

# Business Papers

## 1st Ordinary Council Meeting

Tuesday, 17 October 2017  
5.30pm



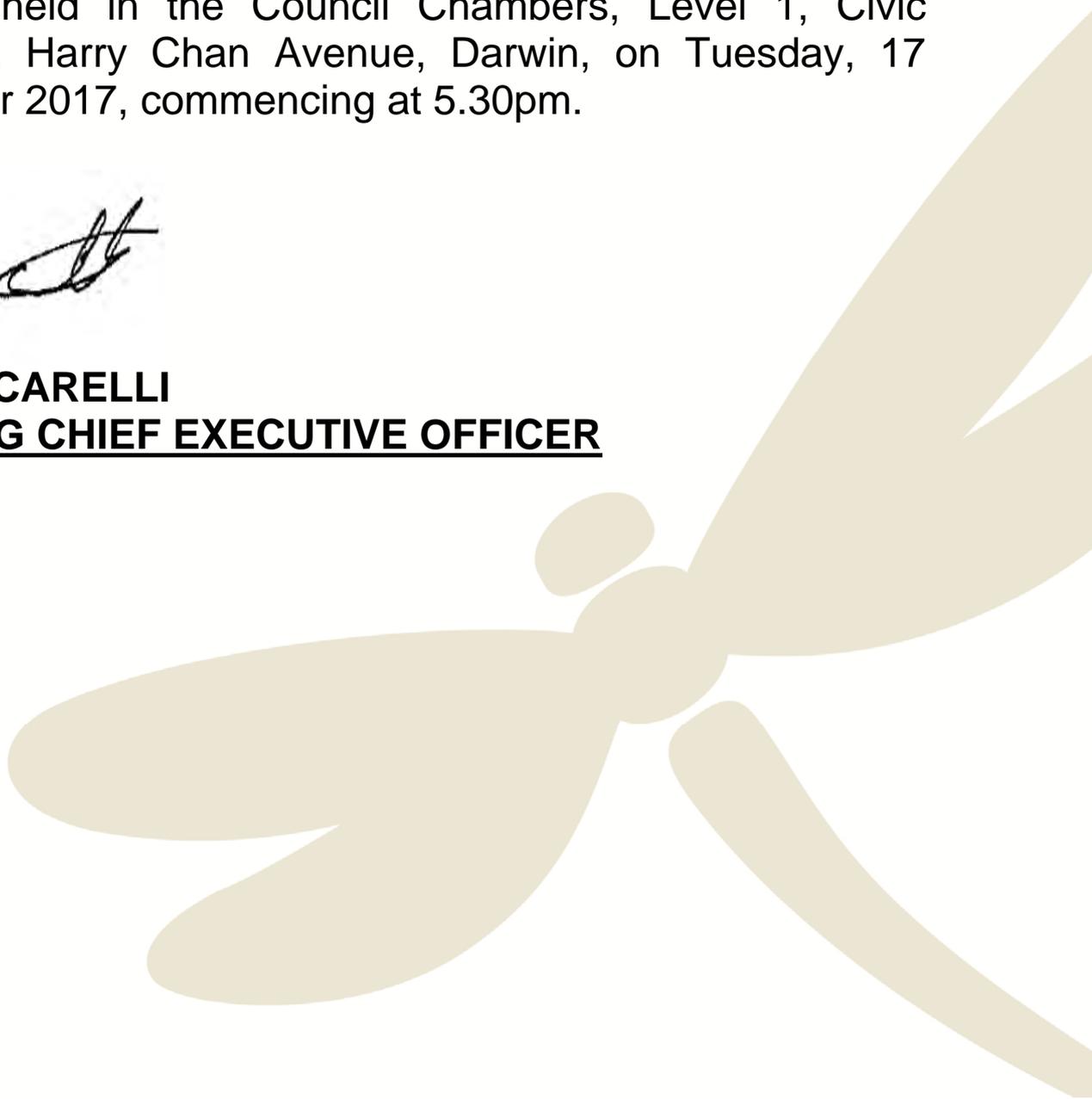


## **Notice of Meeting**

To the Lord Mayor and Aldermen

You are invited to attend a 1st Ordinary Council Meeting to be held in the Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 17 October 2017, commencing at 5.30pm.

**L CERCARELLI**  
**ACTING CHIEF EXECUTIVE OFFICER**



# 1st Ordinary Council Meeting

## Tuesday, 17 October 2017

### 5.30pm

## Guests

### **From 5.30pm**

The Minister for Housing and Community Development, The Hon. Gerald McCarthy MP will be in attendance from 5.30pm to address the Council at the Open Section of the Meeting.

### **From 5.45pm**

Mr Michael Solomon, Chief Executive Officer of AFL NT, and Mr Troy Watson, Chief Executive Officer of NT Cricket will be in attendance from 5.45pm to brief the Council on the Gardens Oval Lights at the Open Section of the Meeting.



THIRD ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 17 OCTOBER 2017

ORD10/4

**CITY OF DARWIN**

**THIRD ORDINARY MEETING OF THE TWENTY-SECOND COUNCIL**

**TUESDAY, 17 OCTOBER 2017**

**MEMBERS:** The Right Worshipful, Lord Mayor, K Vatskalis, (Chair); Member A J Arthur; Member J Bouhoris; Member S Cullen; Member J A Glover; Member G J Haslett; Member R M Knox; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member P Pangquee; Member R Want de Rowe; Member E L Young.

**OFFICERS:** Chief Executive Officer, Mr B P Dowd; Acting General Manager City Performance, Mr R Iap; General Manager City Operations, Mr L Cercarelli; General Manager City Life, Ms A Malgorzewicz; General Manager City Futures, Mr G Rosse; Committee Administrator, Mrs P Hart.

**GUESTS:** The Minister for Housing and Community Development, The Hon. Gerald McCarthy MP will be in attendance from 5.30pm to address the Council at the Open Section of the Meeting.

Mr Michael Solomon, Chief Executive Officer of AFL NT, and Mr Troy Watson, Chief Executive Officer of NT Cricket will be in attendance from 5.45pm to brief the Council on the Gardens Oval Lights.

Enquiries and/or Apologies: Penny Hart  
E-mail: [p.hart@darwin.nt.gov.au](mailto:p.hart@darwin.nt.gov.au)  
PH: 8930 0670

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THIRD ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 17 OCTOBER 2017

ORD10/7

**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. THE LORD’S PRAYER**

**3. MEETING DECLARED OPEN**

**4. APOLOGIES AND LEAVE OF ABSENCE**  
Common No. 2695036

**4.1 Apologies**

**4.2 Leave of Absence Granted**

- A. THAT it be noted Member S J Niblock is an apology due to a Leave of Absence previously granted on 26 September 2017 for the period 13 to 21 October 2017.
- B. THAT it be noted Member R M Knox is an apology due to a Leave of Absence previously granted on 26 September 2017 for the period 14 to 22 October 2017.

**4.3 Leave of Absence Requested**

**5. ELECTRONIC MEETING ATTENDANCE**  
Common No. 2221428

**5.1 Electronic Meeting Attendance Granted**

**5.2 Electronic Meeting Attendance Requested**



THIRD ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 17 OCTOBER 2017

ORD10/8

**6. DECLARATION OF INTEREST OF MEMBERS AND STAFF**  
Common No. 2752228

**6.1 Declaration of Interest by Members**

**6.2 Declaration of Interest by Staff**

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S**  
Common No. 1955119

**7.1 Confirmation of the Previous Ordinary Council Meeting**

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 26 September 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

**7.2 Business Arising**

**8. MATTERS OF PUBLIC IMPORTANCE**

**9. DEPUTATIONS AND BRIEFINGS**

**9.1 Gardens Oval Lights**  
Common No. 3246533

*Mr Michael Solomon, Chief Executive Officer of AFL NT, and Mr Troy Watson, Chief Executive Officer of NT Cricket will be in attendance from 5.45pm to brief the Council on the Gardens Oval Lights.*

**10. PUBLIC QUESTION TIME**



THIRD ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 17 OCTOBER 2017

ORD10/9

**11. CONFIDENTIAL ITEMS**

Common No. 1944604

**11.1 Closure to the Public for Confidential Items**

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

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.2	8(d)	information subject to an obligation of confidentiality at law, or in equity

**11.2 Moving Open Items Into Confidential**

**11.3 Moving Confidential Items Into Open**

**12. PETITIONS**

**13. NOTICE(S) OF MOTION**

Nil



## 14.1 OFFICERS REPORTS (ACTION REQUIRED)



ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.1  
 YES

## GARDENS OVAL LIGHTS CONSULTATION OUTCOMES

REPORT No.: 17CL0012 SJ:kl COMMON No.: 3246533 DATE: 17/10/2017

**Presenter:** Manager Engagement and Participation, Sheree Jeeves

**Approved:** General Manager City Life, Anna Malgorzewicz

### **PURPOSE**

The purpose of this report is to present the outcomes of the community consultation process on the proposal to install lights at Gardens Oval One.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

2 Vibrant, Flexible and Tropical Lifestyle

#### **Outcome**

2.3 Increased sport, recreation and leisure experiences

#### **Key Strategies**

2.3.2 Position Darwin as a host centre for local, national and international sport and other events

### **KEY ISSUES**

- In September 2016, AFL NT received Council endorsement to consult the community regarding a proposal to light Gardens Oval One with directional LED lighting to a maximum lumen capacity of 600LUX.
- Following subsequent advice from lighting engineers and suppliers, AFL NT and NT Cricket advised City of Darwin that HID technology was the preferred lighting choice and not LED lighting.
- At a Council Workshop in May 2017 Council supported AFL NT and NT Cricket to consult with the community on the revised proposal to light Gardens Oval One with HID Lighting to a maximum lumen capacity of 600LUX.
- True North Strategic Communication was engaged by City of Darwin to deliver the consultation, which was funded by AFL NT and NT Cricket.
- The feedback received from the community is presented in the consultation report at **Attachment A**.
- Northern Territory Government has committed \$3.5M for City of Darwin to light sports ovals in 2017/18 and 2018/19 under the NT Government Urban and Regional Oval Lights Program.

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 REPORT NUMBER: 17CL0012 SJ:kl  
 SUBJECT: GARDENS OVAL LIGHTS CONSULTATION OUTCOMES

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## **RECOMMENDATIONS**

- A. THAT Report Number 17CL0012 SJ:kl entitled Gardens Oval Lights Consultation Outcomes, be received and noted.
- B. THAT based on the outcomes of the community consultation Council provide in principle support for the lighting of Gardens Oval One to a maximum lumen capacity of 600LUX to enable AFL NT and NT Cricket to develop detailed design, documentation and cost estimates.
- C. THAT the key concerns of the community as identified in Report Number 17CL0012 SJ:kl Gardens Oval Lights Consultation Outcomes be taken into consideration in the planning and design of lighting Gardens Oval One.
- D. THAT a further report be presented to Council for project endorsement based on the finalised design and cost.

## **BACKGROUND**

### **PREVIOUS DECISIONS**

*DECISION NO. 21\5490 (13/06/17)*

**Northern Territory Government's Urban and Regional Oval Lights Program**  
*Report No. 17C0043 AM:kl (13/06/17) Common No. 3246533*

- B. THAT Council accept the Northern Territory Government's offer of \$3.5 million (plus GST) over the 2017-18 and 2018-19 financial years for the purposes of lighting urban sporting ovals, including Gardens Oval 1.*
- C. THAT Council write to the Northern Territory Government indicating its acceptance of the funding offer for lighting urban sporting ovals, including Gardens Oval 1, and that decisions to light other urban sporting ovals are subject to budget and a needs based analysis, consultation with peak sporting organisations and the outcomes of a community consultation process.*

*DECISION NO. 21\4794 (13/09/16)*

### **Gardens Oval Lights**

*Report No. 16C0055 AM:kl (13/09/16) Common No. 3246533*

- B. THAT Council undertake a Level 3 "Participate" community consultation process regarding a proposal to install LED lighting to a maximum lumen capacity of 600 lux at Gardens Oval One.*
- C. THAT a further report be presented to Council following the community consultation process.*

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DECISION NO. 21\4391 (17/05/16)

**AFL Northern Territory – Gardens Oval**

Common No. 3246533

*THAT the presentation from Mr Michael Solomon, Chief Executive Officer, and Mr Stephen Nugent, Chief Operating Officer, AFL Northern Territory in relation to the Gardens Oval Lights be received and noted.*

At the Council Workshop on 2 May 2017 Council supported AFL NT and NT Cricket in consulting with the community on the revised proposal to install lights at Gardens Oval One using HID technology rather than LED technology to a maximum lumen capacity of 600LUX.

**DISCUSSION**

In May 2016 AFL NT presented to Council a proposal to light Gardens Oval One with LED lighting to a maximum lumen capacity of 300LUX. In September 2016 AFL NT and NT Cricket presented a revised proposal to Council to light Gardens Oval One with 600LUX LED lighting to accommodate the growth in both sports which is creating capacity issues at existing sports ovals. The higher LUX level was proposed to accommodate the needs of both sports for training and match requirements.

The City of Darwin *Sports Field Plan 2016 – 2026* identifies the growing demand for the provision of sports lighting to increase the use of sports fields. Sports lighting is viewed as a pathway to increasing the accommodation of additional uses, managing allocations and maximising participation opportunities. Therefore, Council supported the proposal to seek community views on lighting Gardens Oval One.

Following subsequent advice from lighting engineers and suppliers, AFL NT and NT Cricket advised City of Darwin that HID technology was the preferred lighting choice and not LED lighting. At a Council Workshop in May 2017 Council supported AFL NT and NT Cricket consulting with the community on the revised proposal to light Gardens Oval One with HID Lighting to a maximum lumen capacity of 600LUX.

The proposal includes the installation of four 32m light poles to achieve a maximum light level of 600LUX. The system would use metal halide luminaires, each with glare shield and rear visor to prevent unwanted light spill to surrounding areas. The system can control the level of LUX utilised, with the following table indicating the maximum expected use and LUX levels during a week:

Day	Time	Lux Level
Monday	6-9pm	100 lux (training)
Tuesday	6-9pm	100 lux (training)
Wednesday	6-9pm	100 lux (training)
Thursday	6-9pm	100 lux (training)

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Friday	6-9pm	600 lux (dry season cricket match)
Saturday	6-9pm	300 lux (wet season football game)
Sunday	Not in use	

True North Strategic Communication delivered the consultation process from the 13 June to 11 August 2017. The consultation included a variety of communication material and methods to ensure people were aware of the consultation and able to contribute their views. 392 people completed the survey, 18 written submissions were received and about 40 people attended a community meeting.

A summary of the consultation findings includes:

#### Support for lighting Gardens Oval 1:

- there was a high level of support for the proposal and little opposition to its intent, namely to provide female and junior teams with an alternative training venue;
- most people (94%) surveyed were supportive of the lights;
- those who were supportive could be characterised as people who would benefit from the lights, in particular the Waratah Cricket Club, Waratah Football Club and other sporting groups that would use the facility;
- supporters could also be characterised as Darwin families whose children play sport;
- a high percentage of the supporters of the lights are individuals and families who use Gardens Oval often (more than once a week);
- there was strong sentiment around the need for another lit oval in Darwin to offer a cooler and safer place for women and children to play sport given the hot and humid Darwin climate and the incidence of heat-related illness in sport;
- the majority of supporters felt that installing lights at Gardens Oval was long overdue, and felt that it is necessary to support the growth of sport in the Territory; and
- supporters felt the hours of operation were reasonable and unlikely to be fully used. They were confident that clubs could regulate the use of lights in accordance with conditions and said most users would be junior teams who were unlikely to add to anti-social behaviour in the area.

#### Opposition to lighting

- there was strong opposition from a concentrated group of Gardens residents and from PLAN;
- the opponents could be characterised as long-term Darwin residents living in highrise units that look over the oval, who value their lifestyle, enjoy the green outlook from their units and fear impacts on their amenity from the lights;
- the majority of the opponents indicated that they used Gardens Oval rarely (once or twice a year) but look over / view it daily;
- the reasons for strong opposition include:
  - distrust of the information provided about the impact of the lights;
  - concern because of their previous experience with lights from the golf course, which they were told would not impact their amenity, yet many feel they have suffered significant impacts, which compounded their mistrust of the latest proposal (legacy issue unrelated to current proposal);
  - a perception that nothing has been done to address these concerns;
  - concerns not just at the lights but the height of the towers;
  - general concerns about changes to amenity of the area, such as rubbish, noise and late-night antisocial behaviour and fears that this may be compounded with greater evening use of Gardens Oval, affecting not just residents but wildlife;
  - a general cynicism towards any consultation by government and council on planning issues and whether consultation has any influence on decisions; and
  - some queries about whether this was money well-spent and why the lights couldn't be installed at another oval.

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The consultation findings show a high level of support for the lighting proposal with 94% of survey respondents and three written submissions supporting the lights. There were a small percentage of respondents opposing the proposal, 4% of survey respondents and 13 written submissions.

Although it is a small number of respondents opposing the project, there is a high level of concern from this group. There are some concerns raised by respondents which are a reality of the project, however there are a number of concerns raised by respondents that are able to be addressed. Should the project proceed the concerns of respondents opposing the proposal need to be taken into consideration and addressed where possible. The key concerns of the respondents opposing the proposal include:

### **Local amenity**

Respondents expressed concerns regarding the lighting and subsequent later use of the oval changing amenity of the area, such as rubbish, noise and anti-social behaviour. Whilst the concern regarding anti-social activity was raised by opponents of the lights, supporters argued that activation of the area could disperse the existing anti-social activity. In the community meeting held on 26 July 2017 AFLNT and NT Cricket responded to this concern with assurance that they have codes of conduct for their members so anti-social behaviour directly related to the oval use will be monitored carefully. These concerns can be monitored by City of Darwin officers in partnership with the sporting clubs and addressed if they arise.

### **Impact of lights**

The respondents expressed distrust and concern regarding the impact of lights, there was a concern that the shields would not be effective in directing the lights downward and managing light spill. Therefore there is a concern that the glare and light spill will have a greater impact on residential properties than described through the technical information provided. AFL NT and NT Cricket provided a technical report which demonstrates the level of light spill and that the lights would be directed downwards and glare shield and rear visor would prevent unwanted light spill. During detailed design, further specifications on light spill will be required and should be an important factor throughout the design and delivery of the project.

### **Hours of use**

Opponents to the proposal are concerned that the nominated hours of use will not be adhered to and would be extended over time. This can be managed by Council by specifying usage times in the seasonal use agreements for the venue. The operating costs of the lights will be paid for by the clubs using the lights. Therefore clubs will not want to use the lights at higher LUX levels than needed or for longer time periods than needed to avoid paying unnecessary costs.

### **Impact to wildlife/trees/beauty in and around the oval**

A number of respondents expressed concerns about the impact on the existing shade trees and wildlife in the area. Initial assessments to develop the concept design did not identify the need to remove any trees, however this would need to be confirmed during the detailed design process. The installation of lights if approved by

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Council would need to also go through the Planning process which would require further assessment of any environmental impacts. Some respondents felt that the four light poles will impact on their view and detract from the area. The lights poles are an unavoidable element of the project that cannot be addressed.

