified by Council that the development of an Advocacy Strategy would assist in recognising where Council can best support or recommend policy change or projects to benefit the Litchfield Municipality.

Litchfield Council is undergoing an exciting and challenging time, our population is growing; our community is becoming increasingly engaged and Council have some major projects and plans underway.

Council alone cannot deliver on these projects and strong advocacy on behalf of the community is required.

In accordance with Council Strategic Plan 2018-2022 Advocacy is identified as one of Council's Six Major roles (see page 17) and also identified as one of Council's Enablers (see page 23). Accordingly, a well-defined and tailored approach to advocacy will increase the likelihood of successfully advocating on behalf of the community's interests.

Links with Strategic Plan

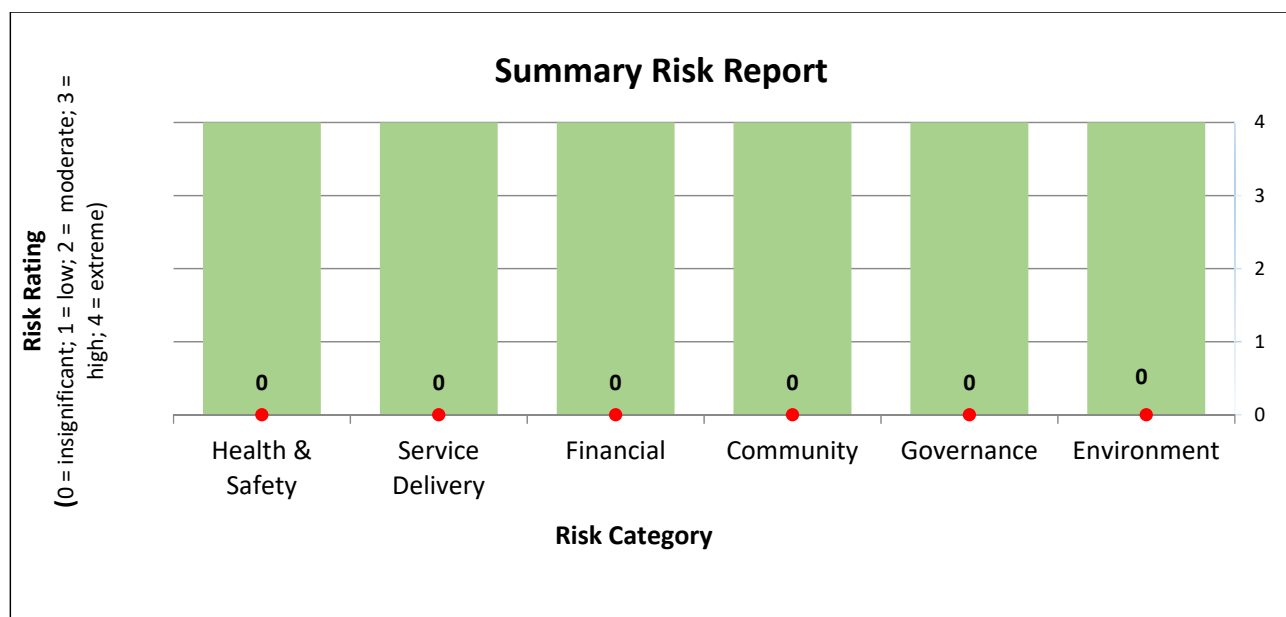
A Well-Run Council - Powerful and Effective Advocacy

A Well-Run Council - Good Governance

Legislative and Policy Implications

Council has no policies directly relevant to this matter

Risks



Financial Implications

Funding required for dedicated advocacy efforts will be costed and presented to Council.

Generally, advocacy efforts which seek to create face-to-face opportunities for the Mayor, Councillors and senior staff will be combined with regular meetings with other levels of government already planned. However, in the event additional advocacy opportunities present themselves, Council will be informed of any cost to further progress any agreed priority.

There is currently no intention to allocate a specific funding for advocacy activities.

Community Engagement

Clear roles have been developed in relation to matters of advocacy and accountability for the implementation of the Litchfield Council Advocacy Strategy 2020 – 2022. Council's role is to represent their community and advocate on their behalf. There will be community engagement conducted when advocacy priorities arise or in the identification of community needs.

It is also important for Council to continue communications in the community on advocacy and Council's progress with the agreed priority projects.

DRAFT

Litchfield Council Advocacy Strategy 2020 – 2022



Introduction



WHAT

The Litchfield Council Advocacy Strategy 2020 – 2021 guides Council's advocacy efforts. Council advocates on behalf of the community across many levels to address issues and achieve aspirations valuable to our community.

Council's *Strategic Plan 2018-2021* identifies advocacy as an important link to growing and maintaining a municipality that is *the best place to live in the Top End*.



WHY

Litchfield Council is expected to continue to experience growth in population. This growth promotes community demand for facilities, increased competition for services and expectations about managing our environment and open space.

Council continues to be reliant of levels of Government to achieve many of its key objectives, just like other levels of government can often rely on partnerships with Council to achieve their objectives.



HOW

Planning for advocacy helps us prioritise actions and activities and identify how we can work together with partners and the community to achieve desired outcomes that improve the liveability of our community.

Implementing a strategic advocacy strategy assists with improving Council's reputation as an effective representative of the community.