### **Distrust due to previous experience**

In 2014 a consultation was carried out with the community by a third party regarding a proposal to light Gardens Park Golf Links. The consultation resulted in similar numbers of submissions supporting and rejecting the proposal. There was a total of 56 submissions objecting to or raising concerns with the proposal provided by 34 individual parties. There were 41 individual submissions supporting the proposal. Council resolved not to proceed with the lighting of the Gardens Park Golf Links.

Although the proposal for lighting Gardens Oval One is different to that of the Gardens Park Golf Links, residents stated distrust based on this previous experience. This distrust stemmed from residents being advised that the lights would not impact them once installed on hole one but when it was trialled there these residents stated the light shone directly into their apartments. This emphasises the importance of ensuring there is no adverse light impact and spill in the surrounding area through the detailed design process.

### **Conclusion**

Based on the outcomes of the community consultation process it is recommended that Council provide in-principle support to the lighting of Gardens Oval One. The consultation shows a high level of support for the proposal and many of the key concerns raised by those opposing the project are able to be mitigated. These concerns need to be factored into the further planning and delivery of this project.

### **NEXT STEPS**

If Council provides in-principle support for the project the following needs to occur:

#### **Budget**

NT Government has committed \$3.5M to City of Darwin for the lighting of sports ovals, including Gardens Oval One. An estimate of \$1.2M has been provided by NTBS Consulting for lighting Gardens Oval One as per **Attachment A**. A detailed costing for Gardens Oval One is pending completion of detailed design.

#### **Ongoing costs**

The ongoing maintenance costs will be determined once a detailed design is completed. This will be presented to Council for a full understanding of the costs of the project. AFL NT provided verbal assurance at the Council Workshop in May 2017 that these costs would be met by stakeholders, written confirmation is pending.

#### **Detailed design**

AFL NT and Cricket NT will work with Council's City Operations team to develop the detailed design, documentation and cost estimates. Advice received from Power Water Corporation is that the electrical supply and metering infrastructure at Gardens Oval may require upgrading to enable lighting to 600LUX, an assessment

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of the requirement and costs associated with the electrical supply upgrade will be undertaken during the detailed design process.

### **Project delivery**

Should the project receive final endorsement from Council based on funding and technical specifications being met, the installation of the lights would be delivered by City of Darwin.

A planning application will be required and this will be addressed in the subsequent report.

## **CONSULTATION PROCESS**

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

- Senior Capital Works Coordinator
- Acting Manager Leisure and Customer Experience
- Manager Capital Works
- Manager Infrastructure Maintenance

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

- True North Strategic Communication
- AFL NT
- NT Cricket

## **POLICY IMPLICATIONS**

City of Darwin Policy No. 046 - *Recreation and Healthy Lifestyle* provides a framework to support equitable and inclusive use and management of Council's network of active reserves and recreation facilities.

This report is also consistent with the strategy and actions outlined in the *Sports Field Plan 2016 – 2026*, specifically to “in partnership with relevant Peak Sporting Bodies and clubs, support the provision of training lights on a case-by-case basis, having regard to site conditions, constraints and demonstrated demand.”

## **BUDGET AND RESOURCE IMPLICATIONS**

AFL NT and NT Cricket funded that consultation process which cost approximately \$42,000.

NT Government has committed \$3.5M to City of Darwin for the lighting of sports ovals in 2017/18 and 2018/19 under the Urban and Regional Oval Lights Program. An estimate of \$1.2M has been provided by NTBS Consulting for lighting Gardens Oval One however a detailed costing has not been completed.

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### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

This report details how the key concerns of the respondents opposing the project can be mitigated, however it should be expected that there will always be a cohort of individuals dissatisfied with the decision to proceed with the proposal.

### **ENVIRONMENTAL IMPLICATIONS**

If approved by Council the lighting proposal would need to also go through the Planning process which would require further assessment of any environmental impacts.

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**SHEREE JEEVES**  
**MANAGER ENGAGEMENT AND**  
**PARTICIPATION**

**ANNA MALGORZEWICZ**  
**GENERAL MANAGER CITY LIFE**

For enquiries, please contact Anna Malgorzewicz on 89300633 or email:  
a.malgorzewicz@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Gardens Oval One Consultation Report

*Submitted under separate cover.*

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.2  
 YES

**DRAFT DOG AND CAT MANAGEMENT STRATEGY**

REPORT No.: 17CL0017 BR:sg COMMON No.: 3035896 DATE: 17/10/2017

**Presenter:** Manager Regulatory Services, Brooke Rankmore

**Approved:** General Manager City Life, Anna Malgorzewicz

**PURPOSE**

The purpose of this report is to present the draft Dog and Cat Management Strategy to Council for consideration.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

5 Effective and Responsible Governance

**Outcome**

5.1 Quality Service

**Key Strategies**

5.1.2 Encourage innovation and improvement

**KEY ISSUES**

- In October 2015 Council established a limited tenure Animal Management Advisory Committee (AMAC) comprising Elected Members, community representatives and representatives from animal breeder and management organisations. The objective of AMAC was to review the Animal Management Plan and provide recommendations to Council for inclusion in the Dog and Cat Management Strategy.
- In March 2016 Council endorsed key recommendations from AMAC which included amendments to registration fees and charges and key elements that were to be incorporated into the Dog and Cat Management Strategy.
- The Draft Dog and Cat Management Strategy was released for community consultation in June 2017.
- Key issues identified from the community feedback included, registration and licencing, un-owned/feral cats, dog barking, complaints management, dog parks and staff education and training.
- The Dog and Cat Management Strategy will guide Council and the community towards the goal of responsible animal ownership and management.

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 SUBJECT: DRAFT DOG AND CAT MANAGEMENT STRATEGY

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## **RECOMMENDATIONS**

- A. THAT Report Number 17CL0017 BR:sg entitled Draft Dog and Cat Management Strategy, be received and noted.
- B. THAT Council endorse the Dog and Cat Management Strategy 2018-2021 at **Attachment A** to Report Number 17CL0017 BR:sg entitled Draft Dog and Cat Management Strategy.

## **BACKGROUND**

### **PREVIOUS DECISIONS**

*DECISION NUMBER 21\5134 (31/01/17)*

#### **Draft Animal Management Strategy and Consultation Plan**

*Report No. 17A0006 AS:jg (31/01/17) Common No. 3035896*

- B. THAT Council endorse for the purposes of a level two public consultation the Domestic Animal Management Strategy 2017-2020 at **Attachment A** to Report Number 17A0006 AS:jg entitled Draft Animal Management Strategy and Consultation Plan.*
- C. THAT the Animal Management Advisory Committee be reconvened for a two month period to discuss the community consultation results and make recommendations on changes to the draft Animal Management Strategy prior to its adoption by Council.*

*DECISION NUMBER 21\4247 (22/03/16)*

#### **Review of Animal Management Plan**

*Report No. 16A0029 SG:mp (16/03/16) Common No. 3035896*

- B. THAT the minutes of the Animal Management Advisory Committee meetings at **Attachment C** to Report Number 16A0029 SG:mp entitled Review of Animal Management Plan, be received and noted.*
- C. THAT a comprehensive enforcement policy and guidelines be developed and published to provide a broad understanding of how Council will approach enforcement of animal by-laws.*
- D. THAT an animal management strategy be developed between June 2016 and December 2016 to replace the Animal Management Plan, and public feedback be sought prior to adoption.*
- E. THAT key elements of the animal management strategy include:*

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SUBJECT: DRAFT DOG AND CAT MANAGEMENT STRATEGY

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- *Subsidised de-sexing/registration days targeted at marginalised pet owners and recognised organisations who promote responsible pet ownership.*
  - *Ongoing media and education campaigns to ensure residents are aware of Council's focus on pet ownership – rights, responsibilities and penalties and the benefits of de-sexing.*
  - *Investigation and introduction of any benefits and efficiencies achievable through a tag for life registration system*
  - *A review date every four (4) years*
- F. *THAT improved use of technology in investigating and resolving complaints be explored and adopted, subject to budget consideration.*
- G. *THAT amendments be made to the following by-laws:*
- *Section 71 to clarify the nuisance definitions by-laws: it needs to be quantified rather than based on individuals tolerance levels*
  - *Section 63(4) (b) to read: (b) keeping of a dog or cat by a Council approved organisation*
- H. *THAT no amendments be made to City of Darwin Policy No. 001 - Animal Management - General regarding:*
- *Licences to Keep Additional Dogs*
  - *Off leash exercise areas*
- I. *THAT Council approach the Northern Territory Government with a request that an overarching legislative instrument for the purpose of animal management be investigated that includes regulating the sale of dogs and cats within the Northern Territory.*
- J. *THAT the animal registration process include an educative check list and animal management fees be set to support and reward socially responsible ownership.*

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DECISION NO.21\3878 (27/10/15)

**Review of Animal Management Plan**

Report No. 15A0133 DL:ph (27/10/15) Common No. 3035896

- A. THAT Report Number 15A0133 DL:ph entitled Review of Animal Management Plan, be received and noted.
- B. THAT pursuant to section 54 of the Local Government Act, Council establish an Animal Management Advisory Committee to operate between November 2015 and April 2016 for the purpose of input into a review of the Animal Management Plan.
- C. THAT Council endorse the terms of reference of the Animal Management Advisory Committee outlined in Report Number 15A0133 DL:ph entitled Review of Animal Management Plan.
- D. That membership of the Animal Management Advisory Committee comprise:
- Two elected members, one of whom shall be Chair
  - A representative of the Canine Association of the NT
  - A representative of the Cat Association of the NT
  - A representative of the RSPCA
  - Three members of the community, one of whom shall be a dog owner, one a cat owner and one not an owner of a cat or dog
- Ex officio
- The Manager Regulatory Services
  - The Animal Management Supervisor
  - The Animal Education Officer
- E. THAT Alderman J A Glover be the Chair of the Animal Management Advisory Committee and Alderman R M Knox be appointed to the Animal Management Advisory Committee for the period of 1 November 2015 to 30 April 2016.
- F. THAT pursuant to Section 32 (2) (d) Council delegates to the Chief Executive Officer the power to finalise the appointment of the community members to the Animal Management Advisory Committee
- G. THAT a report be provided to Council through the March round of meetings making recommendations for amendments to the Animal Management Plan for the purposes of public consultation.

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## **DISCUSSION**

Animal Management is a key element of the City of Darwin's Regulatory Services program. Regulatory Services manages compliance with Council's By-Laws with an aim to contribute to and create a more desirable place in which to live, play, work and conduct business.

Through the provision of Animal Management, Council aims to provide a proactive service that includes education, mediation and delivers outcomes for pet owners and non-pet owners alike. Council recognises that there are many social, health and companionship benefits to owning pets. Pet owners must ensure they look after their pets, control them in public and do not adversely impact on the amenity of others within the community.

Animal Management Rangers are responsible for enforcing the Darwin City Council By-Laws for Dogs and Cats, including registration and licencing, barking, dog attacks and pets in public places. Service provision within Animal Management includes the management and implementation of Council's Animal Management Program, City of Darwin Pound operations and engagement programs to educate the community on responsible pet ownership.

The Draft Dog and Cat Management Strategy was released for community consultation in June 2017. The aim of this engagement program was to present the Draft Dog and Cat Management Strategy and the Responsible Pet Ownership Guide to the community for discussion and feedback and to gather feedback from the community on animal management issues.

Key issues raised through the consultation process included:

- **Registration and licencing:** There was a good knowledge of registration and microchipping requirements with 94% of respondents being aware that this is required for all cats and dogs over 12 weeks of age. The most commonly stated reason for why people do not register their pets was due to the lack of understanding of the benefits and services provided from the fees paid for registration.
- **Unowned/feral cats:** From the survey 43% of respondents indicated that feral cats are a problem in their local area. Numerous comments were provided wanting to see more action.
- **Dog barking:** Approximately 60% of respondents reported having been affected by barking dogs or animal nuisance from another person's dog, and 10% from their own dog. The comments showed different experiences and responses to barking dogs and animal nuisance by individuals. The results support the need for the actions within the Dog and Cat Management Strategy which aim to reduce dog barking and nuisance complaints.

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- **Complaints management:** There were mixed experiences when people reported an animal management incident to the City of Darwin, with 18% rating it as unsatisfactory, 14% as satisfactory and 12% as excellent. The remaining 57% of respondents had not reported an animal management incident to the City of Darwin. Despite this there was clear frustration with Council's processes, particularly around barking, and the timeframes taken.
- **Dog parks:** There is strong support for a dedicated dog park in Darwin. 93% of respondents exercise their dog away from home and 90% of respondents support a dedicated dog park in Darwin. However, the comments indicate that the dog park needs to be well planned with consideration given to regulations, locations, size and design.
- **Education and training:** Following on from the frustration expressed by some members of the community with Council's processes, were comments relating to improved training for staff. The issue of education and training focuses on an element of internal operations of Animal Management and will be addressed in the Enforcement Guidelines.

The community feedback received through consultation of the Draft Dog and Cat Management Strategy was reviewed by AMAC and incorporated into the final version. (**Attachment A**)

### Areas of Focus

The strategy focuses on the following five key areas of service delivery:

- Registration, Licencing and De-sexing
- Nuisance Barking
- Dog Attacks
- Pets in Public Places
- Pound Operations

Actions to achieve defined targets across the five focus areas are categorised into five distinct themes in the strategy. These are;

- **Education and Communication:** These actions focus on distributing information to the community, be it through community events, school visits, education campaigns and development of materials and brochures. These actions will primarily be delivered by the Animal Education Officer.
- **Incentives:** A range of incentives will be investigated to support such things as increased de-sexing, lifetime registration, and support people suffering from economic hardship to be responsible pet owners. These incentives will be presented to Council for consideration as part of the 2018/19 fees and charges review.

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- **Regulation and Enforcement:** City of Darwin officers operate under the regulatory framework of the Darwin City Council By-laws. Recommended amendments to the By-laws will be considered by Council through a further report. Actions to evaluate changes to internal Council processes to improve and regulate enforcement are also considered.
- **Innovation and Technology:** A number of actions within the strategy focus on investigating the use of technology to enhance Council processes, improving investigations and increasing accessibility and customer service.
- **Partnerships and Collaboration:** A key priority of this strategy is to look at animal management in a broader community context. This involves building lasting relationships with community organisations and the Northern Territory Government to partner and collaborate on projects, provide improved services to the community and ensure that people and pets are not falling through the gaps in multi-organisational service delivery.

The Dog and Cat Management Strategy will guide Council and the community toward the goal of responsible pet ownership and management. To succeed, it requires active cooperation from the community, particularly pet owners and their representative groups.

In addition, By-law drafting instructions for Parliamentary Counsel are currently being prepared. There is opportunity to revise by-laws relating to animal management through this process.

Once the Dog and Cat Management Strategy has been endorsed by Council, the next step for Animal Management is the preparation of the Compliance and Enforcement Guidelines which will be the subject of a further report to Council.

### **CONSULTATION PROCESS**

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

- Animal Management Supervisor
- Manager Engagement and Participation

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

- Animal Management Advisory Committee

### **POLICY IMPLICATIONS**

Once adopted the Dog and Cat Management Strategy will replace Council's existing Animal Management Plan and complement City of Darwin Policy No. 001 – Animal Management.

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### **BUDGET AND RESOURCE IMPLICATIONS**

Council introduced a number of incentives to encourage dog and cat registration through revision to the 2017/2018 Fees and Charges.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Good animal management practices reduce the negative impact of domestic animals on the natural environment.

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**BROOKE RANKMORE**  
**MANAGER REGULATORY**  
**SERVICES**

**ANNA MALGORZEWICZ**  
**GENERAL MANAGER CITY LIFE**

For enquiries, please contact Anna Malgorzewicz on 8930 0633 or email:  
[a.malgorzewicz@darwin.nt.gov.au](mailto:a.malgorzewicz@darwin.nt.gov.au).

#### **Attachments:**

**Attachment A:** Draft Dog and Cat Management Strategy

**CITY OF DARWIN*****Draft Dog and Cat Management Strategy*****2018-2022*****Key Message: Socially Responsible Pet Ownership and Compliance with the By-Laws for Animal Management***

This Dog and Cat Management Strategy will guide Council and the community towards the goal of responsible pet ownership and management. To succeed, it requires active cooperation from the community, particularly pet owners and their representative groups.

**PRINCIPLES****Service**

Council aims to provide a proactive service that provides education, mediation and outcomes for pet owners and non-pet owners alike. When intervention is required Council will ensure that all issues brought to our attention are dealt with fairly and effectively and that duty of care obligations and safety standards are adhered to. In providing a high level of customer service to the community we are guided by the five C's and strive to;

- Show **Courtesy** and **Compassion** at all times and to all members of the community, working collaboratively to mediate disputes.
- Use **Common Sense** and **Compliance** with the City of Darwin By-laws to ensure natural justice for all involved.
- Provide/Deliver **Consistency** through investigations and service.

**Responsiveness**

Council is always working to ensure we are responsive to the changing needs of the community by;

- Being relevant, contemporary and keeping in-step with community needs and sentiment
- Completing investigations in a timely and efficient manner
- Implementing current technology and thinking
- Have a holistic approach to issues, through collaboration and coordination with various partners and agencies

**Evolving**

We are constantly seeking to improve the service and support we provide to the community in managing dogs and cats across the municipality. We will achieve this by;

- Ensuring our staff are appropriately qualified and experienced to carry out their roles and responsibilities,
- Providing ongoing training and education of staff in accordance with industry standards,
- Having a program and process in place that educates and incentivise responsible pet ownership;
- Regularly reviewing and improving our procedures and processes

## **GOALS**

### **Amenity**

Council's vision for Darwin is '*A tropical liveable city that creates opportunity and choice for our community*'. In line with this vision, Council has a responsibility to ensure the maintenance of a reasonable level of residential amenity. The amenity of an area can include our physical surrounds and infrastructure, noise, smells and the general atmosphere or feeling of an area. Council supports pet ownership, whilst aiming to ensure that the keeping of pets does not unreasonably impact negatively on others in the community.

### **Safety**

Community safety is a priority for Council. Darwin City Council by-laws are designed to ensure a safe community for all members. Council provides consistent regulation and management of compliance for dogs and cats to maintain and promote public safety. When a dog or cat has encroached on or impacted the safety of others in the community the Council has the authority to enforce by-laws to remedy or mediate any additional threats the animal may cause.

### **Responsible Pet Ownership**

There are social, health and companionship benefits to owning pets. Pet owners have responsibilities to care appropriately for them, control them in public, and ensure they do not adversely impact on others. Council acknowledges the community and individual benefits of pet ownership, and in doing so aims to ensure that the health and wellbeing of animals and members of our community is maintained.

### **Compliance with By-Laws**

The By-laws provide Council with the powers to provide warnings, infringements and de-register companion animals. When pet owners are irresponsible, their pets can negatively impact the community. Council uses its ability through the enforcement, regulation and compliance with the by-laws to resolve conflicts when needed.

## **AREAS OF FOCUS**

The areas of focus we use to categorise our work and are essential and interlocking pieces of our overall strategy. Work in each area informs and advances work in other areas.

### **Registration, Licencing and De-sexing**

Darwin City Council By-Laws place a mandatory requirement for all cats and dogs over twelve weeks (3 months) of age to be registered with the Council and microchipped with a national pet register. Registration provides Council with statistics to inform future planning, so that animals (and their owners) can benefit from having outdoor space to exercise and enjoy activities. It also allows lost or found animals to be reunited with their owners and minimises the rates of euthanasia.