Objectives

The community require their local Council to provide services, maintain assets to an acceptable standard, and, represent the interests of the community to decision makers.

This Strategy has the following objectives:

- 1 Advance agreed priority projects
- 2 Provide transparency on the advocacy agenda and priorities for Litchfield
- 3 Identify and build strong relationships, community trust and confidence in Council
- 4 Influence decision makers to progress Litchfield priority projects

Priorities

The Litchfield Council Advocacy Strategy identifies six advocacy requests to address legacy issues and continue to meet population growth and secure the vision of Litchfield - making Litchfield *the best place to live in the Top End*.

The six projects align with the priority areas identified in Litchfield Council's *Strategic Plan 2018-2022*; Everything you need, a great place to live and a beautiful and safe natural environment.

How the Advocacy System Works

Advocacy for Litchfield Council is supporting or recommending a particular cause, policy or project.

Background

Once an advocacy idea has been identified, the background needs to be developed to link it to Council's Strategic Plan 2018 – 2022 and provide information of the relevance to Council.

Issue/Project

Identify the issue (e.g. water) or project (e.g. Mango Roads) and provide details in full.

Barriers

What barriers or limitations to success may be faced if Council decides to proceed with advocacy for this issue/project.

Solution

Provide solutions for the advocacy, e.g. write to the Minister re: policy changes, advocate for funding for necessary community infrastructure.

Yes No?

The advocacy funnel will determine if the project has a chance of success, Council will then decide (considering the political appetite) to proceed or not. Do we have a chance of success? Do we advocate for this solution?

Implementation of the strategy

Clear roles have been developed to ensure good governance in relation to matters of advocacy and accountability for the implementation of this strategy, outlined in the table below. Council's role is to represent their community and advocate on their behalf.

Advocacy action plan

Outcome	Strategic partners	What we will do	Responsible	Success Measure
OBJECTIVE 1 Advance agreed priority projects				
Identified priority projects and issues that will focus our advocacy efforts	Government Media	<ul style="list-style-type: none"> Develop a detailed advocacy document Identify connection between Council and Government priorities Define roles and form individual action plans for each priority 	CEO Elected members	<ul style="list-style-type: none"> Agreed priority advocacy issues and projects Action plans developed to identify requirements for each project Development of an advocacy document
OBJECTIVE 2 Provide transparency on the advocacy agenda and priorities for Litchfield				
Identify opportunities for promotion	Community members Government Media	<ul style="list-style-type: none"> Share priorities with the community Include advocacy agenda into regular community discussions 	CEO Elected members Community Engagement Advisor	<ul style="list-style-type: none"> Regular engagement with the community High level messaging and collateral developed Media coverage
OBJECTIVE 3 Identify and build strong relationships, community trust and confidence in Council				
Identify advocacy partner and improve community view of Councils advocacy effort	Government LGANT Community Media	<ul style="list-style-type: none"> Identify key partners-based advocacy issues Identify community influencers that may be able to assist Share up dated information on progress of Council's Advocacy Strategy Celebrate successes with the community Participate in targeted campaigns during the 2020 NT Election period Post Election Candidate questions on Council's website 	CEO Elected members Directors Community Engagement Advisor	<ul style="list-style-type: none"> Develop a stakeholder matrix Plans in place to effectively manage the identified relationship Increased media coverage Measure results in the Annual Community Survey Developed partnerships with key stakeholders to address NT Election Candidates
OBJECTIVE 4 Influence decision makers to progress Litchfield priority projects and advocacy issues				
Coordinate structured meetings with advocacy partners	Community members Government Media	<ul style="list-style-type: none"> Communicate the Litchfield Council story with key decision makers to reinforce Litchfield's identity Welcome key partners / decision makers to meet regularly with Council and senior representatives Share the advocacy document with decision makers to provide up to date messaging of current projects and issues 	Mayor Elected members CEO Directors EA to the Mayor and CEO	<ul style="list-style-type: none"> Regular scheduled meetings with local MPs Regular scheduled meetings with Ministers relevant to the agreed priorities Meet at least twice in 12 months with the Chief Minister



COUNCIL REPORT

Agenda Item Number:	15.11
Report Title:	CEO's Monthly Report
Author & Recommending Officer:	Daniel Fletcher, Chief Executive Officer
Meeting Date:	18/03/2020
Attachments:	Nil

Executive Summary

This report provides Council with key staffing information and relevant measures of financial sustainability.

Summary

To deliver the Municipal Plan 2019/20 Key Performance Indicators it is important that appropriate staffing resources are in place and financial sustainability measures are being met. This report provides a monthly update to ensure that both staffing and budget measures are in accordance with the Council approved staffing plan and budget.

Recommendation

THAT Council receive and note the Chief Executive Officer's monthly report for December 2019.

Background

The Litchfield Council strongly values our people, financial sustainability and good governance. This report being presented monthly will ensure that important information is presented to understand any trends occurring and for the organisation to, where necessary, contextualise the information for the Council to understand the factors influencing staff and finances.