Residents of the City of Darwin may own up to two cats and/or two dogs. Residents wishing to exceed this number of dogs or cats, require a licence issued by council. Each license application is considered on its own merits to ensure the health and welfare of the animals concerned, and to ensure there is no detrimental effect on the amenity of nearby properties.

De-sexing and vaccinating cats and dogs is important for their wellbeing, so Council supports and encourages de-sexing and vaccination of domestic cats and dogs. De-sexing is also a key tool in tackling pet over-population and unwanted pets.

### **Nuisance Barking**

Dogs that are habitual barkers are a nuisance to owners and neighbours. Council undertakes a comprehensive and impartial investigation to gather sufficient evidence to confirm that the barking is excessive. This investigation takes time and during this process. Council officers seek to balance the needs of the complainant, the needs of the animal owners, the welfare of the animals involved and the requirements of the law.

### **Dog Attacks**

An attack by a dog on another animal or person is of the highest priority for investigation by Council and the community. The likelihood of a dog attack is decreased if the principles of responsible pet ownership are followed. The majority of dog attacks in public places occur on a footpath or road joining the premises of the dog owner.

Council has the ability to declare a dog **dangerous** or **nuisance**. Under the Darwin City Council by-laws all declared dogs must be microchipped, wear an identification tag, be kept in a prescribed enclosure with a Council prescribed sign displayed and be kept under effective control in accordance with additional conditions of Declared Dog Registration.

### **Pets in Public Places**

Cats and dogs are required to be under effective control at all times in public spaces. Responsible owners know that walking a dog is important, providing opportunities for exercise and social interaction. While dog owners need to exercise their dogs, this activity must be balanced against environmental considerations, and the rights and safety of others. A dog or cat wandering at large, usually within the vicinity of the owner's home is one of Council's animal management challenges. Wandering dogs and cats are a public health and safety issue. Pedestrians, cyclists, mail delivery services, motorists and other animals are all at potential risk of a dog or cat at large causing accidents, attacks and even death due. Dog poo in public recreation areas is a health and environment concern.

### **Pound Operations**

The City of Darwin impounds hundreds of lost, wandering or nuisance cats and dogs every year. The ideal outcome is for the owner to be identified through registration or microchip details and reunited with their cat or dog, and Council is committed to removing unnecessary impediments to owners reclaiming their pets. When Council is unable to identify an animal's owner, or the owner does not claim the animal, Council is obligated to make the best decision for the community and the animal. Animals are assessed to determine whether they are suitable for inclusion in the rehoming program. This process involves a behavioural assessment and health check for dogs and cats. Council will not include animals in its rehoming program that have behavioural issues which may pose a risk to the community, or health issues that will have a long term impact on both the animal and the prospective owner.

### **STRATEGIES**

Over the next five years we will be measuring our progress toward targets in our areas of focus to achieve the goals of sustaining public amenity, safety, responsible pet ownership and compliance with the by-laws. Implementation of our strategies can be categorised into five key themes:

- Education and Communication,
- Incentives,
- Regulation and Enforcement,
- Innovation and Technology, and;
- Partnerships and Collaboration.

## IMPLEMENTATION PLAN

### Registration, Licencing and De-sexing

Target	To achieve this Council will	This will be measured by	To be completed by	This action will contribute to
<b>By 2022 there will be an increase in registrations by 20% or 5% each year.</b>	<b>Education and Communication</b>			
	Continue education of the community in relation to registration of pets within the municipality.	Increased number of registrations from this action.	On-going	<ul style="list-style-type: none"> <li>Increase the number of animals that can be reunited with their owners.</li> </ul>
	Conduct a communications campaign and doorknock program across the municipality.	Number of animals microchipped and registered.	Bi annually	<ul style="list-style-type: none"> <li>Assess number of unregistered dogs. To allow a better indication of cat and dog populations</li> <li>Increase number of registered pets.</li> </ul>
	Organise microchipping days to be held bi-annually throughout the municipality with stakeholders.	Number of animals microchipped and registered.	Bi annually	<ul style="list-style-type: none"> <li>Increase the number of animals with permanent identification.</li> <li>Improve the number of animals that can be reunited with their owners.</li> </ul>
	Hold subsidised de-sexing/registration days targeted at marginalised pet owners and recognised organisations who promote responsible pet ownership.	Number of animals de-sexed and registered.	On-going	<ul style="list-style-type: none"> <li>Increase number of registered pets.</li> <li>Reduce impediments for marginalised pet owners.</li> <li>Improve the number of animals that can be reunited with their owners.</li> </ul>
	Increase community awareness and understanding of the number of dogs and cats people can keep.	Development of materials.	On-going	<ul style="list-style-type: none"> <li>Increased community awareness.</li> </ul>
	Animal registration process includes an educative check list.	Check list added to registration forms.	January 2018	<ul style="list-style-type: none"> <li>Ensuring owners are aware of their obligations as pet owners.</li> </ul>
	Work with other areas of Council and external partners to develop a 'Welcome to Darwin' information pack that provides key information about living in Darwin. This can be distributed to new residents through Council and Real Estate Agents.	Development of pack.	June 2018	<ul style="list-style-type: none"> <li>Link new residents with resources.</li> <li>Ensuring pet owners are aware of their obligations and resources available to them.</li> </ul>
Continue education of the community in relation to registration of pets within the municipality.	Awareness in the community. Customer satisfaction survey.	On-going	<ul style="list-style-type: none"> <li>Increased community awareness.</li> <li>Increased pet registrations.</li> </ul>	

<b>Incentives</b>			
A review of fees and charges including potential incentives measures, and investigate the options for a tag for life registration system.	Uptake of the incentives by the community.	2018	<ul style="list-style-type: none"> <li>Increased number of registered dogs and cats.</li> <li>Increase the number of de-sexed animals in the community.</li> <li>Reduce the number of unwanted and uncared for animals.</li> </ul>
<b>Regulation and Enforcement</b>			
Council approach the Northern Territory Government with a request that an overarching legislative instrument for the purpose of animal management including regulating the sale of dogs and cats within the Northern Territory.	Documentation of Council's advocacy efforts in this area	2022	<ul style="list-style-type: none"> <li>Improved Animal Management across the Northern Territory control the sale of dogs and cats.</li> </ul>
Refine and improve the dog and cat licence process and management, e.g. selection criteria on application.	Changes made to the licence process	June 2018	<ul style="list-style-type: none"> <li>Provide greater scrutiny of licences to own more than 2 dogs and/or 2 cats.</li> </ul>
<b>Partnerships and Collaboration</b>			
Work in collaboration with rehoming organisations and pet businesses to register animals as part of sale.	Agreement between agencies and a process developed.	2018	<ul style="list-style-type: none"> <li>Increase the number of registered animals.</li> </ul>
Support an indigenous community animal health program with AMRIC.	Number of events & Number of animals involved.	On-going	<ul style="list-style-type: none"> <li>Increased collaboration with AMRIC.</li> <li>Improved animal health and care.</li> <li>Improved community education.</li> </ul>
<b>Innovation and Technology</b>			
Investigate the use of technology and text messaging to increase awareness, ease, accessibility and convenience in registering pets.	Customer feedback and use of payment options by customers.	June 2019	<ul style="list-style-type: none"> <li>Improved customer service and experience.</li> <li>Increased number of registered pets.</li> </ul>

## Nuisance Barking

Target	To achieve this Council will	This will be measured by	To be completed by	This action will contribute to
<b>Reduce Dog Barking Complaints by 20%</b>	<b>Education and Communication</b>			
	Promote the provision and benefits of ongoing training.	Number of education and engagement events.	On-going	<ul style="list-style-type: none"> <li>Minimise issues and complaints relating to dogs barking.</li> <li>Increased level of education in the community.</li> </ul>
	Development of an information pack for owners of alleged barking or nuisance dogs, including practical measures they can take.	Pack developed.	2018	<ul style="list-style-type: none"> <li>Increased level of education in the community.</li> </ul>
	Conduct a series of bark stopping workshops. Make a condition of registration for offending animals.	Number of seminars delivered and number of participants.	On-going	<ul style="list-style-type: none"> <li>Reduction in the number of barking nuisances reported – particularly in prior re-offenders.</li> <li>Reduce behavioural issues that lead to other offences including dog attacks and at large.</li> </ul>
	<b>Incentives</b>			
	Explore various incentives to encourage pet owners to undertake obedience training.	Report produced with recommendations.	June 2018	<ul style="list-style-type: none"> <li>Reduced anti-social behaviour between pets.</li> </ul>
	<b>Regulation and Enforcement</b>			
	Amendments be made to the following by-laws Section 71 to clarify the nuisance definitions by-laws: it needs to be quantified rather than based on individuals tolerance levels	A change to the By-laws.	2019	<ul style="list-style-type: none"> <li>Improved quantitative definition of nuisance barking</li> </ul>
	<b>Innovation and Technology</b>			
	Explore the use of online and mobile technologies for investigating nuisance barking complaints.	Report produced with recommendations.	July 2018	<ul style="list-style-type: none"> <li>Improved response times to resolve nuisance complaints.</li> </ul>
Investigate the use of anti-barking and bark counting collars, as well as any other technology opportunities.	Reports produced with recommendations.	July 2018	<ul style="list-style-type: none"> <li>Prompt resolution of barking complaints.</li> <li>Improved client satisfaction on barking incidences.</li> </ul>	
Investigate digital options and alternatives to the barking diary.	Report with recommendations. Implementations dependent on budget.	2018	<ul style="list-style-type: none"> <li>Improved data collection and statistics.</li> <li>Potential additional tool for combating barking issues in the community.</li> <li>Provide alternative ways of collecting evidence in barking investigations.</li> <li></li> </ul>	

## Dog Attacks

Target	To achieve this Council will	This will be measured by	To be completed by	This action will contribute to
<b>Council aims to reduce dog attacks by 15% per year.</b>	<b><i>Education and Communication</i></b>			
	Review existing education material and include content on practical ways to reduce dog attacks.	Materials updated and produced.	January 2018	<ul style="list-style-type: none"> <li>Improved awareness in the community of effective methods to minimising dog attacks.</li> <li>Increased public awareness of the links between animal health and nuisance behaviour.</li> <li>Reduce dog behavioural issues that lead to attacks.</li> </ul>
	Promote the provision and benefits of ongoing training.	Number of events attended.	On-going	<ul style="list-style-type: none"> <li>Improved awareness in the community of effective methods to minimising dog attacks.</li> <li>Increased public awareness of the links between animal health and nuisance behaviour.</li> <li>Reduce dog behavioural issues that lead to attacks.</li> </ul>
	<b><i>Regulation and Enforcement</i></b>			
	Review procedures for dealing with animal attacks.	Review completed.	June 2018	<ul style="list-style-type: none"> <li>Improve response times for attack investigations.</li> <li>Improve customer service.</li> </ul>
	Review on/off lead policies across the municipality for impacts on the number of dog attacks. Identify hotspots.	Review completed.	End of 2018	<ul style="list-style-type: none"> <li>Potential reduction in un-controlled dogs.</li> </ul>
	Inspect all declared dogs.	Demonstrate annual audit of owner's property.	Annually	<ul style="list-style-type: none"> <li>Ensuring compliance with dangerous dog regulations.</li> <li>Minimise any further incidents.</li> </ul>
Review of by-laws for inclusion of cat attack and review of current categories of dog attack.	By-laws modified to improve attack categories.	2019	<ul style="list-style-type: none"> <li>Ability to manage cat and dog attacks.</li> </ul>	

### Pets in Public Places

Target	To achieve this Council will	This will be measured by	To be completed by	This action will contribute to
<b>Education and Communication</b>				
	Promote the requirement of cats to be contained to their property of residence and being kept in at night.	Education material developed.	On-going	<ul style="list-style-type: none"> <li>Increase community awareness of the benefits of cats remaining within the property and inside at night.</li> </ul>
	Develop cat ownership educational materials.	Education material developed.	June 2018	<ul style="list-style-type: none"> <li>Increase community awareness.</li> </ul>
	Promote the location of no cat/ dog areas and the reasons for their designation.		On-going	<ul style="list-style-type: none"> <li>Increasing community awareness of no cat/dog areas.</li> </ul>
	Ensure a map of the municipality is easy to read, easy to duplicate (therefore cheap and effective to distribute) and are available in service centres, clubs and online.	Map produced and distributed.	March 2018	<ul style="list-style-type: none"> <li>Increasing community awareness of on and off-lead areas within the municipality.</li> </ul>
	Undertake education and awareness campaigns about "picking up dog poo", via community groups, schools, or through phone on-hold messages and displays in Council libraries and other community centres.	Education materials produced. Messages conveyed to the public at events.	2019	<ul style="list-style-type: none"> <li>Increasing community awareness of their responsibilities.</li> </ul>
	Address 'hot spots' quickly by educating and warning offenders through signage and issuing a fine if infringements reoccur.	Feedback from patrols.	On-going	<ul style="list-style-type: none"> <li>Increasing community awareness of their responsibilities.</li> </ul>
	Continue to monitor community sentiment and need for additional dog park facilities.	Customer satisfaction survey.	On-going	<ul style="list-style-type: none"> <li>Keeping Council informed of community need.</li> </ul>
	Work with other areas in Council and external partners to identify locations and progress new dog park facilities.	Progress on new dog parks.	On-going	<ul style="list-style-type: none"> <li>Increasing dedicated off-lead facilities for dogs.</li> </ul>

<b>Regulation and Enforcement</b>			
Review on/off lead policies across the municipality. Identify hotspots.	Report with recommendations	2019	<ul style="list-style-type: none"> <li>• Potential reduction in un-controlled dogs.</li> <li>• Potential to reduce attacks in public places reduced.</li> </ul>
<b>Partnerships and Collaboration</b>			
Work in partnership with CDU and NTG on feral/stray cat projects.	Collaboration on projects.	On-going	<ul style="list-style-type: none"> <li>• Determine the magnitude of the stray cat problem and identify hot spots for stray cats.</li> </ul>
Support dog clubs/groups in finding suitable sites for dog agility programs, sports or equipment where there is demand.	Communication and relationships with Dog clubs and groups.	On-going	<ul style="list-style-type: none"> <li>• Build partnerships with dog clubs and groups.</li> <li>• Increase opportunities for pet orientated events and activities.</li> </ul>
Maintain ongoing dialogue with dog activity groups about issues facing pet owners and in terms of dog parks and programs.		On-going	<ul style="list-style-type: none"> <li>• Increasing community awareness.</li> </ul>
In consultation with expert bodies, develop a strategy investigating options to address the stray cat population within the Darwin municipality.	Strategy developed recommendations accepted.	2018	<ul style="list-style-type: none"> <li>• Sustained Reduction in the number of stray or homeless cats.</li> </ul>

## Pound Operations

Target	To achieve this Council will	This will be measured by	To be completed by	This action will contribute to
<p><b>Reduce the number of impounded animals by 20% by 2022</b></p> <p><b>AND</b></p> <p><b>By 2022, increase the number of animals reunited with their owners or rehomed by 20% on 2016 figures</b></p>	<b>Education and Communication</b>			
	Review education materials to highlight the importance of securely confining dogs and the ramifications for owners should pets be found wandering at large.	Materials developed	2020	<ul style="list-style-type: none"> <li>Reduction in the number of complaints received relating to dogs wandering at large.</li> </ul>
	<b>Regulation and Enforcement</b>			
	Review and if required update the City of Darwin's procedures for dealing with dogs wandering at large.	Review completed.	December 2018	<ul style="list-style-type: none"> <li>Reduction in the number of complaints received relating to dogs wandering at large.</li> </ul>
	Review the reasons for euthanasia and consider programs to address these.	Report.	December 2018	<ul style="list-style-type: none"> <li>Reduce the number of animals euthanized.</li> </ul>
	<b>Partnerships and Collaboration</b>			
	Investigate opportunities to partner with local animal shelters and veterinary services to implement and promote reduced fee de-sexing initiatives.	Opportunities assessed.	June 2018	<ul style="list-style-type: none"> <li>Increase the number of cats and dogs de-sexed.</li> <li>Reduction in the number of unwanted animals.</li> </ul>
	In conjunction with key partners (including the Department of Housing and real estate agents), implement a proactive campaign about the effective management and containment of cats and dogs.	Campaign.	On-going	<ul style="list-style-type: none"> <li>Reduction in number of cats and dogs impounded.</li> <li>Reduction in roaming, nuisances and attacks reported.</li> </ul>
	<b>Incentives</b>			
	Develop incentives for people who purchase animals from rehoming organisations e.g. waive registration for 1 yr.	Report with recommendations.	July 2018	<ul style="list-style-type: none"> <li>Increase in number of animals rehomed.</li> </ul>
Identify the barriers and investigate incentives that support people suffering from economic hardship to be responsible pet owners.	length of stay' and 'reclaim' stats.		<ul style="list-style-type: none"> <li>Increased reclaim rates, reduced numbers of animals euthanised.</li> </ul>	

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.3  
 YES

**BY-LAW REVIEW – UPDATE OCTOBER 2017**

REPORT No.: 17CE0010 MR:ph COMMON No.: 3035896 DATE: 17/10/2017

**Presenter:** Executive Manager, Melissa Reiter

**Approved:** Acting Chief Executive Officer, Luccio Cercarelli

**PURPOSE**

The purpose of this report is to provide an update on the Review of the *Darwin City Council By-laws* and seek approval from Council on the current Review Instructions to allow the Office of Parliamentary Counsel to continue drafting the proposed amendments.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

5 Effective and Responsible Governance

**Outcome**

5.3 Good governance

**Key Strategies**

5.3.1 Demonstrate good corporate practice and ethical behaviour

**KEY ISSUES**

- Council has access through the Local Government Association of the Northern Territory (LGANT) to the legislative drafting services of the Parliamentary Counsel.
- The Animal Management Advisory Committee identified areas for review in the animal management by-laws.
- A general examination of the *Darwin City Council By-laws*, was undertaken by responsible officers, determining that the by-laws required revision to reflect contemporary Council practice and policy, including alignment with the identity of Council, being City of Darwin.
- The Local Government Division of the Department of Housing and Community Services has suggested that the entire by-laws be rewritten to reflect contemporary practice.

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- Council approved drafting instructions Decision No.21\5279 (28/03/17) and Parliamentary Counsel haS been working to the amendments of the by-laws based on these instructions since March 2017.
- Approval from the 22<sup>nd</sup> Council is sought for the current drafting instructions, following advice that Parliamentary Counsel has suspended drafting pending Council's approval of the current instructions, provided at **Attachment A**.
- There will be further opportunity at a later stage for the newly elected Council to include a second stage of by-law amendments subsequent to its consideration and decision-making on proposed policy changes, for example derelict sites.

### **RECOMMENDATIONS**

- THAT Report Number 17CE0010 MR:ph entitled By-Law Review - Update October 2017, be received and noted.
- THAT Council endorse the drafting instructions as outlined in **Attachment A** to Report Number 17CE0010 MR:ph entitled By-Law Review - Update October 2017.
- THAT Council advise Parliamentary Counsel of its intent to negotiate further amendments to the current drafting instructions.