Links with Strategic Plan

A Well-Run Council - Good Governance

Legislative and Policy Implications

Nil

Risks

Nil

Financial Implications

Nil

Community Engagement

Nil

CEO MONTHLY REPORT FEBRUARY 2020

People

Internal Appointments

Position	Department	Commenced	Permanent/Temporary
Nil			

External Appointments

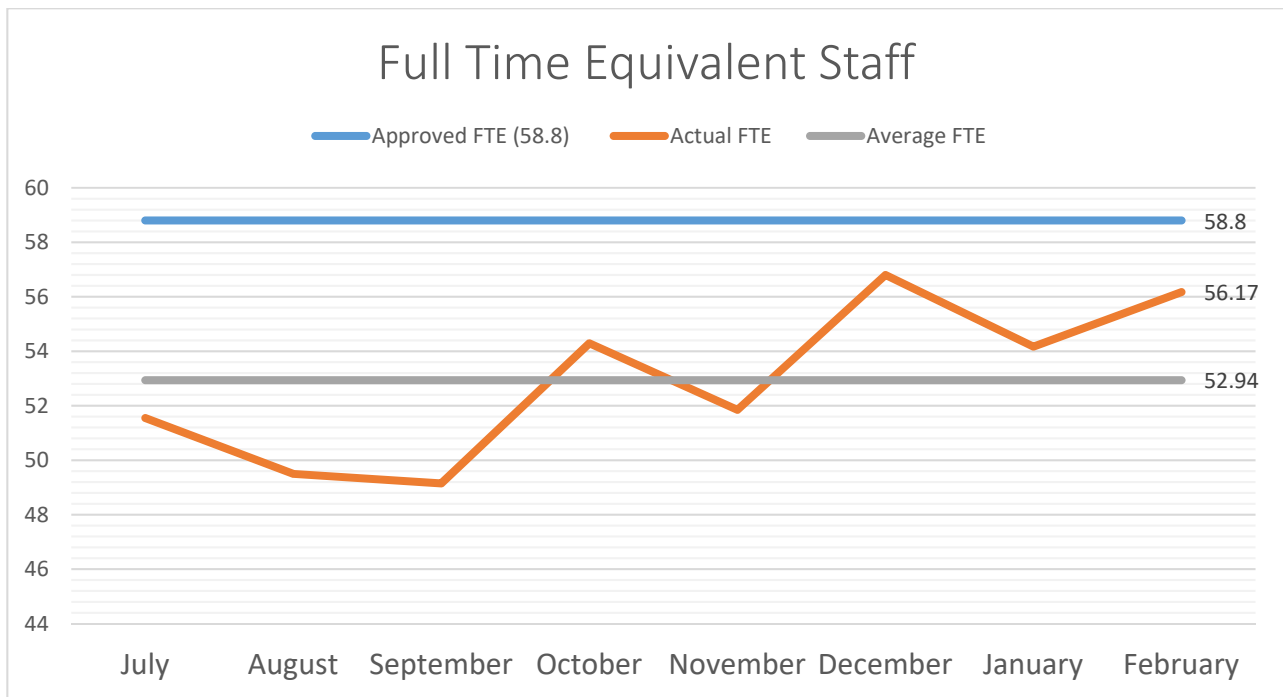
Position	Department	Commenced	Permanent/Temporary
Assistant Accountant	Finance	10/02/2020	Temporary

Resignations / Terminations

Position	Department	Commenced	Permanent/Temporary
Nil			

	Approved	Actual	Difference
Full Time Equivalent	50.5*	46.57	-3.93
Part-time	0.5	3.6	3.10
Contract	7.8	6	-1.80
Total	58.8	56.17	-2.63

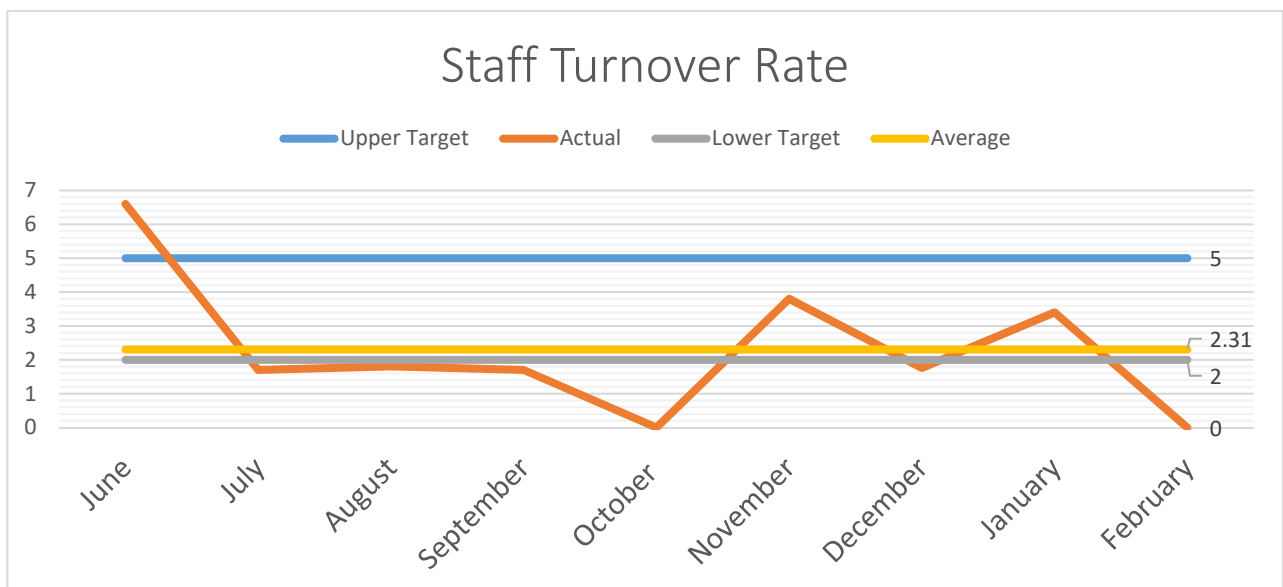
*0.5 due to Project Manager Freds Pass Project employed for only 6 months



Turnover rate:

The number of staff leaving council employment during the reporting period.