### **BACKGROUND**

DECISION NO.21\5279 (28/03/17)

#### **By-Law Review**

*Report No. 17A0013 DL:jg (28/03/17) Common No. 3035896*

- THAT Report Number 17A0013 DL:jg entitled By-Law Review, be received and noted.*
- THAT the drafting instructions as outlined in Attachment A, as amended to include re-wording By-law 162 in regard to rescission motions, and the description in relation to By-law 71(1)(b)(ii), and the description in relation to Part 3, Division 2, Subdivision 6, to Report Number 17A0013 DL:jg entitled By-Law Review be approved.*

### **DISCUSSION**

The Darwin City Council By-laws apply to the City of Darwin (the Council) area. The by-laws came into force on 1 July 1994. Since then, there have been significant changes to the Council including the Council's name (from Darwin City Council to City of Darwin in August 2012), the Council's composition and population. As a result, the needs of the Council and its residents have changed.

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Most of the provisions of the by-laws are still relevant and should be retained. However, it is intended that those provisions be modernised with the use of contemporary language and to reflect current Council practices and procedures. In addition, there are some provisions that do not quite align with the *Local Government Act*. There is also the need to make provisions for practices and procedures that are not currently provided for.

Main areas of change include:

- Animal management issues identified through the review of the animal management plan or through operational difficulties in managing issues.
- Animals in The Mall - a new provision for the Council to have the power to allow dogs (that are not assistance animals) in The Mall at particular hours. For example, before 7am and after 6pm in order to allow for dog walking.
- Assistance animals - the policy intent is that the prohibition against animals in The Mall should not extend to assistance animals. It is also the intent that a person with an assistance animal need not obtain a permit to bring the animal into the mall. The Council will provide free registration of assistance animals.
- Bringing library and pool by-laws in line with contemporary management requirements.
- Requirements that an advertising sign should not obstruct or distract any person, including that the advertising sign must not obstruct or distract a person on a motorised wheelchair which is not capable of travelling at a speed greater than 7km/h.
- Currently, Council issues notices to the business or land owners where the advertising sign is located and not the person who carried out the works. However, there are times when the business or land owner is unaware of the sign which may be erected without his/her knowledge or consent. The instructions are for provisions that will allow the Council to issue notices to the signage consultant who erected the advertising in addition to the business or land owner.
- Smoke free areas - the ability for Council through the by-laws to declare any area within the municipality to be a smoke free area and to prohibit smoking in a smoke free area.
- Items left unattended in a public place – a by-law that prohibits a person from leaving any item unattended in a public place unless in accordance with a permit. Provides an authorised officer with powers to confiscate and impound any item that is left unattended.

The process for making by-laws is outlined in **Attachment B**, for the information of Council. Parliamentary Counsel have a very structured review schedule based on the requirements of the NT Government and Local Government agencies. In order to continue with current drafting instructions, Parliamentary Counsel requires re-endorsement by of the original instructions by the 22<sup>nd</sup> Council and it is recommended that Council approve this.

If Council approves the existing drafting instructions, Parliamentary Counsel will continue their drafting and, once draft by-laws are received, it will be required that

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Council go through a process of seeking and considering public comment on a Council approved plain English explanatory document outlining the by-law changes.

City of Darwin's by-law review is already scheduled for drafting, any additional revisions or further review of the by-laws would need to be re-negotiated and scheduled in consultation with Parliamentary Counsel. Parliamentary Counsel instructions for drafting must be accompanied by a decision of Council. It is recommended that Council advise Parliamentary Counsel of its intent to re-negotiate.

### **CONSULTATION PROCESS**

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

- General Manager City Life
- Manager Regulatory Services

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

- Department of Housing and Community Services (Local Government Division)
- Parliamentary Counsel, Department of Attorney-General and Justice (Legal Drafting)

### **POLICY IMPLICATIONS**

A number of Council policies are linked to the by-laws and will require amendment once the new by-laws are adopted.

### **BUDGET AND RESOURCE IMPLICATIONS**

The Review is being funded via the Local Government Association of the Northern Territory (LGANT) and the Department of Housing and Community Services Division of Local Government.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

It is important that Council's by-laws are reviewed from time to time to ensure no misalignment with the *Local Government Act* or other legislation exists.

Parliamentary Counsel has suspended drafting based on the Drafting Instructions approved by the previous Council, pending approval by the 22<sup>nd</sup> Council of refreshed instructions on the *Darwin City Council Amendment By-laws*.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**MELISSA REITER**  
**EXECUTIVE MANAGER**

**LUCCIO CERCARELLI**  
**ACTING CHIEF EXECUTIVE**  
**OFFICER**

For enquiries, please contact Melissa Reiter on 8930 0516 or  
m.reiter@darwin.nt.gov.au

#### **Attachments:**

**Attachment A:** Drafting Instructions, previously approved by the 21<sup>st</sup> Council.  
**Attachment B:** Process for the Making of By-Laws

## DRAFTING INSTRUCTIONS FOR CITY OF DARWIN BY-LAWS

### Background

It is requested that by-laws be drafted in accordance with the requirements of Part 13.1 of the *Local Government Act* (the Act).

The Darwin City Council By-laws apply to the City of Darwin (the Council) area. The by-laws came into force on 1 July 1994. Since then, there have been significant changes to the council including the council's name (from Darwin City Council to City of Darwin in August 2012), the council's composition and population. As a result, the needs of the council and its residents have changed.

Most of the provisions of the by-laws are still relevant and the Council wishes to retain them. However, it is intended that those provisions be modernised with the use of contemporary language and reflect current Council practices and procedures. In addition, there are some provisions that do not quite align with the *Local Government Act*. There is also the need to make provisions for practices and procedures that are not currently provided for.

### Instructions

It is proposed that a full rewrite of the By-laws be undertaken. However, the gist of the provisions of the current By-laws be retained with minor amendments to modernise the language and reflect Council practices and procedures. In addition, it is proposed to include new provisions to the By-laws that would assist the Council in carrying out its functions as a regulator.

Please note that we will be guided by you with regards to the numbering and order that the provisions in the new By-laws will be.

The following Table summarises the proposed changes to the By-laws.

By-law	Current situation	Proposed changes
Entire By-laws	The current By-law makes references to the term "Clerk"	This term is no longer in use. Instead, the more common term used in contemporary language is Chief Executive Officer of the Council. Please replace all references to "Clerk" with "CEO".
By-law 1	The By-laws are cited as <i>Darwin City Council By-laws</i>	On 9 August 2012, the then Minister for Local Government, by <i>Gazette</i> notice (No. S48), changed the name of the Council (pursuant to section 9(1)(c) of the <i>Local Government Act</i> ) from Darwin City Council to City of Darwin. Please change the name of the By-laws to "City of Darwin By-laws".

By-law 3	The definition of "Council" is Darwin City Council	Please change the definition of "Council" to City of Darwin.
	The By-law has a definition for the term "guide dog"	Please replace the term "guide dog" with "assistance animal". Also, please replace all references to "guide dog" with "assistance animal" throughout the By-laws.
	Definition of "registrar"	Please delete this definition. Instead, please make a provision that the CEO of the Council is the registrar. The CEO will have the power to delegate this function.
By-laws 6 and 7	The By-laws provides that the council may appoint a person to be the registrar and that the registrar keeps appropriate registers	Under the section 100 of the <i>Local Government Act</i> , Council is responsible for the appointment of the CEO (see section 100 of the <i>Local Government Act</i> ). Section 103 of the <i>Local Government Act</i> makes it the CEO's responsibility to the appoint staff in accordance with a staffing plan approved by the Council. If Council appoints staff, they would be interfering with the CEO's function. To this end, please remove the provision that the council appoint the registrar. Instead, please provide that the CEO is the registrar and he/she should keep the appropriate registers.
By-law 12	The By-law gives the power to Council to plan the numbering of areas of land adjacent to a road within the municipality	The numbering of properties/land adjacent to a road in the Northern Territory is done by the Department of Infrastructure, Planning and Logistics. It is not a power that should also rest with the Council. As such, please delete this provision.
By-law 15	The By-law provides for the granting of a licence	The By-laws provides for 3 types of licences: (i) licence for the use of a Council dump (By-law 28); (ii) licence to keep, at premises, more dogs or cats than the number determined by the Council (By-law 58); and (iii) market licence issued to stallholders association (By-law 116). Except for the licence to keep, at premises, more dogs or cats than the number determined by the Council, the By-laws do not provide for the cancellation, variation or suspension of the other types of licences. In addition, the cancellation, variation or suspension of a licence to keep more dogs or cats than the number determined by the Council do not provide for natural justice and procedural fairness to be accorded to the person whose licence is to be cancelled, varied or suspended. Please draft By-laws that provide that the Council may cancel, suspend or vary the conditions of a licence if: (i) the Council believes on reasonable grounds that the licensee obtained the licence improperly; (ii) the Council believes on reasonable grounds that the licensee has failed to comply with a condition of the

		<p>licence; or</p> <p>(iii) the Council believes on reasonable grounds that the licensee is not a fit and proper person to continue holding the licence.</p> <p>The Council must give the licensee a written notice that the Council proposes to cancel, suspend or vary the conditions of the licence.</p> <p>For a proposed cancellation, the Council must indicate date on which the cancellation will come into effect. In the case of a proposed suspension, the Council must indicate period of the suspension and the conditions the licensee must comply with to avoid cancellation of the licence. In the case of a proposed variation of the conditions of the licence, the Council must indicate what the variation(s) to the conditions of the licence is (are), the date on which the variation(s) of the conditions will come into effect and the period of the variation(s).</p> <p>In all cases, the notice must also state the facts and circumstances on which the Council's reasonable grounds of belief are based on that have precipitated the proposed cancellation, suspension or variation to the conditions of the licence. In addition, the notice must state that the licensee may show cause, in writing, within a period not exceeding 14 days, why the licence should not be cancelled, suspended or varied.</p> <p>If after the period specified in the notice and consideration of the licensee's representation, the Council is of the option that it is desirable to do so, the Council may cancel, suspend or vary the conditions of the licence accordingly.</p> <p>The Council must then give the licensee written notice of the cancellation, suspension or variation to the conditions of the licence.</p>
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By-law 22	The By-law has a definition for the term “council dump”	Please replace the term “council dump” with “waste management facility”. Also, please replace all references to “council dump” with “waste management facility” throughout the By-laws.
	The By-law has a definition for the term “regular garbage collection service”	Please replace the word “garbage” with “waste and recycling” in the term that is defined. Also, please replace all references to “garbage” with “waste and recycling” in By-laws 3, 22 – 29, 47(2)(c), 117(1)(c) and 119(1)(c). For By-laws 3, 117(1)(c) and 119(1)(c), please remove the reference to “waste” in those provisions to avoid two references to “waste” in the provisions. Only the reference to “garbage” in By-law 47(1) is to remain as is.
By-law 27	The By-law requires garbage receptacles to be returned to their location after their content is collected	As currently drafted, the By-law would arguably make council workers who, after collecting the contents of a garbage receptacle, fail to replace the receptacle and its lid guilty of an offence under the By-law. This should be a matter that is dealt with by the Council under the employment contract rather than in By-laws. As such, please delete this provision.
Subdivision 1A, Part 3	The Division provides for the declaration of dogs into different categories	The reference to categories of declared dogs based on a number is considered outdated. It is proposed that the following categories of declared dogs be referred to as follows throughout the By-laws: Category 1 – please change to “dangerous dog” Category 2 – please change to “menacing dog” Category 3 – please change to “nuisance dog”
		Please provide that the declaration of a dog into any category is a reviewable decision. As such, a decision notice must be issued after the council determines to declare a dog, with the decision appealable to NTCAT.
		The policy intention is that a “dangerous dog” must be kept in a contained manner that would prevent the dog from escaping or leaving the property unaccompanied by a person with effective control. This may include having an enclosure within a property that is already fenced, where the dog is kept. The Council does not wish to be responsible for approving suitable fences but instead wishes to put back the onus on the owner of the dangerous dog to contain it. To this end, please repeal By-law 55B(8)(b)(ii) and instead draft a new By-law requiring a “dangerous dog” be kept in a contained manner to prevent it from escaping or leaving the property unaccompanied by a person with effective control. It is worth noting that other categories of declared dogs can be kept in an unfenced property as long as the dog is controlled by a suitable leash at all times.
		Please change the time requirement to notify the council of the new address where the premises of a dog changes

		from “within 7 days” to “within 24 hours” after the change (see By-laws 55B(8)(g), 55C(6)(f) and 55D(6)(c)).
By-law 55C	Declaration of a dog as a Declared Dog (Category 2)	<p>It is proposed that before a dog is declared a Category 2 (to be referred to as “menacing dog” in the future), that there be an additional step for the issuance of a menacing warning notice. The notice would advise the owner that the Council intends to declare it as a menacing dog and the owner should show cause as to why the dog should not be so declared.</p> <p>The Council must take into account the submission by the owner when making the decision to declare the dog as a menacing dog. The Council must give the owner notice of this decision (which would be a decision notice under the <i>Local Government Act</i>).</p>
By-law 55F	The By-law provides for the declaration of a new dog as a “dangerous” or “menacing” dog based on its prior behaviour prior to its relocation to the municipality	Currently, the Council has the power to declare a class of dogs to be a prescribed breed which would then be a “dangerous” dog (see By-law 55B(3) and (4)). As such, please include in By-law 55F a provision that a new dog in the municipality may be declared a “dangerous” dog if it is of a prescribed breed.
By-law 58	The By-law provides for the licensing of premises	There is a typo in By-law 58(5). Please replace the words “clause (1)” with “clause (2)”.
By-law 60	The By-law provides for the cancellation, variation or suspension of registration or licence	After By-law 60(1), could you please insert provisions on what happens when the registrant or licensee shows cause or makes a submission. The Council would need to consider the submission prior to making a final decision on the matter
By-law 70A(2)	The By-law deals with the situation when dogs defecate	The requirement that the disposal of the faeces be in a manner that is not offensive to another person employs a subjective test. It is proposed that an objective test be used instead.
By-law 71(1)(b)(ii)	The By-law provides that a dog is a nuisance if the dog, among other things, makes a noise, by barking or otherwise, that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person in another premises	<p>This definition of nuisance by a dog employs a subjective test. As such, it is open to abuse and manipulation especially where neighbours have axes to grind with each other.</p> <p>It is proposed that instead an objective test be used to ensure that the By-law is applied to situations that genuinely warrant intervention.</p> <p>Please redraft the provision such that an objective test is used in determining whether the continued noise (by barking or otherwise) made by a dog constitutes a nuisance.</p>
Part 3, Division 2, Subdivision 6	Enforcement of the control of dogs and cats	<p>As an additional step to enforcement, it is proposed that, for an offence under the By-laws, a person who is committing an offence or whose dog is committing an offence, be provided with an opportunity to remedy or abate the offence.</p> <p>To this end, please draft a provision that allows for the issuance of an abatement notice and require that a person</p>

		<p>must comply with this notice.</p> <p>The notice must state the offence to be remedied, what abatement is required and the time or period by which the abatement should be done.</p> <p>It will be an offence for a person to fail to comply with the abatement notice within the timeframe and in the manner stipulated in the notice. Council officers will have the power to issue an infringement notice to a person who commits the offence.</p>
By-law 76	The By-law provides for the establishment of a pound and determination of pound fees	Please repeal By-law 76(2) as well as all references to pound manager in the entire By-laws. Instead, the CEO will have primary responsibility for the pound but will have the power to delegate this function
By-law 81	The By-law provides for the change of ownership or address of a dog	Please clarify that this provision only applies to “un-declared dogs (as opposed to “dangerous”, “menacing” or “nuisance” dogs)
By-law 89	The By-law makes it an offence for a person, without a permit to lay pipes, cables or conduits; or erect, place or maintain a post, pillar, bridge, footway, fixture or structure in, on, over, under or abutting a public place. It is also an offence to, without a permit, dig or remove, or cause to be dug or removed, turf, sand, clay, soil or other material from, or from beneath, a public place; or place a matter or thing, whether or not it causes an obstruction, on a public place.	<p>It appears that the By-law is out of place given that it is found in a division of the By-laws that relates to roads and crossings. It would seem more appropriate that the By-law be contained in Division 5, Part 4 of the By-laws. The provisions in the latter division are general in nature. In particular, By-law 100 appears to be aimed at achieving a similar purpose, that is, making it an offence to place a matter or thing, on, under or above a public place without a permit. It may well be that By-laws 89 and 100 could be merged together.</p> <p>However, we are happy to be guided by you on how the By-law would be drafted.</p>
By-law 94	The By-law creates the offence of damaging a tree, plant, garden or grass strip in a public place.	<p>At the moment, the By-law is not understood to include precluding a person from parking in a park or green belt. All that can be done is for a council ranger to ask the person to move the vehicle (and they do not have to move the vehicle). This is a particular issue when dealing with the Bicentennial Park and the Jingili Water Gardens.</p> <p>Please draft a provision that makes it an offence for a person to park a vehicle in a Council park or green belt in a public place and not within an allocated parking area without a permit.</p>
By-law 97	The By-law makes it an offence for a person to give out, distribute or affix a handbill in or on a public place without a permit.	<p>Currently, the By-law only contemplates handbills being affixed to a power pole, signpost or fixture in a street. However, people circumvent this prohibition by placing handbills under the windscreen wipers of cars.</p> <p>Please extend the prohibition of affixing handbills to vehicles and any other stationary object in or on a public</p>

		place.
By-law 104	The By-law deals with shopping trolleys	There are typos in By-law 104(5). Please replace the words “clause (2)(a)” with “clause (3)(a)”. Also, please replace the words “clause (3)” with “clause (4)”. There is a typo in By-law 104(7). Please replace the words “clause (3)” with “clause (5)”.
By-law 109(8)	The By-law prohibits a person, without a permit, from bringing an animal into a mall.	The policy intent is that this prohibition should not extent to assistance animals. It is also the intent that a person with an assistance animal need not obtain a permit to bring the animal into the mall. The Council will provide free registration of assistance animals.
		In addition, please include a new provision for the Council to have the power to allow dogs (that are not assistance dogs) in the mall at particular hours. For example, before 7am and after 6pm in order to allow for dog walking.
By-law 113	The By-law provides for the removal of a child from public swimming pools	Currently, the By-law provides that an authorised person can exclude from a public swimming pool or other waters, a child who is not accompanied by and in control of an older person who is capable of caring for the child. This provision is vague and could be interpreted to include any person who is under 18 years of age. The policy intent is that only children who are not capable of taking care of themselves may be excluded if they are not accompanied by an older person. Other Councils in Australia set the age that supervision is required as a child under 10 years. Please clarify this provision accordingly.
By-law 122	The By-law, among other terms, defines the terms “book or material”.	The definition does not include electronic devices or material that is online. Please draft a definition that includes electronic devices and material that can be accessed online.
By-law 124	The By-law provides for the registration of borrowers	Currently, no photo identification is required to be registered as a borrower as long as a person produces evidence of the person’s place of residence (which could be a bill or bank statement). It is proposed that photo identification be provided in addition to proof of residence in order to ascertain the identification of the borrower. Please draft a provision to achieve this result.
		The By-laws should also allow persons to register online and then come in for physical verification with photo identification and evidence of place of residence. Once these requirements have been met, the person can then borrow physical books.
		The By-laws currently do not contemplate for online registrations, where the sole purpose of the borrower is to access eResources including eBooks, without visiting the library in person. Please draft provisions to allow for this type of registration.
		The By-laws should allow a person who is only registered

		as a borrower of eResources to, if the need arises later, to be registered to borrow physical books by presenting in person with phot identification and proof of NT residence.
By-law 127	The By-law provides for the registration of borrowers from other libraries	The wording of the current By-law is unclear. Please clarify the provision as the intention is that a person who is registered as a borrower in any NT library that is not within the City of Darwin area may be registered by a City of Darwin library as a borrower and can then borrow books from any City of Darwin library.
By-law 129	The By-law provides for borrowers' cards and their validity	The <i>Information Act</i> imposes obligations on the City of Darwin in relation to how long the Council can hold borrowers' information on its library management system. Please clarify the provision so that a card remains in force and expires on a set expiry date endorsed on the card. If there is no set expiry date, then the card expires after 5 years. However, a card can be cancelled or suspended at any time.
By-law 130(3)	The By-law prohibits the issuance of a new borrower's card, where a previous card has been lost or destroyed, unless all books and materials are returned and outstanding fees and charges paid	Please repeal this provision. This practice is obsolete as the library can issue a card which records the books and materials that are yet to be returned and/or outstanding fees and charges.
By-law 132	The By-law requires the a borrower to present his/her card at a designated area in order to borrow a book or material	This requirement is outdated as it does not allow for the use of mobile technology. As such, please delete the words "at the area designated" from the provision.
By-law 134(3)	The By-law allows a librarian to decline to change the book or material borrowed on the same day.	This practice is outdated and is no longer applicable to contemporary library service. Please repeal the provision.
By-law 138	The By-law makes it an offence not to return books or pay a specified amount to replace lost or damaged books after a person has received a formal demand from the council	The current practice by the Council is to use debt collectors to retrieve long overdue items. The Council does not send "formal demands". Please redraft the provision to retain the offence but not make references to a formal demand letter by the council and instead allow for the current practice by Council.
By-law 146(1)(e)	The By-law prohibits a person from making a copy of the borrower's card	Please redraft to ensure that it does not capture borrowers who use smart technology to store library cards on apps.
By-law 146(h)(i)	The By-law prohibits a person from taking a tracing from a book or	This practice is outdated and is no longer applicable to contemporary library service. Please repeal the provision.