(# staff leaving divided by the total number of people employed multiplied by 100)



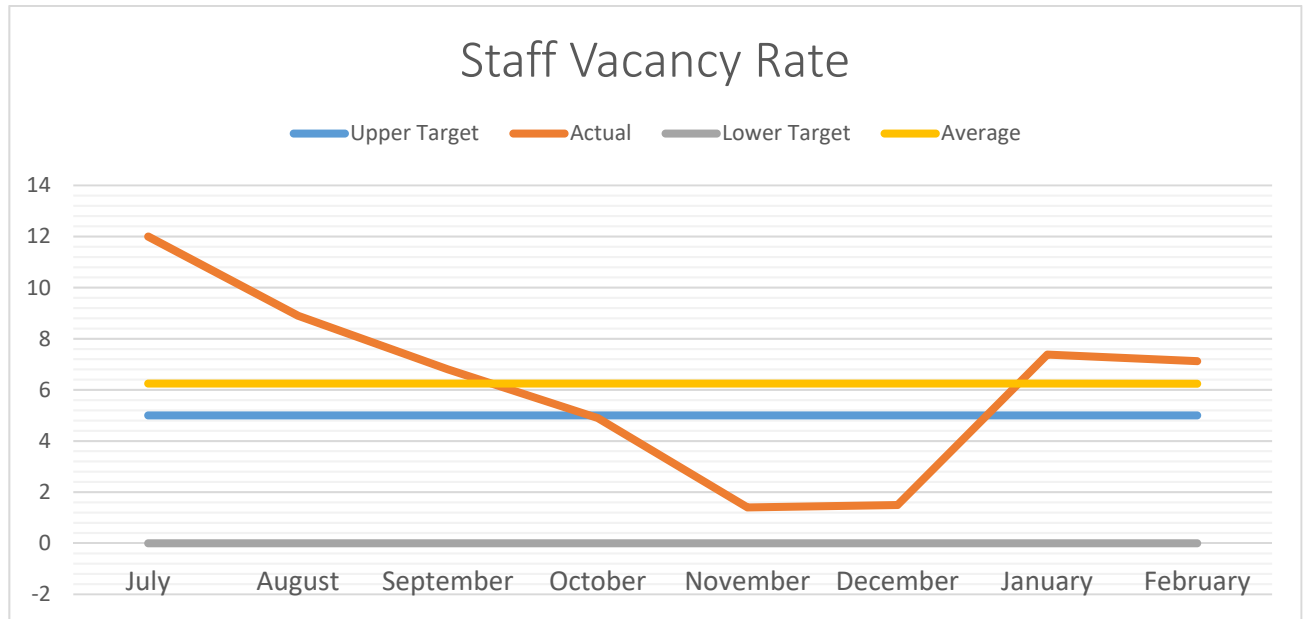
Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Average
6.60%	1.70%	1.80%	1.70%	0%	3.80%	1.76%	3.4%	0%	2.31%

Target Average: Between 2% - 5%

Staff Vacancy Rate:

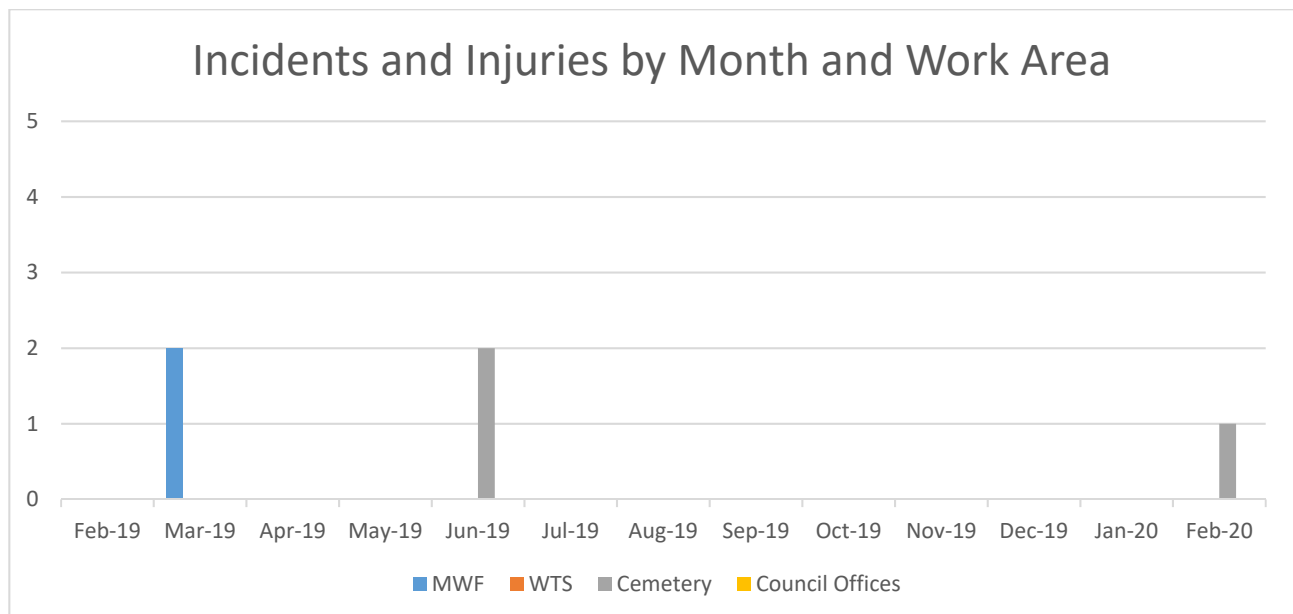
The number of vacant positions during the reporting period.