	material except through a protective screen and with the permission of the librarian	
By-law 146	Conduct of persons in libraries	Please include a new provision that requires any person in a library to observe the library's code of conduct
By-law 187(3)(a)	The By-law prohibits, among other things, an advertising sign from causing obstruction of, or distraction to, vehicular and pedestrian traffic.	The definition of vehicle includes bicycles, tricycles, motor vehicles, an animal being driven or ridden but does not include a train, or a motorised wheelchair which is not capable of travelling at a speed greater than 7km/h. The policy intent is that an advertising sign should not obstruct or distract any person. Please also include in this By-law that the advertising sign must not obstruct or distract a person on a motorised wheelchair which is not capable of travelling at a speed greater than 7km/h.
By-law 197	The By-law provides that if an advertising sign is exhibited in contravention of the By-laws or a condition of a permit in respect of the advertising sign, an authorised person may give written notice of non-compliance to the advertiser.	Currently, the Council issues notices to the business or land owner where the advertising sign is located and not the person who carried out the works. However, there are times when the business or land owner is unaware of the sign which may be erected without his/her knowledge or consent. Please draft provisions that will allow the Council to issue notices to the signage consultant who erected the advertising in addition to the business or land owner.

### **New provisions**

In addition to the changes mentioned above, Council would like the inclusion of the following new provisions in the By-laws.

#### Smoke free areas

The Council wishes to responsibly manage public places so as to enhance the enjoyment of those places by the general public. This includes establishing smoke free areas within the municipality.

Please draft By-laws that prohibit a person from smoking a tobacco product in a smoke free area. Where an authorised officer believes on reasonable grounds that a person is smoking a tobacco product in a smoke free area, the authorised person may direct the person to extinguish and then dispose of the tobacco product.

Council may declare any area within the municipality to be a smoke free area. At least 28 days before declaring a smoke free area, the Council must publish, in a newspaper circulating in the Council area, a notice of its intention to declare the area. The Council must consider any responses from members of the public before declaring the area.

When determining whether to declare a smoke free area, Council must have regard to the following factors:

- (1) the size of the proposed smoke free area;
- (2) the opinions of any person who is the owner or occupier of any part of the proposed smoke free area;
- (3) proximity of the proposed smoke free area to a public place, part or all of which is not in a smoke free area;
- (4) the extent and outcome of any public consultation on the proposed smoke free area;
- (5) any benefits to the community which would be achieved by Council prescribing the proposed smoke free area; and
- (6) any detriments to the community which would be caused by Council prescribing the proposed smoke free area.

However, the following areas are automatically smoke free areas:

- any children’s playground and any area abutting such children’s playground as prescribed by Council; and
- any parcel of land on which a child care centre is located, and any area abutting such parcel of land as prescribed by Council.

The Council or an authorised officer may erect, or cause to be erected, an acceptable “no smoking” sign in a smoke free area.

#### Unattended item in a Public Place

The Council wishes to protect the use and amenity of public places for all citizens by controlling behaviour in public places, by providing security measures to be taken in public places and by prohibiting persons from causing damage to public places or acting in a socially unacceptable manner.

Please draft By-laws that prohibits a person from leaving any item unattended in a public place unless in accordance with a permit. Please also provide an authorised officer with powers to confiscate and impound any item that is left unattended. An item that is confiscated or impounded must be returned to the owner on payment of any fee or charge prescribed by Council for its release.

If the owner of a confiscated or impounded item has not paid any fee or charge required for its release, the Council may sell, destroy or give away the item. However, before doing so, the Council must take reasonable steps to notify the owner of the item that the item has been impounded and may be sold, destroyed or given away unless the specified fee or charge is paid within 14 days.

**PROCESS FOR MAKING BY-LAWS**

- (1) Decide what type of By-laws the Council is interested in having or amendments to current Council By-laws.
- (2) A Council staff member should be chosen to be the “instructing officer”. This is the person who will liaise with the Department of Housing and Community Development (DHCD) and the Office of Parliamentary Counsel (OPC).
- (3) Discuss with Solomon Gaturu from DHCD what type or types of By-laws the Council is interested in making.
- (4) Solomon will help the instructing officer prepare drafting instructions and send an initial draft for feedback. Solomon is happy to help write drafting instructions and to meet (in Darwin or by phone) to discuss or facilitate this process.
- (5) The instructing officer prepares paper for Council (Solomon can help/check if you wish) and attaches the drafting instructions for Council to approve drafting.
- (6) Council resolves to approve the drafting instructions and to have the By-laws drafted. This is the first time that a council resolution is required. It is worth noting that once Council has made a resolution on the drafting instructions, no further changes can be made to the instructions unless Council makes another resolution changing the instructions.
- (7) The instructing officer sends the Council resolution and the drafting instructions to Solomon who will liaise with LGANT. LGANT will authorise for the drafting instructions to be provided to OPC.
- (8) OPC will allocate a legal drafter who will draft and send versions of the drafted By-laws back to instructing officer for comment. Solomon should be copied in or forwarded this correspondence. This is so that Solomon can help prepare a response. The instructing officer must read the correspondence and draft versions carefully to see if everything wanted is covered. The drafter will probably have a number of questions or need clarification from the instructing officer.
- (9) The instructing officer discusses the response with Solomon who will give the instructing officer input or clarification and help prepare the response to OPC.
- (10) The instructing officer replies to OPC and copies Solomon. This should always be by email so that there is a record of what was discussed or agreed.
- (11) The process of back and forth with versions of the drafted By-laws and questions will continue until the instructing officer and OPC are happy. Solomon can provide input or clarification every step of the way.
- (12) A “plain English” explanation of the By-laws (otherwise known as the public information paper) should be prepared. Before the public information paper is used, it must be run past Solomon to ensure it accurately reflects what the

By-laws say. The Council must also approve the use of this paper as part of the consultation with the residents of the Council area on the final draft By-laws. Of note, DHCD will not accept that the consultation was sufficient if the public information paper is not an accurate summary of the By-laws or could be misleading.

- (13) The final draft By-laws must go back to the Council for approval to commence consultation as set out at in section 190 of the *Local Government Act*. Council must consult for at least 21 days, publish the proposed By-laws on its website, make copies of the proposed By-laws available for public inspection, without charge, at the Council's office and give notice in a newspaper circulating in the Council area of the availability of the By-laws and of its general nature and effect. Council must consider written representations made by members of the public about the proposed By-laws.
- (14) After consultation, OPC should be asked to make any final tweaks that have arisen during consultation and to certify the By-laws for the purposes of the *Local Government Act*.
- (15) Once the By-laws are certified they should be presented to the Council with a full report concerning the submissions for final resolution to adopt, which must be a special resolution of the Council. A special is a resolution supported by the votes of at least three-quarters of the total number of members of the Council. The Council should also resolve who has the authority to sign the By-laws (usually the CEO).
- (16) Once the Council has made these resolutions then the By-laws must be signed by the person authorised to do so, indicating that the Council has resolved to make the By-laws.
- (17) The following documents must then be sent to Solomon:
  - (i) a request by Council to the Minister to gazette the By-laws;
  - (ii) a copy of the final By-laws adopted by Council signed by the authorised person;
  - (iii) a copy of the Council resolution;
  - (iv) full details and results of the consultation undertaken on the By-laws; and
  - (v) copies of the certification documents from OPC.

There are a lot of steps! Do not be too concerned though, DHCD are available to answer any questions you have throughout the entire process.

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.4  
NO

### DARWIN VELODROME UPGRADE

REPORT No.: 17CL0016 AM:kl COMMON No.: 3091378 DATE: 17/10/2017

**Presenter:** General Manager City Life, Anna Malgorzewicz

**Approved:** Chief Executive Officer, Brendan Dowd

#### **PURPOSE**

The purpose of this report is to seek Council endorsement of the preferred option to progress the Darwin Velodrome Upgrade Project.

#### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

##### **Goal**

2 Vibrant, Flexible and Tropical Lifestyle

##### **Outcome**

2.3 Increased sport, recreation and leisure experiences

##### **Key Strategies**

2.3.2 Position Darwin as a host centre for local, national and international sport and other events

#### **KEY ISSUES**

- In April 2015 the Northern Territory Government announced an allocation of \$1.5M toward the upgrade of the Darwin Velodrome as part of the 2015/2016 Northern Territory Government budget.
- Council endorsed the scope of works consisting of re-surfacing and re-banking of the track, drainage and landscaping works as required, and the addition of lighting, the latter item subject to budget availability. The scope of works was established following extensive consultation with all stakeholders in the cycling community and Northern Territory Government.
- A one-off capital grant and funding agreement was entered into between the City of Darwin and the Northern Territory Government in May 2016 and a project team was established comprising members of a number of cycling peak organisations, the Northern Territory Government and City of Darwin officers.
- In November 2016 an expression of interest process for Design and Documentation of the Darwin Velodrome was commenced with final assessment of EOI's being completed in January 2017.

PAGE: 2  
 REPORT NUMBER: 17CL0016 AM:kl  
 SUBJECT: DARWIN VELODROME UPGRADE

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- The consultancy for design and documentation of the Darwin Velodrome Upgrade was awarded to Cardno Pty Ltd based on demonstrated technical knowledge and past experience.
- Following ongoing consultation with the project team, City of Darwin's project consultant presented a number of options with cost estimates in September 2017. As first reported to Council in March 2016, the allocation of \$1.5M is insufficient to meet the full scope of works as described in the original proposed upgrade brief and a number of suggested alternatives have been discussed with the project team and are presented in this report for Council consideration.

### **RECOMMENDATIONS**

- A. THAT Report Number 17CL0016 AM:kl entitled Darwin Velodrome Upgrade be received and noted.
- B. THAT Council endorse Option 4 as contained in Report Number 17CL0016 AM:kl entitled Darwin Velodrome Upgrade.
- C. THAT Council write to the Department of Tourism and Culture, Sport and Recreation, Northern Territory Government requesting an opportunity for Cycling NT to explore alternative approaches to project delivery and obtain cost options.
- D. THAT a further report be presented to Council following Cycling NT's investigations.

### **BACKGROUND**

#### **PREVIOUS DECISIONS**

*DECISION NO.21\5124 (31/01/17)*

#### **Velodrome Upgrade Progress Report**

*Report No. 17C0005 AM:kl (31/01/17) Common No. 3091378*

*THAT Report Number 17C0005 AM:kl entitled Velodrome Upgrade Progress Report, be received and noted.*

*DECISION NO.21\4397 (17/05/16)*

#### **Darwin Velodrome Upgrade - Progress Report**

*Report No. 16C0044 AM:kl (17/05/16) Common No. 3091378*

- B. THAT Council pursuant to Section 32 (2) of the Local Government Act hereby delegates to the Chief Executive Officer power to finalise the funding agreement between the City of Darwin and the Northern Territory Government regarding the Velodrome.

PAGE: 3  
 REPORT NUMBER: 17CL0016 AM:kl  
 SUBJECT: DARWIN VELODROME UPGRADE

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DECISION NO.21\4268 (22/03/16)

**Darwin Velodrome Upgrade**

Report No. 16C0027 AM:kl (22/03/16) Common No. 3091378

- B. *THAT Council endorse the Darwin Velodrome Upgrade Project, the total scope of works consisting of resurfacing and re-banking of the track, necessary drainage and landscaping works, a safety barrier and lighting improvements only.*
- C. *THAT Council accept the Northern Territory Government capital grant of \$1.5 million (plus GST) on the condition that subject to the final tender, the scope of works may be revised to exclude lighting and/or other improvements, in order to meet the available budget.*
- D. *THAT Council write to the Northern Territory Government indicating its acceptance of the capital grant on the proviso that the agreed scope of works may require amendment or additional funding from the NTG should the final tender amount exceed the budget allocation.*

DECISION NO.21\3777

**Velodrome – September 2015 Update**

Report No. 15C0124 AM:sc (29/09/15) Common No. 3091378

- A. *THAT Report Number 15C0124 AM:sc entitled Velodrome - September Update, be received and noted.*
- B. *THAT Council write to the Minister for Sport and Recreation advising that it is awaiting details of the scope of works for the upgrade of the Darwin Velodrome.*

**DISCUSSION**

The Northern Territory Government announced an allocation of \$1.5 M toward the upgrade of the Darwin Velodrome as part of the 2015/2016 Northern Territory Government budget.

The Darwin Velodrome is situated on Lot 1676, Town of Nightcliff. The City of Darwin obtained freehold title of the land from the Northern Territory Government in 1990. An active competitive cycling club has been part of the Darwin sporting and recreational landscape since the 1950s. The existing Darwin Velodrome was constructed circa 1970 and the bitumen track was resurfaced in 1994 and 2000 with financial assistance from the Northern Territory Government. Additional amenities such as lighting, a safety guard rail and temporary buildings and storage were added to the facility over the course of the past thirty years.

The facility is used by cycling organisations, predominantly the Darwin Cycling Club for programs and training. Due to the current banking angles and surface the track can only support use by juniors. The Darwin Velodrome is accessible to the

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SUBJECT: DARWIN VELODROME UPGRADE

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community in general. Triathlon NT utilise the inner area of the facility for bike skills training.

The Darwin Velodrome is a bitumen surface track with approximately 17 degree banking at its bends and a 333 metre circumference. The surface has deteriorated and has been patched. The track has a safety guard rail that is in disrepair and the venue has lighting in situ to which the City of Darwin has undertaken repairs over the years. Associated buildings include stand-alone sheds and storage containers.

The existing design of the Velodrome requires considerable work to bring it up to current standards. The proposal is to increase the track height and reduce the overall length of the track. These modifications will create an industry compliant velodrome of 250m circumference with 30 – 35 degree gradients at its bends and a concrete surface. The proposal also includes upgrades to in-field drainage and amenity, the installation of perimeter fencing and gates and installation of lighting. The intent of the modifications is to bring the facility's specifications in line with requirements of local and national competition standards.

These modifications align with the needs of Cycling NT, one of the two main user groups of the facility; though do not accord with the expressed aspirations and needs of Triathlon NT. Triathlon NT considers the facility in its current form is acceptable for all cycling events that would ever be staged in the NT.

The Darwin Cycling Club supports banking and surface modifications as this will enable use by both juniors and adults and encourage the growth and development of the sport. Currently there is no appropriate facility in the Top End that supports track racing.

Following Council's decision at the 2<sup>nd</sup> Ordinary Meeting in March 2016, negotiations continued with the Northern Territory Government regarding funding agreement content. The former Department of Sport and Recreation agreed the project brief described in the funding agreement will include all elements as contained in the scope of works, however, lighting improvements will only be included if budget permits. Additionally, the Northern Territory Government agreed for an agency representative to participate in regular project meetings and any exclusion from the scope of works will be agreed to in consultation with all parties and the cycling community.

This approach was agreed to following a number of preliminary cost estimates that indicated the allocation of \$1.5 M would be insufficient to meet the full scope of works as described in the original proposal.

In November 2016 the City of Darwin commenced the expression of interest process for the Design and Documentation of the Velodrome. Three submissions were received and assessed in accordance with City of Darwin procedure CM04 Tender Assessment. The consultancy for design and documentation of the Velodrome was awarded to Cardno NT Pty Ltd based on demonstrated technical knowledge and past experience with redeveloping a similar velodrome.

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 SUBJECT: DARWIN VELODROME UPGRADE

In consultation with the project team Cardno developed a Masterplan for the Darwin Velodrome (**Attachment A**). Cost plans for the proposed scope of works were also developed and following discussions with the Department of Tourism and Culture, Sport and Recreation, a number of cost plan options for alternative treatments were also prepared and including technical specifications. Detailed cost breakdowns will be provided to the Elected Members through the intranet site.

The three costed options are presented in summary below:

**OPTION ONE: VELODROME MASTERPLAN**

The Velodrome Master Plan works include:-

Darwin Velodrome upgrades	\$ 3,456,887
Lighting upgrades	\$ 470,000
Competitor preparation/staging area	\$ 50,000* (* provisional sum)
Amenity and store age area	\$ 600,000*
Car parking refurbishment	\$ 250,000*

**Total \$ 4,826,887**

Note this option exceeds budget availability.

**OPTION TWO: VELODROME UPGRADE**

The project will involve the upgrade of the velodrome track area only. There is an option to upgrade the lighting also. This aligns with the project clauses set out in the funding agreement with the Northern Territory Government.

The Velodrome Upgrade works include:-

Darwin Velodrome upgrades	\$ 3,456,887
Optional Lighting upgrades	\$ 470,000

**Total \$ 3,926,887**

Note this option exceeds budget availability.

**OPTION THREE: VELODROME RESURFACING**

The project will involve the asphalt resurfacing of the existing velodrome track. This will include the replacement of the track safety barrier, provisions for stairs and PWD access. There is an option to upgrade the lighting also.

Asphalt resurfacing to the existing track	\$ 799,767
Optional Lighting upgrades	\$ 470,000

**Total \$ 1,269,767**

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SUBJECT: DARWIN VELODROME UPGRADE

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A further option to overlay the existing surface with concrete was also prepared but this option is not being considered.

Note this option is within budget availability however is not the preferred option of Cycling NT or the Darwin Cycling Club. Triathlon NT supports this option as the only financially viable option that addresses its needs.

#### **OPTION FOUR: DIRECT COMMUNITY GRANT TO CYCLING NT**

This option was discussed at a meeting with the Darwin Velodrome Upgrade Project Team in September 2017 following the receipt of the final cost plans from the consultant Cardno.

Cycling NT and the Darwin Cycling Club are of the view that the organisations can work directly with local and suitably qualified contractors to provide cost estimates for a design that accord with Cycling Australia requirements, delivers the desired original scope of works and can be delivered within a 15% variation of the total available budget. Cycling NT seeks consent from Council and the Northern Territory Government to explore alternative delivery options and if achievable and compliant, request that the City of Darwin redirect the balance of funds, with the consent of the Northern Territory Government, to Cycling NT as a community grant, subject to a variation of the existing agreement.

It should be noted Triathlon NT does not support this option. Triathlon NT considers itself the largest user group of the facility. In addition, concern has been expressed that alternative costings may not bear the necessary professional rigour and expertise and potentially undermine the work undertaken by the project consultants.

If this option were to be pursued, all documentation prepared by the project consultants Cardno, would be made accessible to Cycling NT to assist and inform its investigations. Following the Cycling NT review a further report would be presented to Council for consideration with recommended actions as appropriate.

This option is the preferred option.

The Project Team has worked with the project consultants over the past eight months in scope and design deliberations. Peak cycling organisations have been directly involved in this work and hold a strong view that the desired original scope can be achieved if alternative approaches are explored. The Project Team at its meeting in September 2017 supported this approach though some dissent from Triathlon NT was voiced.

As the Darwin Velodrome is utilised by the Darwin Cycling Club and Cycling NT for training and racing activities and the prospect of a compliant velodrome will encourage pathways for young people to participate in and develop skills in track racing, further investigation is deemed prudent at this time and poses no risk to the project.

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 REPORT NUMBER: 17CL0016 AM:kl  
 SUBJECT: DARWIN VELODROME UPGRADE

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## **CONSULTATION PROCESS**

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

- Manager, Capital Works
- Capital Works Coordinator
- Manager Leisure and Customer Experience

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

- Cycling NT
- Darwin Cycling Club
- Director Infrastructure, Department of Tourism and Culture
- Executive Director, Sport and Recreation
- Mr Paul Mead, Strategic Project Consultant, Cycling NT
- Triathlon NT

Throughout the consultation process, Pedals NT, a strategic alliance for the cycling community was also involved in discussions and planning. However, this body is no longer operational.

## **POLICY IMPLICATIONS**

Council Policy No. 046 – Recreation and Healthy Lifestyle provides a framework to encouraging active behaviour and the equitable, safe and inclusive use of Council's active and passive recreation facilities.

## **BUDGET AND RESOURCE IMPLICATIONS**

As part of the 2015/2016 NTG budget announcements an amount of \$1.5 M (plus GST) was allocated to the upgrade of the Darwin Velodrome.

The project budget is inclusive of the design documentation at a cost of \$105,010 (ex GST).

## **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

The revised footprint of the Velodrome will impact on existing trees, requiring the removal of some specimens. The retention of as many established trees as practicable will be a requirement of the final design to ensure the amenity of the area and the provision of natural shade is maintained.

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SUBJECT: DARWIN VELODROME UPGRADE

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**ANNA MALGORZEWICZ**  
**GENERAL MANAGER CITY LIFE**

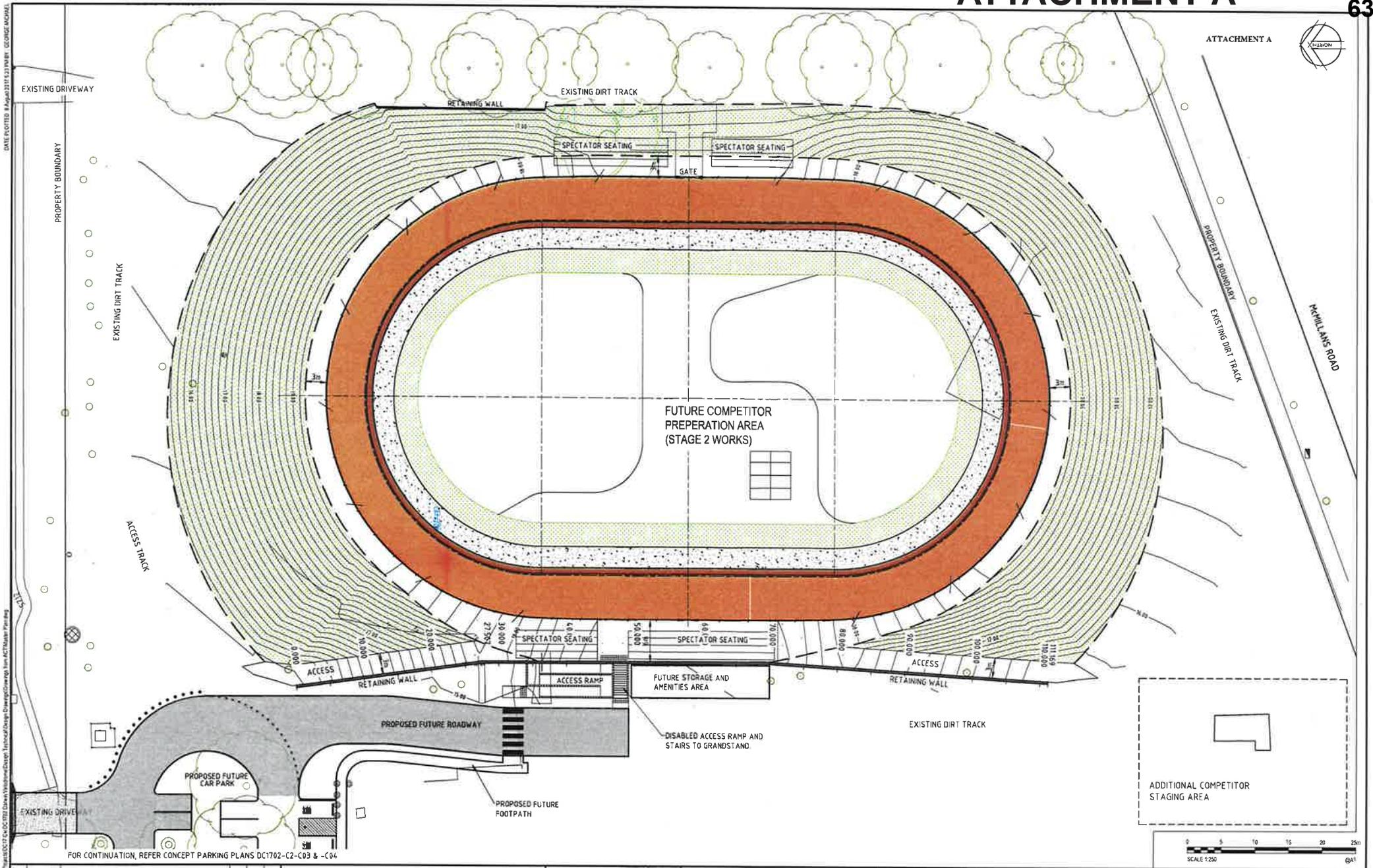
**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

For enquiries, please contact Anna Malgorzewicz on 89300633 or email:  
a.malgorzewicz@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Masterplan for the Darwin Velodrome

ATTACHMENT A



FOR CONTINUATION, REFER CONCEPT PARKING PLANS DC1702-C2-C03 & -C04

XREF: X:DW:BASE\_X:CVT:28:61\_X:DOCKIT\_X:VFP\_X:CONTROL\_WALL  
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Rev	Date	Description	By	App'd	Q.D.	R.P.	G.D.
A		MASTER PLAN FOR DISCUSSION					



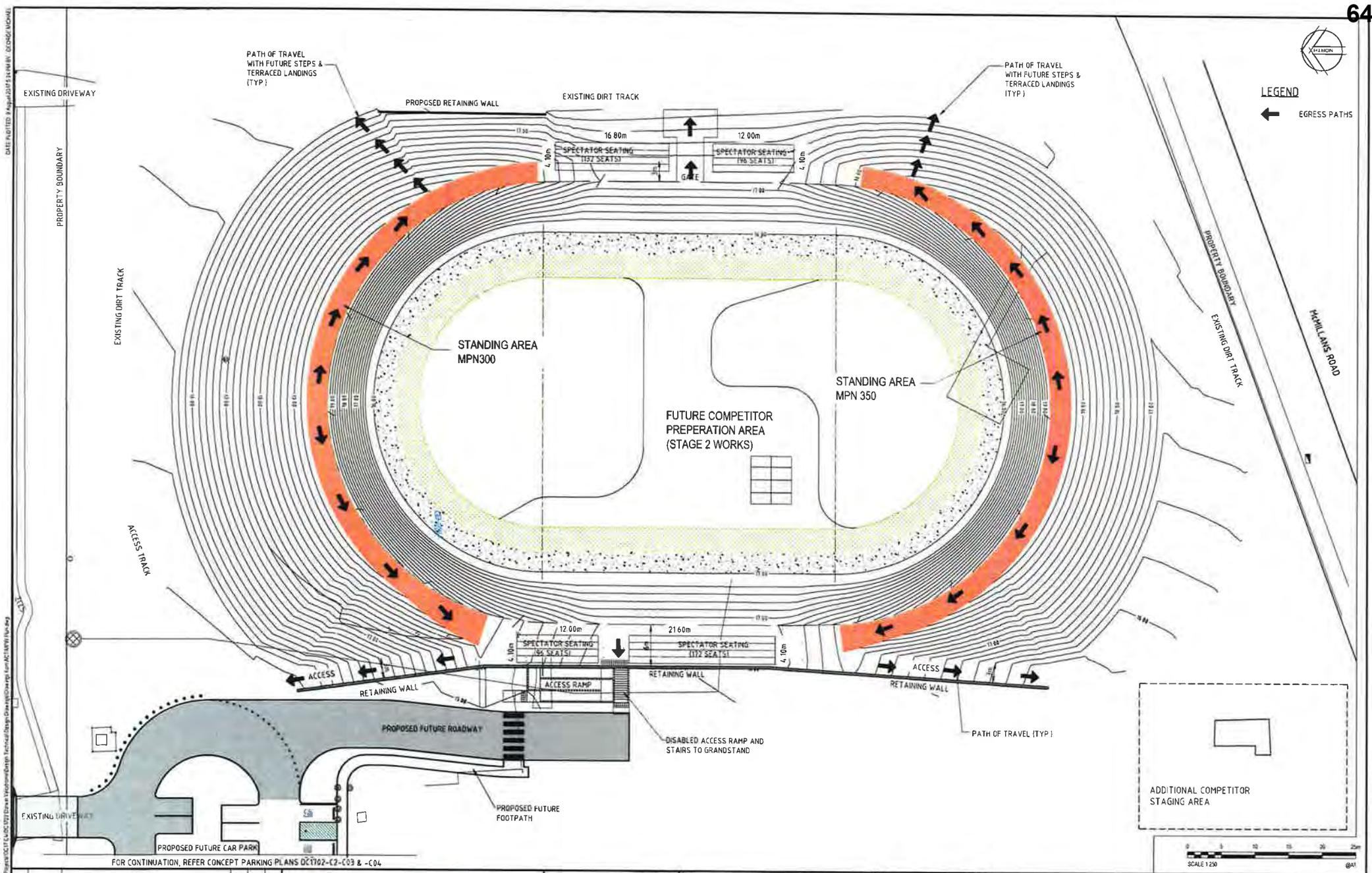
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Drawn	G.M.	Date	6/07/2017
Checked	R.P.	Date	6/07/2017
Designed	G.D.	Date	6/07/2017
Finalised	R.P.	Date	8/08/2017
Approved	G.D.	Date	8/08/2017

Client: CITY OF DARWIN  
 Project: DARWIN VELODROME UPGRADE  
 Title: VELODROME MASTER PLAN  
 Drawing Number: MASTER PLAN

Status: **PRELIMINARY**  
 NOT TO BE USED FOR CONSTRUCTION PURPOSES  
 Scale: 1:250 AT A1  
 Drawing Number: DC1702 - C2 - C01  
 Revision: A



DATE PLOTTED: 14/04/2017 11:41 AM BY: GUNGGU.MOHAN

XREF: X-COM-BASE-XC-VT2188-01-X-DCONT-X-VIP-X-COMBOD-WALL

C:\01\01\DC1702\C1702-C2-C02\Drawings\DC1702-C2-C02-02.dwg

FOR CONTINUATION, REFER CONCEPT PARKING PLANS DC1702-C2-C03 & -C04

No.	Date	Author	Check	Disc.	Rev.	By	Appr.
1	9/08/2017	MAKER PLAN FOR DISCUSSION					



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Drawn	GM	05/02/17
Checked	RP	05/02/17
Designed	GG	05/02/17
Modelled	RP	05/02/17
Approved	GG	05/02/17

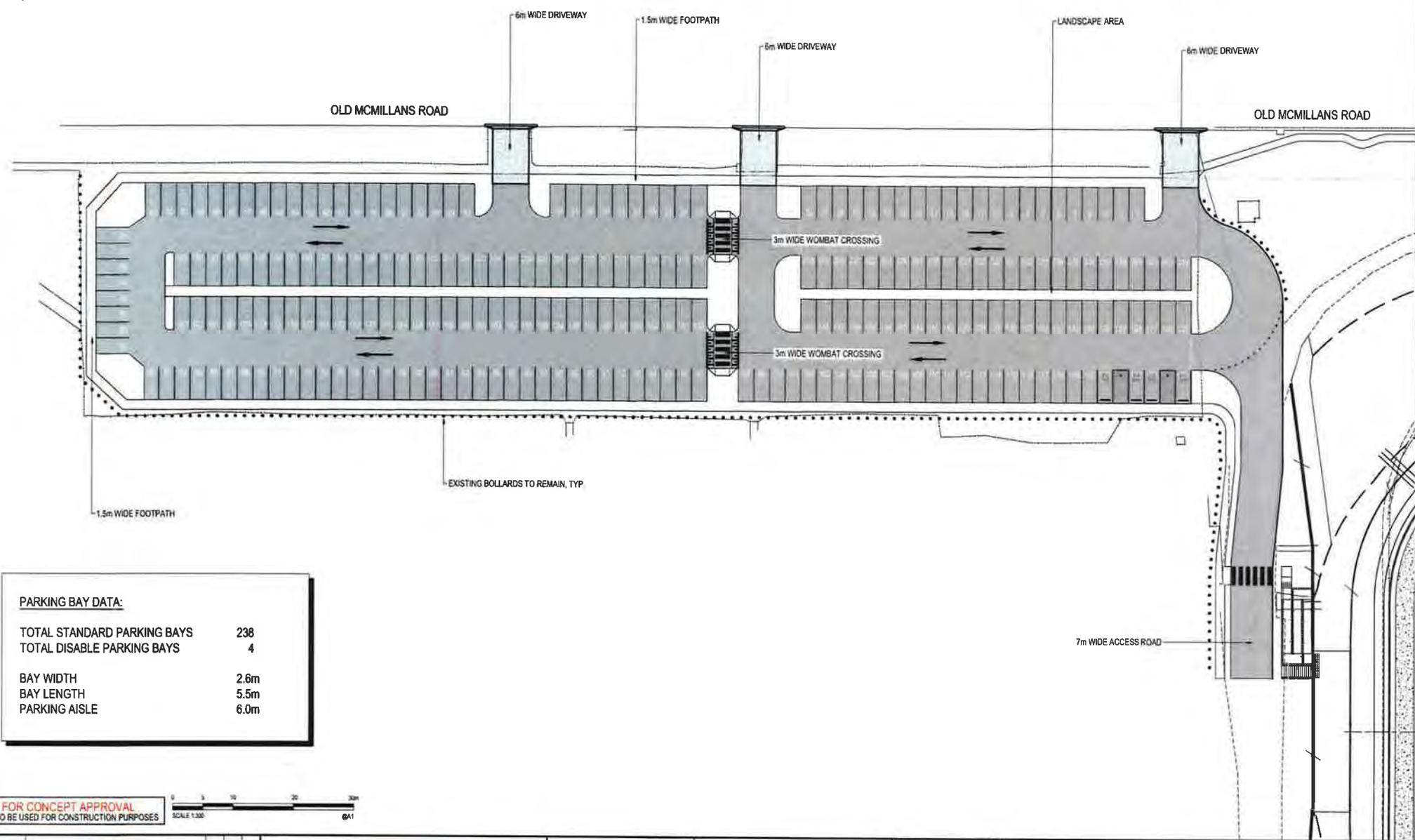
Client: CITY OF DARWIN  
Project: DARWIN VELODROME UPGRADE  
Title: VELODROME MASTER PLAN  
SPECTATOR CAPACITIES AND EGRESS PATHS

Scale:	1:250 AT A1
Drawing Number:	DC1702 - C2 - C02
Revision:	A

SCALE 1:250

PRELIMINARY  
NOT TO BE USED FOR CONSTRUCTION PURPOSES

DATE RATED August 2013 1:34 PM BY GEORGE MOHALL



PARKING BAY DATA:	
TOTAL STANDARD PARKING BAYS	238
TOTAL DISABLE PARKING BAYS	4
BAY WIDTH	2.6m
BAY LENGTH	5.5m
PARKING AISLE	6.0m

**FOR CONCEPT APPROVAL**  
NOT TO BE USED FOR CONSTRUCTION PURPOSES



Rev	Date	Change	By	Appr
A	30/08/2013	MASTER PLAN FOR DISCUSSION	G.J.	R.P.
			Des.	Verif.
			Appr.	