(Vacant positions, divided by total FTE, multiplied by 100)



Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Average
12%	8.90%	6.80%	4.90%	1.40%	1.49%	7.38%	7.12%	6.71%

Target: 0% - 5%

Workplace Health and Safety

One workplace incident was recorded during February 2020.

Finance

RELEVANT MEASURES OF FINANCIAL SUSTAINABILITY

Indicator	Previous Actual	Current Budget	Previous Month	Current Month	Target	Forecast				
	18/19	19/20	Jan-20	Feb-20		20/21	21/22	22/23	23/24	24/25
Operating Surplus Ratio	-50.2%	-51.5%	-11%	-18%	0-10%	-49.7%	-47.9%	-44.8%	-42.2%	-39.1%
Net Financial Liabilities Ratio	-128.6%	-88.6%	-204%	-188.9%	<60%	-81.4%	-74.5%	-69.9%	-67.0%	-65.6%
Asset Sustainability Ratio	17.9%	52%	31%	29%	>60%**	94%	94%	85%	35%	35%
Current Ratio	10.3:1	5.9:1	14.55:1	14.59:1	>1.0:1**	5.6:1	5.3:1	5.1:1	4.9:1	4.9:1
Rates and Annual Charges Outstanding Ratio	22.5%	12.0%	14%	17%	<15%**	11.5%	11.2%	10.8%	10.4%	10.1%
Own Source Revenue Coverage Ratio	48.4%	48%	85%	77%	>60%**	49%	50%	52%	53%	55%

** Target as set in Strategic Plan 2018-2022.

Target		
Within Range	Moderate	Outside Range

Operating Surplus Ratio

Measures the extent to which revenues raised cover operational expenses only or are available for capital funding purposes or other purposes.

Calculation: Net operating result divided by total operating revenue, expressed as a % (excluding capital revenue or expenses).

Target: between 0% and 10%

Council's should be aiming to achieve as a minimum a balanced operating position to ensure that revenues received are sufficient to fund operations and capital replacement works.

Net Financial Liabilities Ratio

Measure the extent to which the net financial liabilities of Council can be repaid from operating revenues.

Calculation: (total liabilities less current assets) divided by total operating revenue, expressed as a %.

Target: Less than 60%

Asset Sustainability Ratio

This ratio reflects the extent to which the assets managed by Council are being replaced as they reach the end of their useful lives. This ratio is calculated by measuring the annual expenditure on the renewal and rehabilitation of Council's assets against the annual depreciation charge. It is a measure of whether Council is reinvesting in existing assets to ensure that they meet required levels of service for the community.

Calculation: Capital expenditure on the replacement of infrastructure assets (renewals) divided by depreciation expense, expressed as a %.

Target: Greater than 90%

Current Ratio

This ratio presents Council's ability to meet debt payments as they fall due. It should be noted that Council's externally restricted assets will not be available as operating funds and as such can significantly impact Council's ability to meet its liabilities.

Calculation: Current assets divided by current liabilities

Target: Greater than 1.0:1

Rates and Annual Charges Outstanding

This measure shows the amount of outstanding rates owed to council against the rates incomes received represented as a percentage.

Calculation: Rates and Charges outstanding divided by the Rates and Charges Income.

Target: Not greater than 5%

Strategic Plan 2018-2022 KPI - Smaller than 15%

Own Source Revenue Coverage Ratio

Indicates Council's ability to fund operational expenditures through funding sourced by its own revenue-raising efforts.

Calculation: Total own sourced revenue divided by total operating expenditure including depreciation.

Target: >40%

Strategic Plan 2018-2022 KPI - Greater than 60%



COUNCIL REPORT

Agenda Item Number:	15.12
Report Title:	NGA20 Notice of Motion
Recommending Officer:	Silke Maynard, Director Community & Corporate Services
Author:	David Jan, Governance & Risk Advisor
Meeting Date:	18/03/2020
Attachments:	A: NGA20 Discussion Paper

Executive Summary

This paper proposes a motion to be submitted for consideration at the 2020 National General Assembly (NGA) of Local Governments to be held in Canberra. At its January 2020 meeting, Council endorsed attendance by the Mayor and CEO at this event where Council will be given the opportunity to speak to the motion should it be accepted by the Australian Local Government Association for presentation.

Council's community engagement has identified that Gamba Grass management and responsibilities is one of the biggest concerns in the community. Considering the recent bush fires in southern states, Council can use its presence at the NGA to advocate for increased funding towards reducing fuel loads and mitigate bush fires, of which Gamba Grass is a key contributor in the Northern Territory.

Gamba Grass is a weed of National Significance (<https://www.environment.gov.au/biodiversity/invasive/weeds/weeds/lists/wons.html>). It impacts not only on land controlled by Local Government but also the surrounding properties. Gamba Grass is a Class A weed in the majority of the Northern Territory and Class B in the Litchfield Region as identified in the Northern Territory Governments Statutory Weed Management Plan (https://nt.gov.au/data/assets/pdf_file/0017/231425/weed-management-plan-gamba-grass-2018.pdf).

Recommendation

THAT Council endorse the submission of the following motion to the National General Assembly of Local Governments for consideration:

"Litchfield Council calls on the Federal Government to provide increased funding towards reducing the amount of 'fuel loads' throughout the natural environment to specifically, but not exclusively, combat the spread of Gamba Grass (Andropogon gayanus) which is an Australian Government weed of National Significance and a declared weed in Western Australia, Northern Territory and Queensland."

Background

The annual NGA hosted by the Australian Local Government Association (ALGA) is a forum for local governments across Australia to advocate for nationally significant issues on the behalf of their residents. Each year local governments across Australia are contacted seeking motions to be presented at that years NGA.

The theme for the 2020 NGA is 'Working Together for Our Communities'. Proposed motions should demonstrate how implementation will assist local governments to meet local community's needs. The NGA Secretariat have produced a discussion paper (Attachment A) which provides further background and guidance on the preparation of motions. The closing date for online submission of motions is 27 March 2020.

Gamba Grass is a declared weed in Western Australia, Northern Territory and Queensland and is of particular concern to many Litchfield residents and is often raised in public consultations and community surveys. Presentation of a motion regarding Gamba Grass funding shows support for local residents and local volunteer fire brigades. The fire risk posed by Gamba Grass is well documented as well as the negative impact it has on the local environment such as decrease in biodiversity and potentially altered surface water hydrology (https://www.environment.gov.au/cgi-bin/biodiversity/invasive/weeds/weeddetails.pl?taxon_id=66895#).

Links with Strategic Plan

A Beautiful Safe Natural Environment - Animals and Wildlife

Legislative and Policy Implications

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
4. be submitted by a council which is a financial member of their state or territory local government association
5. propose a clear action and outcome
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Risks



Proposing this motion to the NGA poses no risk to Council.

Community Engagement

Council understands the risk of unmanaged Gamba Grass and continues to lobby for increased management of this weed. Council’s community engagement has identified that Gamba Grass management and responsibilities is one of the biggest concerns in the community.

**WORKING
TOGETHER
FOR
OUR
COMMUNITIES
NGA20**

Call for Motions
Discussion Paper 2020

14-17 June 2020
National Convention Centre Caberra

nga20.com.au



**AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION**

KEY DATES

18 November 2019

Opening of Call for Motions

27 March 2020

Acceptance of motions close

14 - 17 June 2020

National General Assembly

To submit your motion go to:

alga.asn.au/nga20-motions/

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

To assist you to identify motions that address the theme of the 2020 NGA – Working Together for Our Communities, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships and working together so your questions could focus on how Local Governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising as we approach the crossroads before us.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of your state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows - This National General Assembly calls on the Australian Government to

e.g. This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

In order to ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. **Motions should be received no later than 11:59pm AEST on Friday 27 March 2020.**

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any Council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

The purpose of this discussion paper is to provide guidance to councils developing Motions for Debate at the 2020 National General Assembly (NGA). This NGA will focus on working together for our communities and how local governments can achieve success through partnerships. It will consider how strategic partnerships can assist councils to address the challenges and opportunities we are facing today and tomorrow.

Some of the challenges and opportunities facing Australia were outlined in the CSIRO's Australian National Outlook 2019. Many of the challenges have direct implications for local governments and the communities they represent and provide services for. These challenges can also be opportunities that, if seized and managed appropriately, can ensure that our councils and communities thrive. This will require long-term planning, significant effort, and a cultural shift that will rebuild trust in institutions and all tiers of government, encourage healthy risk taking, and incorporate environmental and social outcomes in decision-making.

Collaboration and partnerships across sectors and with a diverse range of organisations will be vital to develop and implement solutions to the challenges ahead and to seizing the opportunities that emerge.

The National Outlook

The Australia National Outlook 2019 released by the CSIRO¹ revealed that Australia is at a crossroads. The research highlighted that we need to think and act differently if we are to ensure a bright future where GDP per capita could be as much as 36% higher in 2060 and growth is environmentally sustainable and inclusive. Failure to adequately address the significant economic, environmental and social challenges identified would result in a slow decline.

The CSIRO identified six important challenges that are already taking hold or on the horizon:

- **The rise of Asia** – The development boom in China that fuelled strong demand for Australian commodities (particularly resource and energy exports) is tapering off as China transitions to a new phase of growth fuelled by domestic consumption and services. However, growth in Asia could also create significant opportunities for Australia. By 2030, the Asia-Pacific region is set to consume more than half of the world's food, 40% of its energy, and be home to an estimated 65% of the world's middle class, resulting in increased demand for Australia's quality produce and service exports including tourism, education, health and aged care services, entertainment and financial and professional services.