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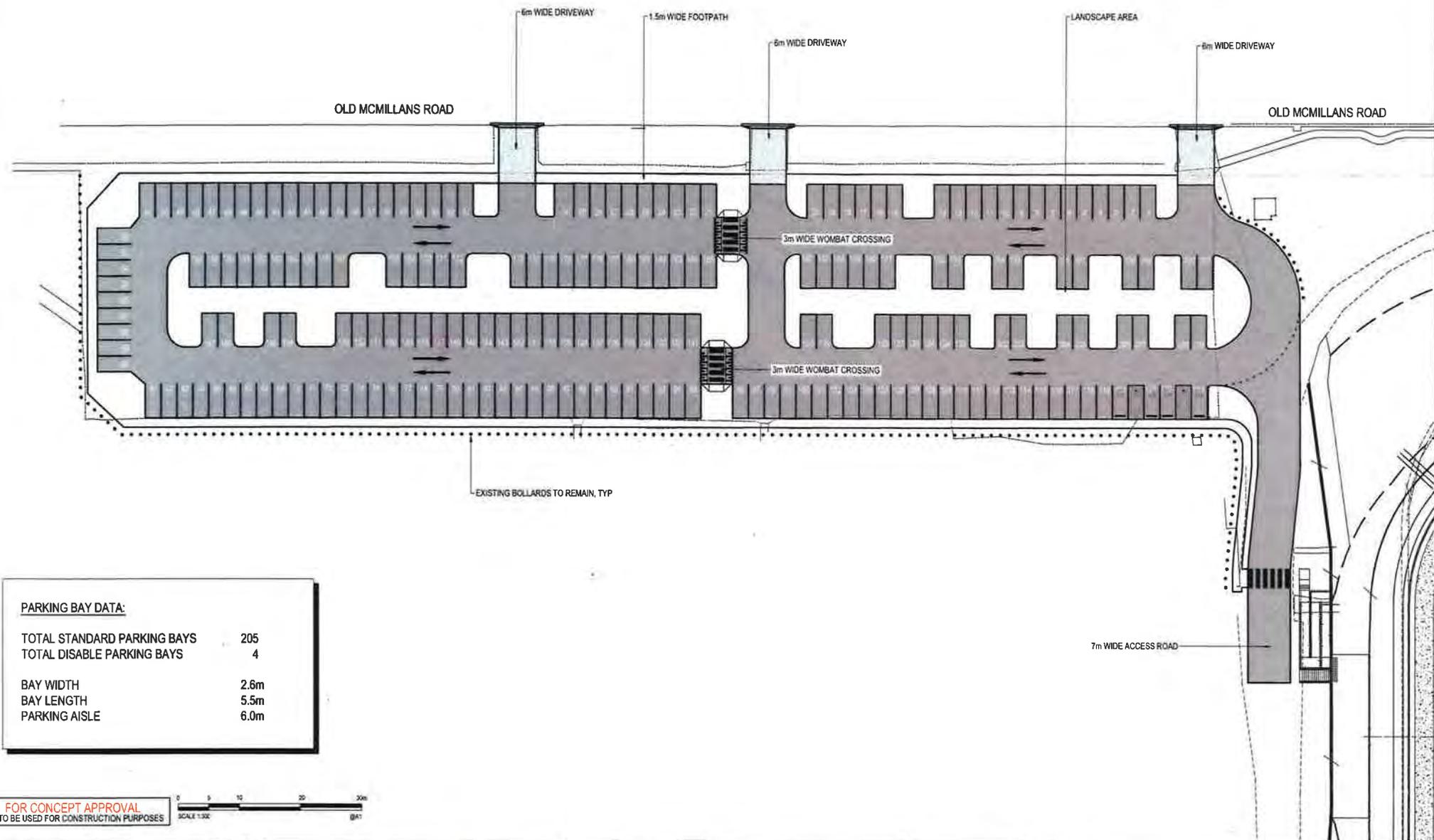
Drawn	Date	Client
J.C.	05/02/2013	CITY OF DARWIN
Checked	Date	Project
R.P.	05/02/2013	DARWIN VELODROME UPGRADE
Designed	Date	
G.G.	05/02/2013	VELODROME MASTER PLAN
Verified	Date	
R.P.	05/02/2013	
Approved	Date	
G.G.	05/02/2013	

Drawn	Date	Client
J.C.	05/02/2013	CITY OF DARWIN
Checked	Date	Project
R.P.	05/02/2013	DARWIN VELODROME UPGRADE
Designed	Date	
G.G.	05/02/2013	VELODROME MASTER PLAN
Verified	Date	
R.P.	05/02/2013	
Approved	Date	
G.G.	05/02/2013	

Scale	Revision
AHD	A1
Scale	1:900 AT A1
Drawing Number	DC1702 - C2 - C03
Revision	A

**PRELIMINARY**  
NOT TO BE USED FOR CONSTRUCTION PURPOSES

DATE PLOTTED: 1 August 2013 12:51 PM BY: GEORGE MOHLE



PARKING BAY DATA:	
TOTAL STANDARD PARKING BAYS	205
TOTAL DISABLE PARKING BAYS	4
BAY WIDTH	2.6m
BAY LENGTH	5.5m
PARKING AISLE	6.0m

**FOR CONCEPT APPROVAL**  
NOT TO BE USED FOR CONSTRUCTION PURPOSES



Rev	Date	Description	Des	Verif	Appr



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Drawn	Date	Client
J.C.	6/2/2011	CITY OF DARWIN
Checked	6/2/2011	Project
A.R.	6/2/2011	DARWIN VELODROME UPGRADE
Designed	6/2/2011	Title
G.G.	6/2/2011	VELODROME MASTER PLAN
Revised	6/2/2011	Scale
J.R.	6/2/2011	1:300 AT A1
Approved	6/2/2011	Revision
G.G.	6/2/2011	A

CAR PARK LAYOUT - OPTION 2 (RETENTION OF MAJORITY OF TREES)

Station	
NOT TO BE USED FOR CONSTRUCTION PURPOSES	
AHD	1:300 AT A1
Drawing Number	DC1702 - C2 - C04

## 14.2 OFFICERS REPORTS (RECEIVE & NOTE)



ENCL: YES	1ST ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM:	14.2.1
<b>CITIZENSHIP ACT</b>			
REPORT No.:	17CE0012 MR:ph	COMMON No.:	3549815
			DATE: 17/10/2017

**Presenter:** Executive Manager, Melissa Reiter

**Approved:** Acting Chief Executive Officer, Luccio Cercarelli

### **PURPOSE**

The purpose of this report is to provide further information to a Members Question (Decision No 21\5449) on 30 May 2017 in regards changes to the *Australian Citizenship Act*.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

5 Effective and Responsible Governance

#### **Outcome**

5.4 Effective leadership and advocacy

#### **Key Strategies**

5.4.2 Advocate on behalf of the community

### **KEY ISSUES**

- The Australian Government is proposing to amend the *Citizenship Act*.
- Council has sought information in regards these amendments in the form of a report.
- The amendments to the *Citizenship Act* are currently before the Senate.
- The Senate held an Inquiry and has subsequently released a report in relation to the amendments.

### **RECOMMENDATIONS**

THAT Report Number 17CE0012 MR:ph entitled Citizenship Act, be received and noted.

PAGE: 2  
 REPORT NUMBER: 17CE0012 MR:ph  
 SUBJECT: CITIZENSHIP ACT

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## **BACKGROUND**

At the 2<sup>nd</sup> Ordinary Council Meeting of 30 May 2017, the following was a Question by Members:

### **Citizenship Act**

*Common No. 3549815*

*Member R M Knox asked whether Council could write to the Minister for immigration regarding the changes to the Citizenship Act?*

*The Acting Chief Executive Officer responded and advised that further information could be sought for Council with a report to follow.*

## **DISCUSSION**

The Australian Citizenship Legislation Amendment (Strengthening Requirements for Australian Citizenship and other Measures) Bill (the Bill) intends to strengthen the requirements for Australian Citizenship and incorporates a number of integrity measures.

The Bill amends the *Australian Citizenship Act 2007*, which provides the current legal basis for all citizenship provisions, with subordinate legislation, the Australian Citizenship Regulations 2016, which sets out the detailed requirements for matters provided by the Act.

The Bill was introduced into the House of Representatives in June 2017 and is currently before the Senate.

On 22 June 2017 the Senate referred the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 for inquiry and report by 4 September 2017.

The closing date for submissions was 21 July 2017, however on 4 September the Senate granted an extension of time to report until 5 September 2017. The Senate Report of the Legal and Constitutional Affairs Legislation Committee is attached at **Attachment A**.

## **CONSULTATION PROCESS**

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

- Committee Administrator
- General Manager City Performance

PAGE: 3  
 REPORT NUMBER: 17CE0012 MR:ph  
 SUBJECT: CITIZENSHIP ACT

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

- Alderman Robin Knox

### **BUDGET AND RESOURCE IMPLICATIONS**

Nil

### **RISK/LEGAL/LEGISLATIVE/POLICY IMPLICATIONS**

Whilst the Bill makes a range of amendments to the *Australian Citizenship Act 2007*, there does not appear to be any policy implications for the Citizenship Ceremony process currently conducted by the City of Darwin.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**MELISSA REITER**  
**EXECUTIVE MANAGER**

**LUCCIO CERCARELLI**  
**ACTING CHIEF EXECUTIVE**  
**OFFICER**

For enquiries, please contact Melissa Reiter on 89300516 or email:  
 m.reiter@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Senate Report – Legal and Constitutional Affairs Legislation Committee – Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 [Provisions]

*Submitted electronically:*

<https://www.darwin.nt.gov.au/council/council-committees/agendas-minutes/1st-ordinary-council-meeting-38>

## 15. TOWN PLANNING REPORT/LETTERS



ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 15.1  
 YES

**COUNCIL RESPONSES TO PLANNING APPLICATIONS - OCTOBER 2017**

REPORT No.: 17CF0015 BS:hd COMMON No.: 2547669 DATE: 17/10/2017

**Presenter: Manager City Planning, Cindy Robson**

**Approved: General Manager City Futures, Gerard Rosse**

**PURPOSE**

The purpose of this report is to present to Council for consideration, responses to Planning Applications received between 16 September and 6 October 2017.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

1. Collaborative, Inclusive and Connected Community

**Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

**Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

**KEY ISSUES**

- A summary of City of Darwin responses to the Development Consent Authority for Development Applications exhibited between 16 September and 6 October 2017 is provided.

**RECOMMENDATIONS**

- THAT Report Number 17CF0015 BS:hd entitled Council Responses to Planning Applications - October 2017, be received and noted.
- THAT Council endorse the responses to the Development Consent Authority within **Attachments A and B** to Report Number 17CF0015 BS:hd entitled Council Responses to Planning Applications - October 2017.

PAGE: 2  
 REPORT NUMBER: 17CF0015 BS:hd  
 SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - OCTOBER 2017

## **BACKGROUND**

City of Darwin responded to eight Development Applications between 16 September and 6 October 2017.

## **DISCUSSION**

### **Development Applications**

Of the eight Development Applications, City of Darwin officers recommend supporting seven applications and not supporting one application. This represents a rate of 87.5% of the applications being supported and 12.5% of the applications not being supported.

### **Development Applications supported, subject to normal Council conditions**

The table below describes the Development Applications that are supported by City of Darwin officers, subject to Council's normal Development Permit conditions in regard to issues including, but not necessarily limited to, waste collection, access and stormwater drainage.

Responses to these Development Applications are provided as **Attachment A** to this report.

<b>Property Address</b>	<b>Description of Development Proposal</b>
Lot 8725 - Town of Nightcliff <b>18 Totem Road, Coconut Grove</b>	Change of use from warehouse to place of worship (Unit 4)  (No City of Darwin issues regarding the change of use were identified)
Lot 291 - Town of Nightcliff <b>8 Clematis Street, Nightcliff</b>	Carport addition to an existing single dwelling with a reduced side setback  (Requires 1.5m, proposes a nil setback. Neighbour's endorsement submitted with application)
Lot 1195 - Town of Sanderson <b>5 Grebe Crescent, Wulagi</b>	Demountable structure addition to an existing single dwelling  (Complies with setback requirements. Landscaping plan requested to the satisfaction of the Authority)

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 REPORT NUMBER: 17CF0015 BS:hd  
 SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - OCTOBER 2017

Property Address	Description of Development Proposal
Lot 2587 - Town of Sanderson  <b>14 Lowrie Court, Malak</b>	Shed addition to an existing single dwelling with a reduced side setback.  (Requires 1.5m, proposes 0.3m. It was noted that the shed could be relocated and the setback increased, no justification for the reduction was submitted in the application) The application lacked information for a full assessment.
Lot 372 - Town of Sanderson  <b>4 Virginia Court, Anula</b>	Carport and verandah addition to an existing single dwelling with reduced side setbacks  (Requires 1.5m, proposes 1m to southern boundary and 1.45m to northern boundary)
Lot 8712 – Town of Nightcliff  <b>27 Lakeside Drive, Alawa</b> (Lakeside Drive Community Garden)	Shed addition to an existing community garden
Lots 6406, 6407 & 6410 – Hundred of Bagot  <b>647, 649 Stuart Highway &amp; 5 Miles Road, Berrimah</b> (Berrimah Business Park)	Car wash ancillary to vehicle sales and hire  (Application complies with Planning Scheme, however a car park is a discretionary use and requires planning approval. Application is for an ancillary use for the approved car sales yard within 647, 649 Stuart Highway.  Further details regarding shading of the car parking area have been requested.

Any variation to setbacks must be in accordance with the intent of Clause 7.3 Building Setbacks of Residential Buildings and Ancillary Structures of the Northern Territory Planning Scheme.

The purpose of setbacks, as outlined within the clause is to ensure development is compatible with the streetscape, minimise the adverse effects of building massing, avoid overlooking from adjoining properties and encourage breeze penetration through and between buildings. In the instances listed above, the proposed developments were considered to adequately address the intent of Clause 7.3

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 SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - OCTOBER 2017

despite a reduction in the prescribed setback.

### **Development Application that was not supported:**

The table below describes the Development Application that was not supported by City of Darwin officers, for the reasons outlined below.

Responses to these Development Applications are provided as **Attachment B** to this report.

<b>Property Address</b>	<b>Description of Development Proposal</b>	<b>Objected / Not Supported</b>
Lot 954 - Town of Nightcliff  <b>7 Vaughton Place, Rapid Creek</b>	Carport addition to an existing single dwelling with a reduced front setback  (Existing carport)	Not Supported: <ul style="list-style-type: none"> <li>• Nil front setback requested</li> <li>• It appears that the carport may protrude into City of Darwin road reserve. A survey plan has been requested.</li> </ul>

### **CONSULTATION PROCESS**

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

- Town Planner
- Planning Officer

### **POLICY IMPLICATIONS**

Relevant Council policies are noted in individual letter responses.

### **BUDGET AND RESOURCE IMPLICATIONS**

Budget implications may arise from individual development applications, including payment in lieu of car parking, payment of various contribution plans, and long term upgrading of infrastructure and services as a result of accumulative development.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Risks, legal and legislative implications, if applicable, are noted in individual letter responses.

### **ENVIRONMENTAL IMPLICATIONS**

Environmental implications, if applicable, are noted in individual letter responses.

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REPORT NUMBER: 17CF0015 BS:hd  
SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - OCTOBER  
2017

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**CINDY ROBSON**  
**MANAGER CITY PLANNING**

**GERARD ROSSE**  
**GENERAL MANAGER CITY FUTURES**

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

#### **Attachments:**

**Attachment A:** Letters of support, subject to normal Council conditions, for Development Applications not yet considered by the Development Consent Authority

**Attachment B:** Letters not supporting Development Applications not yet considered by the Development Consent Authority.

15 September 2017

Please quote: 3643362 BS:hd  
Your reference: PA2017/0424

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description:** Lot 8725 - Town of Nightcliff  
18 Totem Road, Coconut Grove

**Proposed Development:** Change of use from warehouse to place of  
worship (Unit 4)

Thank you for the Development Application referred to this office 7 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

**City of Darwin does not object to the granting of a Development Permit.**

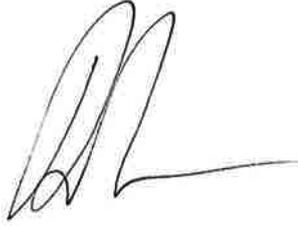
Should this application be approved, the following notes pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully

A handwritten signature in black ink, appearing to be 'DB', with a long horizontal line extending to the right.

**DAVID BURROW**  
**ACTING MANAGER CITY PLANNING**

28 September 2017

Please quote: 3643231 BS:hd  
Your reference: PA2017/0413

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description: Lot 291 - Town of Nightcliff  
8 Clematis Street, Nightcliff**

**Proposed Development: Carport addition to an existing single dwelling  
with a reduced side setback**

Thank you for the Development Application referred to this office 8 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary 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:

- i). **City of Darwin does not object to the granting of a Development Permit.**
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
  - a). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.
    - 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

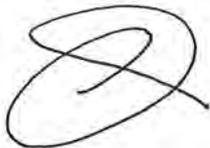
Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3647134 BS:hd  
Your reference: PA2017/0427

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description:**                    **Lot 1195 - Town of Sanderson  
5 Grebe Crescent, Wulagi**

**Proposed Development:**    **Demountable structure addition to an existing  
single dwelling**

Thank you for the Development Application referred to this office 14 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary 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:

- i).    **City of Darwin does not object to the granting of a Development Permit.**  
The City of Darwin requests that the Authority require a landscaping plan that demonstrates the demountable is appropriately landscaped. The landscaping plan should form part of the development permit to ensure the appearance of the structure remains visually consistent with the adjoining properties.

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

- Stormwater shall be collected and discharged into City of Darwin's drainage network to the requirements and satisfaction of City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.

- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3647528 BS:hd  
Your reference: PA2017/0440

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description: Lot 2587 - Town of Sanderson  
14 Lowrie Court, Malak**

**Proposed Development: Shed addition to an existing single dwelling with  
a reduced side setback**

Thank you for the Development Application referred to this office 15 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary 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:

- i). **City of Darwin does not object to the granting of a Development Permit,** provided that stormwater runoff is adequately resolved.

It is noted that the application does not provide justification for the non-compliance with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme. A site visit indicated that the shed could be relocated to provide an increased setback to the northern boundary.

- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**

- a). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.

- 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

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

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3647541 BS:hd  
Your reference: PA2017/0432

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description: Lot 372 - Town of Sanderson  
4 Virginia Court, Anula**

**Proposed Development: Carport and verandah addition to an existing  
single dwelling with reduced side setbacks**

Thank you for the Development Application referred to this office 15 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following is raised for consideration by the Authority:

i). **City of Darwin does not object to the granting of a Development Permit.**

City of Darwin comments on issues for which it is the sole responsible authority, under the *Local Government Act* and associated By-Laws:-

- a). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.
  - 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

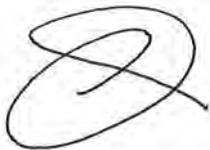
Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3651973 BS:hd  
Your reference: PA2017/0431

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description: Lot 8712 – Town of Nightcliff  
27 Lakeside Drive, Alawa**

**Proposed Development: Shed addition to an existing community garden**

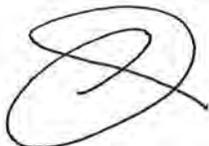
Thank you for the Development Application referred to this office 21 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3651921 BS:hd  
Your reference: PA2017/0450

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description:** Lots 6406, 6407 & 6410 – Hundred of Bagot  
647, 649 Stuart Highway & 5 Miles Road,  
Berrimah

**Proposed Development:** Car wash ancillary to vehicle sales and hire

Thank you for the Development Application referred to this office 21 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary 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:

- i). **City of Darwin supports the granting of a Development Permit, subject to the following issue being addressed:**
  - a). The application proposes a large expanse of open car parking. City of Darwin requests that the applicant provide further information detailing how it complies with sub clause 8.2(m) of the Northern Territory Planning Scheme, by providing "...landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking."
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction and at no cost to City of Darwin.**
  - b). **Access to the site shall meet City of Darwin requirements.**

- c). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.
- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
  - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- d). **Verge plantings, footpaths and other works are required to be upgraded in accordance with City of Darwin policies, and are subject to a separate approval from City of Darwin.** City of Darwin requests that the applicant first seek all required landscaping, footpath approvals from City of Darwin for all works within the road reserve.
- e). **Waste**  
**City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.**  
 The applicant's plans fail to demonstrate adequate waste management, this includes:
- any access gates to the bin enclosure not being locked,
  - there shall be no step between the bin enclosure and the collection area to allow for ease of access,
  - the bin enclosure shall include a hose and wash down area with a drain connected to City of Darwin's stormwater system, and
  - an unimpeded concrete access path to the bin enclosure from the development.