How can local government position its communities to reap the benefits of the rise of the Asian middle class and manage any impacts? What partnerships are important?

- **Technological change** – New disruptive technologies are transforming industries and the way people live, work, and interact with each other. They are also changing the skills that will be needed in the workforce of the future. In the face of declining academic results Australia faces difficulties in ensuring that the workforce is prepared for the jobs of the future. With adaptation strategies in place embracing technology can have a net positive outlook for jobs.

What are the pre-requisites for commitments to take advantage of technological change?

What adaptation strategies are required at a local level to ensure councils and local communities are ready for the jobs of the future? What partnerships may be required?

- **Climate change and environment** – a broad range of impacts will be experienced in Australia as a result of global climate change, the severity of which will depend on the effectiveness of global emission reductions and local adaptation. The impacts include more extremely high temperatures and few extremely low temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, and fewer but stronger cyclones, and sea level rise. These changes will increase stress on Australia's ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management. It is possible to strive towards zero emissions through a range of actions that target key sectors including energy, land use, urban infrastructure and industrial systems.

How do we work together to ensure that there is local adaptation to climate change and climate extremes? What partnerships are available to achieve zero emissions?

- **Demographics** – Australia's population is estimated to reach 41 million by 2060. This increase will be accompanied by an ageing of the population resulting in a reduction in the proportion of working age people from 66% in 2018 to an estimated 60% in 2060. This will impact economic output and infrastructure requirements and place pressure on government budgets. The impacts of population growth are likely to be felt most strongly in urban environments, with Sydney and Melbourne projected to be home to 8-9 million people and Brisbane and Perth increasing to 4-5 million people. If density does not increase, more and more people will be distanced from jobs, higher education, health services and transport.

What partnerships and forward planning are required to manage the impact of population growth in urban areas? How do regional and rural areas work in partnership to realise the benefit of population growth?

- **Trust** – Trust in institutions including governments, businesses, non-government organisations and the media has declined significantly since 1993 when 42% trusted government compared with just 26% in 2016. The loss of trust threatens the social licence to operate for Australia's institutions, restricting their ability to enact long term strategies.

How can local governments utilise partnerships to strengthen our social licence to operate?

- **Social cohesion** – like trust, social cohesion has declined falling from a baseline of 100 in 2007 to 88.5 in 2017, according to the Scanlon Foundation Index. This index considers survey respondents' sense of belonging and worth, social justice and equity, political participation and attitudes towards minorities and newcomers. The drivers of social cohesion are not fully understood but the following factors may all play a role: issues related to trust; financial stress, slow wage growth; poor housing affordability and its disproportionate affect on low income earners; and the rise of inequity.

How can local governments work in partnership with their communities and others to build and maintain social cohesion?

If Australia tackles these six challenges head on using a collaborative approach, we can achieve a bright future as a nation. However, there are five major shifts or changes that must occur. Each of these shifts have several “levers” that support their attainment. Local government has a role in some of the levers.

- An industry shift to enable a productive, inclusive and resilient economy with new strengths in both the domestic and export sectors
 - Increase the adoption of technology to boost productivity in existing industries that have historically supported Australia’s growth, as well as new industries.
 - Invest in skills to ensure a globally competitive workforce that is prepared for technology-enabled jobs of the future.
 - Develop export-facing growth industries that draw on Australia’s strengths and build competitive advantage in global markets and value chains.

What can be achieved through partnerships that can address the gap between regions that are struggling and those that are well-off?

- An urban shift to enable well-connected, affordable cities that offer more equal access to quality jobs, lifestyle amenities, education and other services.
 - Plan for higher-density, multicentre and well-connected capital cities to reduce urban sprawl and congestion.
 - Create mixed land use zones with diverse high-quality housing options to bring people closer to jobs, services and amenities.
 - Invest in transportation infrastructure, including mass-transit, autonomous vehicles and active transit, such as walking and cycling.

Rural communities are essential to Australia’s wellbeing. What is required to ensure equitable access to quality jobs, lifestyle amenities, education and other services? What role do partnerships have to play in this?

Local governments are vital partners in achieving the urban shift? What needs to be brought to the partnerships by other parties? What policies need to be developed or changed?

- An ENERGY shift to manage Australia’s transition to a reliable, affordable, low-emissions energy economy that builds on Australia’s existing sources of comparative advantage.
 - Manage the transition to renewable sources of electricity, which will be driven by declining technology costs for generation, storage and grid support.
 - Improve energy productivity using available technologies to reduce household and industrial energy use.
 - Develop new low-emissions energy exports, such as hydrogen and high-voltage direct current power.

What role do local governments play in the energy shift? How will local governments and communities benefit?

- A LAND shift to create a profitable and sustainable mosaic of food, fibre and fuel production, carbon sequestration and biodiversity.
 - Invest in food and fibre productivity by harnessing digital and genomic technology, as well as using natural assets more efficiently.
 - Participate in new agricultural and environmental markets, such as carbon forestry, to capitalise on Australia's unique opportunities in global carbon markets.
 - Maintain, restore and invest in biodiversity and ecosystem health, which will be necessary to achieve increased productivity.

How can rural and regional communities' benefit from the land shift? What partnerships are required to achieve this shift?

- A CULTURE shift to encourage more engagement, curiosity, collaboration and solutions, and should be supported by inclusive civic and political institutions.
 - Rebuild trust and respect in Australia's political, business and social institutions.
 - Encourage a healthy culture of risk taking, curiosity and an acceptance of fear of failure to support entrepreneurship and innovation.
 - Recognise and include social and environmental outcomes in decision-making processes.

How can local governments build partnerships with their local communities that also benefit the nation as a whole?

How can local governments work in partnership with the Australian Government and other key stakeholders to achieve these shifts and other significant policy challenges?

Can a partnership approach address the current infrastructure backlog and ensure that infrastructure (including transport infrastructure) is available and fit for the future?

Trust

To effectively implement the scale of change and reform that will be required for the growing Australian population, government needs to focus on rebuilding trust. According to the *Edelman Trust Barometer*², trust in government around the world fell to record lows in 2018. While modest increases were reported in the 2019 study including in Australia, citizens around the world are struggling to trust that their governments are working in their best interest.

The 2018 report *Trust and Democracy in Australia: Democratic decline and renewal*³ revealed that Members of the Australian Parliament (MPs) in general are distrusted by nearly half the population (48 per cent) with only one in five (21 per cent) are willing to express that they trust them "a little bit". For State MPs and local councillors, the figure is slightly better with 31 % and 29 % respectively indicating they "trust them a little bit". Table 1 details the level of trust in different generations.

	Generation Z (1995-present)	Millennials (1980-94)	Generation X (1965-79)	Baby Boomers (1946-64)	Builders (1925-45)
State/Territory Government	38.5%	40.0%	26.7%	35.7%	44.1%
Federal Government	39.5%	31.5%	21.5%	30.8%	39.2%
Political parties	26.9%	15.6%	12.2%	16.7%	15.7%
Local Government	66.5%	47.1%	33.6%	47.5%	54.9%
Government ministers	27.5%	24.5%	15.7%	24.3%	31.1%
MPs in general	26.9%	23.2%	16.1%	20.2%	22.3%
Local Councillors	33.8%	31.7%	24.7%	27.2%	33.3%
Public Servants	45.4%	40.4%	34.4%	39.4%	35.9%
Your local MP	29.2%	30.5%	27.5%	31.2%	39.8%

Table 1: Levels of political trust in different generations (source: Stoker et al 2018)

The report revealed that one thing that appears to unite most Australians is complaining about their politicians with the three biggest grievances being:

- politicians are not accountable for broken promises;
- that they don't deal with the issues that really matter; and
- that big business/trade unions have too much power.

Professor Ken Smith, the Dean and CEO of the Australia and New Zealand School of Government (ANZSOG), is intent on understanding the factors that drive distrust in government and developing innovative ways to counter some of these trends. He has highlighted⁴ that people look at central government and see bureaucrats far removed from their own local circumstances. In Australia, where people live in very varied conditions, it is crucial for policymaking to be based in local realities. Yet locally-based solutions have not been the method of choice so far in Australian politics. The answer, according to Professor Smith, is devolved government, or subsidiarity where “policies are driven by and tailored to the needs of the local community – to avoid the problem of service provision that completely misses the mark”.

Some commentary suggests that declining trust and confidence is driven by a perceived failure of our institutions to uphold promises and deliver outcomes. Research undertaken for *Trust and Democracy in Australia: Democratic decline and renewal*⁵ revealed a significant appetite for reform including the co-design of policies with ordinary Australians, citizen juries, to solve complex problems that parliament can't fix, and reforms aimed at creating a stronger community or local focus to decision-making.

The Review into the Australian Public Service (APS) had a focus on delivering local solutions⁶ not only in terms of place-based policy making but also by paying attention to communities (often specific communities determined by interest or identity). The review found that there is currently no guiding set of administrative principles or coordinated holistic architecture either within the APS or across the APS and other levels of government to fully support and enable local delivery solutions.

The report⁷ went on “evidence suggest the need for increasing localised solutions in genuine partnership with communities to achieve best social, economic and environmental outcomes. Top down policy making is no longer sufficient alone to deal with community expectations or the complexity of challenges faced in community settings. Communities themselves need to be part of the solutions, right from problem conception to design, implementation and evaluation”. “There are opportunities for the APS to get closer to the communities it services directly and indirectly (through effective partnerships with other levels of government and civil society”.

How can local governments address the trust deficit with their local communities and assist the Australian Government to do the same?

How can the Australian Government and local governments maximise the strengths and abilities of the public service (including council staff) and deliver in partnership for our communities?

How can we draw on the strengths and resourcefulness of local governments and local communities to work in partnership with the Australian Government to tackle issues of national significance and lift key economic and social indicators?

What do local governments bring to the table to tackle issues of national significance?

REFERENCES

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LITCHFIELD COUNCIL MEETING

Wednesday 18 March 2020

16 Common Seal

17 Other Business

18 Public Questions

19 Confidential Items

Pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) regulations the meeting be closed to the public to consider the following Confidential Items:

19.1 CEO Performance Review

8(a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.

19.2 Contract Award RFT19-202 FPSRR- Roads and Carparks Stages 1 to 4

8(c)(i) information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

20 Close of Meeting