A copy of City of Darwin's Waste Management Policy 054 may be viewed on City of Darwin's website or by contacting City of Darwin.

f). **Site Construction**

**City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

iii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the *Local Government Act* and associated By-Laws:-

a). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

b). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

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

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

**CINDY ROBSON**  
**MANAGER CITY PLANNING**

28 September 2017

Please quote: 3651637BS:hd  
Your reference: PA2017/0438

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description:** Lot 954 - Town of Nightcliff  
7 Vaughton Place, Rapid Creek,

**Proposed Development:** Carport addition to an existing single dwelling  
with a reduced front & side setbacks

Thank you for the Development Application referred to this office 21 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary 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:

- i). **City of Darwin does not support the granting of a Development Permit for this application in principle, for the following reason:**
  - a). The carport does not meet the setback requirements of the Northern Territory Planning Scheme.
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
  - a). **City of Darwin requests that the Authority require a survey plan or other evidence, which demonstrates that the carport is entirely located within the subject site.** A site visit indicates that a portion of the structure appears to protrude over the boundary into City of Darwin's road reserve.
  - b). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or**

**to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.

- 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

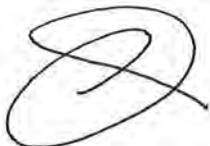
Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 15.2  
 YES

**38 STOREY MOTEL INCLUDING GROUND LEVEL COMMERCIAL TENANCIES AND  
 PARKING - PA2017/0442 - LOT 566 (84) MITCHELL STREET, DARWIN CITY**

REPORT No.: 17CF0018 CR:db COMMON No.: 3651848 DATE: 17/10/2017

**Presenter: Manager City Planning, Cindy Robson**

**Approved: General Manager City Futures, Gerard Rosse**

**PURPOSE**

The purpose of this report is to refer to Council for comment, Pursuant to Section 48 of the *Planning Act*, the following Planning Application: a luxury hotel, apartments, retail and function facilities including car parking contained within 38 storeys and 1 basement level with a total height of 132.5m above ground level at Lot 566 (84) Mitchell Street, Darwin City.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

1. Collaborative, Inclusive and Connected Community

**Outcome**

- 1.4 Improved relations with all levels of government and significant stakeholders

**Key Strategies**

- 1.4.2 Play an active role in strategic and statutory planning processes

**KEY ISSUES**

- It is recommended that Council support this Development Application subject to conditions, as outlined within City of Darwin response, **Attachment A**.
- The proposal is generally consistent with the zoning of the allotment and existing uses within the locality.
- Sufficient car parking spaces will be provided, pursuant to Clause 6.5.1 of the Northern Territory Planning Scheme.
- The proposal will require significant changes to crossovers within City of Darwin road reserve but these are considered manageable via an appropriate condition precedent.
- Additional landscaping will be provided within City of Darwin road reserve.
- The proposal will provide an awning located within City of Darwin road reserve.
- There are some concerns regarding the energy efficiency of the proposal, due to the use of glass as the primary external material with limited shading and Officers have requested the applicant provides further information with regard to passive climate control measures.

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## **RECOMMENDATIONS**

- A. THAT Report Number 17CF0018 CR:db entitled 38 Storey Motel Including Ground Level Commercial Tenancies and Parking - PA2017/0442 - Lot 566 (84) Mitchell Street, Darwin City be received and noted.
- B. THAT Council endorse the submission, dated 6 October 2017, to the Development Assessment Services within **Attachment A** to Report Number 17CF0018 CR:db entitled 38 Storey Motel Including Ground Level Commercial Tenancies and Parking - PA2017/0442 - Lot 566 (84) Mitchell Street, Darwin City.

## **BACKGROUND**

### Site and Surrounds

The Subject Site is identified as Lot 566 (84) Mitchell Street, Darwin City which currently contains a motel, restaurant and laundromat. The subject site is on the corner of McLachlan Street, Mitchell Street and opposite the Darwin Entertainment Centre, which facilitates pedestrian access from Mitchell Street through to the Esplanade and Bicentennial Park.

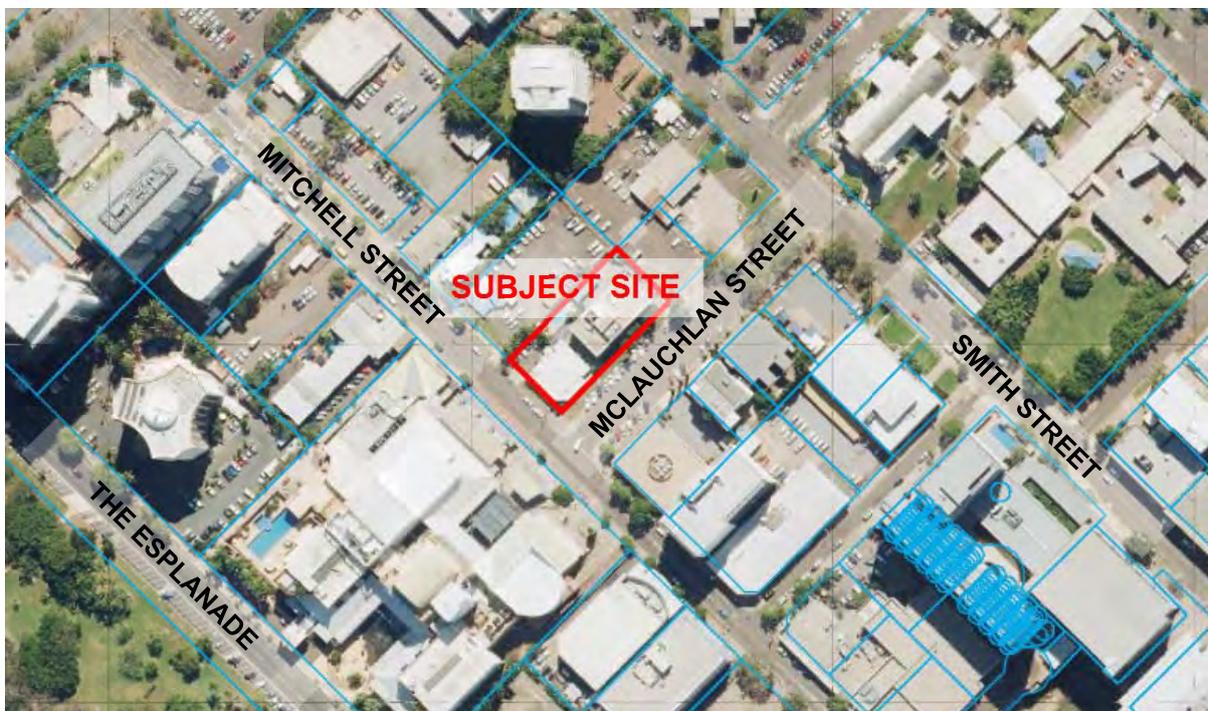


Image 1 - Subject Site

### Site Development History

The Subject Site has planning applications dating back to 1998 where an 'extension to existing restaurant' was approved. All other applications are considered to be minor additions and renovations to the existing structures.

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The applicants have previously met with City of Darwin officers where they were advised of City of Darwin's requirements regarding landscaping, stormwater, access and awnings.

## **DISCUSSION**

### Land use, pursuant to the Northern Territory Planning Scheme (NTPS)

The planning application proposes a multi-purpose high-rise building with the primary tenant being a luxury hotel. The building, as described within the Statement of Effect, **Attachment B**, is as follows.

1. **Basement:** provides for the required services, substations, mechanical plants, storage areas and staff facilities.
2. **Ground level:** contains the entrance to the residential lobby area and hotel foyer. A porte cochere has been provided off McLachlan Street. The motel's on-site car park and loading bay are also provided off the porte cochere and utilise the same vehicle crossings. The ground floor also contains two retail premises. The larger tenancy is located along the Mitchell Street frontage with the smaller tenancy located off the foyer, facing McLachlan Street. Back of house and storage/waste facilities are also provided at ground level.
3. **Mezzanine:** this level has been designed as an extension of the ground level and has been provided with a feature staircase linking it with the ground floor. The mezzanine contains a publically accessible restaurant and bar.
4. **Levels 1 - 4:** car parking levels, which contain between 41 – 43 car (parking) spaces per level. A total of 166 car spaces have been provided within the building.
5. **Level 5:** contains 6 function rooms and a pre-function area. This level also contains two outdoor terraces, which face Mitchell Street and McLachlan Street.
6. **Level 6:** Pool area, bar and lounges, with an external deck area that wraps around the building, for the use of hotel guests and residents of the building.
7. **Level 7:** Spa, gym and wellness centre.
8. **Level 8:** business centre with two meeting rooms.
9. **Level 9 – 26:** 198 (motel/hotel) rooms provided over these levels.
10. **Level 27 – 34:** 23 (3 bedroom) residences provided over these levels. Each residence has been provided with a private balcony that ranges in size from 16m<sup>2</sup> – 39m<sup>2</sup>.
11. **Level 35:** this level has been designed as a roof terrace with a roof garden and a bar and kitchen area. The roof garden will be used by hotel guests and residents of the building.
12. **Level 36:** plant equipment and lift motor room.



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### Height, pursuant to Clause 6.2 and 6.3 of the NTPS.

The proposed building would have an overall height of 132.5m above ground level (AHD 24.00) and would be the tallest building within Darwin City. It is noted that the proposal exceeds the Obstacle Limit Surface (AHD 145M) but is below the Aircraft Operations PAN OPS AHD 159M. The application has been referred to the Darwin International Airport and the Department of Defence for comment as part of the statutory exhibition period.

“The purpose of (Clause 6.3.1 of the NTPS) is to limit the height of the buildings within the Central Business District to achieve a city form with the highest buildings and structures at the centre of the peninsula...” In this instance the proposal should demonstrate that it is well placed, with a height that does not unduly impact upon the views of adjoining properties or unduly detract aesthetically from the Darwin City skyline.

The height of the Tier 1 (Podium) varies from the Diagram to Clause 6.3.2 of the NTPS by 2.8m. This is considered a negligible variation as the height of Tier 1 (Podium) varies between 21.8m and 27.8m above ground level being an average height of 24.8m above ground level and generally consistent with the maximum height requirement of 25m above ground level.

The applicant has provided a detailed site analysis and an urban design study which articulates the positive and negative aspects of the subject site and proposal.

Given the proposal is not located within an area of the city with a prescribed height limit pursuant to the NTPS and is located relatively central to the peninsula, it is considered that there is no reason to object to the proposed development on the basis of height.

### Access and Parking, pursuant to Clause 6.5.1, 6.5.3 and 6.6 of the NTPS and City of Darwin Policies

The proposed development provides two access points, a porte cochere, loading bay and four levels of car parking, providing a total of 166 car parking spaces. The requirements for car parking are listed in the table below.

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**Table to Clause 6.5.1**

Use or Development	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin	Proposed Development	Car Parking Spaces required
Motel	0.4 for every guest suite or bedroom <u>plus</u> 3 for every 100m <sup>2</sup> of net floor area used for all other areas	198 rooms  600m <sup>2</sup> of net floor area to be used for bar and dining and 705m <sup>2</sup> for conference area	79.2  <u>plus</u> 39.15
Multiple dwellings	1 per bed-sitter and one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms	23 three bedroom units	39.1
Shop	3 for every 100m <sup>2</sup> of net floor area	190m <sup>2</sup> of retail space provided	5.7
Car Parking Spaces Required			163.15
Car Parking Spaces Provided			166
Shortfall			Nil

In addition, the plan indicates 20 smaller spaces for bike parking within the four levels.

Loading dock generally meets the requirements of Clause 6.6 Loading Bays of the NTPS.

The proposal requests the removal of one crossover along Mitchell Street, an additional crossover along McLachlan Street (access only) approximately 8.5m wide and the widening of an existing crossover along McLachlan Street approximately 6.5m wide.

City of Darwin Subdivision Guidelines states that "all Commercial and Industrial allotments shall have one 6m wide driveway access to the roadway. Wider driveways may be considered where serviceability of an acceptable design vehicle is an issue. Two driveway accesses may be considered based on safety, traffic management and serviceability issues. Entry only and Exit only driveways may also be considered based on safety, traffic management and serviceability issues." The applicant has provided a traffic management plan indicating that there are no recommendations for roadway improvements. The proposed crossovers are considered generally acceptable when considering the following:

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- The location of both driveways are at least 15m from any intersection;
- The proposal removes an access to a collector road (Mitchell Street) and restricts access to the 'local road' (McLachlan Street) only; and
- The proposal results in the reinstating of two car parking spaces along Mitchell Street and the removal of two car parking spaces along McLachlan Street.

An application for the crossovers will be required prior to any clearance being given by City of Darwin.

Awnings and Landscaping, pursuant to Clause 6.3.3 and 6.12 of the NTPS and Council Policies.

The applicant has provided a detailed landscaping plan within the allotment and within City of Darwin road reserve. There are a number of palm trees and associated vegetation currently within the allotment that will need to be removed to facilitate the proposed development. There are two existing trees within Council's road reserve. The landscape plan provided does not indicated that these trees will be removed. City of Darwin has requested that any existing trees remain. For a full copy of the landscape plan please find **Attachment C**.

City of Darwin notes that the use of *Cupaniopsis Anarcardioides* is generally not supported as a street tree within Mitchell Street and requires that *Allosyncarpia ternata* be used as City of Darwin's preferred option for Mitchell Street. Structural tree planting pits are recommended to enable the trees to grow to their full shade potential in an urban environment. The understory plant selection is considered generally acceptable.

The proposal currently includes landscaping in the form of vegetation to cover the four levels of car parking, commonly referred to as a 'green wall'. The green wall is intended to be managed by a support structure of lightweight lattice and stainless steel cable systems and is to be coordinated with the podium structure and architectural façade treatment. A minimum of four plant species – two climbers and two cascading plants are to be used in order to provide increased resilience. This form of landscaping is generally supported as a way of reducing the visual impact of developments. City of Darwin considers the 'Green Wall' to be crucial in reducing the visual impact of the proposed development on the locality and requests that any amendment to this application that suggests the removal of this portion of landscaping be referred to the City of Darwin for further consideration. City of Darwin also requests that a general condition be placed on any Development Permit requiring that any landscaping be appropriately maintained with any diseased or dying plants promptly replaced.

Subclause 4 of Clause 6.3.3 Urban Design Requirements in Central Darwin of the NTPS requires buildings to "provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve." The applicant has provided the proposed awnings in their design, which endeavours to break the separation between the external and internal space. The

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awnings allow space for nine trees to be planted in front of the proposed development. However, there are concerns that the awnings may not provide protection for pedestrians from the sun and rain. Subsequently, City of Darwin is requesting additional awning coverage or alternative convenient protected public pedestrian links be provided and officers are willing to discuss these potential options further with the applicant.

#### Private and Communal Open Space, pursuant to 7.5 and 7.6 of the NTPS.

The proposed development meets the requirements for private and communal open space pursuant to Clause 7.5 and 7.6 of the NTPS.

#### Signage

The applicant is advised that any proposed signage must be in accordance with the City of Darwin Outdoor Advertising Signs Code Policy No. 042.

#### Building Design 7.8 and 8.2 of the NTPS

The purpose of Clauses 7.8 and 8.2 of the NTPS is to promote site responsive design for developments which are attractive and pleasant and contribute to a safe environment. A number of the requirements within these clauses have been addressed earlier.

Despite its scale and nature, the proposal demonstrates urban and architectural design at an exemplary level. The proposal minimises the expanses of blank walling through glass and 'green walls' and conceals any plant equipment from public areas.

Energy efficiency is a key concern with this proposed development particularly given its scale and use of glass as the primary external cladding. The applicant has specified that the proposal would utilise light grey tinted glass with a reflectivity level of 8% and a Visible Light Transmittance of 44% and Red Oxide Tinted Glass with a reflectivity level of 8% and Visible Light Transmittance of 44%. The energy efficiency of the proposed development must be assessed against the National Construction Code. However, there appears to be limited use of passive climate control measures. Subsequently, City of Darwin has requested that the applicant provide comment on the use of passive climate control measures such as cross ventilation and awnings for the upper levels. As per the application, reflectivity has been minimised and is unlikely to cause any undue impact upon the locality.

#### Summary

The proposal is for a 132.5m high building incorporating a motel, shops, function rooms and residential units. Given the locality and commendable architectural design, the proposed development is considered to warrant Council's support provided the following matters are addressed:

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- Any application for the proposed crossovers must be completed prior to the commencement of any works;
- Any existing street trees are protected;
- Any proposed street trees meet Council's guidelines;
- Any proposed 'Green Wall' remains within the development application and maintained with any diseased or dying plants replaced;
- Additional awning coverage or convenient protected public pedestrian links are provided; and
- The applicant provides further information with regard to passive climate control measures.

### **CONSULTATION PROCESS**

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

- Town Planner
- Planning Officer
- Team Leader Development
- Senior Technical Officer Parks and Reserves

### **POLICY IMPLICATIONS**

Proposed awnings require assessment against the City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property.

Council has requested a Waste Management Plan be provided that is in accordance with City of Darwin Policy No. 054 – Waste Management.

### **BUDGET AND RESOURCE IMPLICATIONS**

No budget implications are expected.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not assessed

### **ENVIRONMENTAL IMPLICATIONS**

Not assessed

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**CINDY ROBSON**  
**MANAGER CITY PLANNING**

**GERARD ROSSE**  
**GENERAL MANAGER**  
**CITY FUTURES**

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

#### **Attachments:**

- Attachment A:** City of Darwin, Letter of Response to Development Assessment Services, dated 6 October 2017.
- Attachment B:** Development Application (Statement of Effect and Drawings), Lot 566 (84) Mitchell Street, Darwin City PA2017/0442
- Attachment C:** Development Application (Selection: Landscape Plan, Artist Impressions and Materials), Lot 566 (84) Mitchell Street, Darwin City PA2017/0442

*Attachments B and C submitted electronically:*

<https://www.darwin.nt.gov.au/council/council-committees/agendas-minutes/1st-ordinary-council-meeting-38>

6 October 2017

Please quote: 3651848 DB:hd

Your reference: PA2017/0442

Mr Tony Brennan  
Acting Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Brennan

**Parcel Description: Lot 566 (84) Mitchell Street, Darwin City**

**Proposed Development: 198 room motel, 23 x 3 bedroom multiple dwellings and ground level commercial tenancies in a 38 storey building including 4 above ground parking levels plus a plant and services basement level**

Thank you for the Development Application referred to this office 21 September 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

- i). **City of Darwin supports the granting of a Development Permit provided the following issues are adequately addressed:**
- a). The proposed development requires significant changes to City of Darwin road reserve, including widening of an existing crossover and the creation of a new crossover. Subsequently, City of Darwin requests that a condition precedent relating to the Traffic Report be placed on any approval, to enable the City of Darwin to undertake a full review of the Traffic Report and provide any amendments where necessary prior to a permit being issued.
  - b). City of Darwin acknowledges the provision of a landscaping plan as part of the application which includes landscaping within City of Darwin road reserve. Any landscaping within City of Darwin road reserve must be in accordance with City of Darwin requirements. The landscaping plan is considered generally acceptable, however, the following amendments are requested:
    - Replace *Cupaniopsis anarcardioides* with *Allosyncarpia ternata*

- along Mitchell Street.
  - Structural tree planting pits/trenches are required, that provide at least 10m<sup>2</sup> of growing media per tree.
- c). City of Darwin considers the 'Green Wall' to be crucial in the overall amenity and reducing the visual impact of the proposed development on the locality and requests that any amendment to this application that suggests the removal of this portion of landscaping be referred to the City of Darwin for further consideration. City of Darwin also requests that a general condition be placed on any Development Permit requiring that any landscaping be appropriately maintained with any diseased or dying plants promptly replaced.
- d). City of Darwin notes that the proposed awning located over City of Darwin road reserve does not provide coverage for the full extent of the site frontage. Subsequently, City of Darwin requests additional awning coverage in accordance with City of Darwin's Awnings, Balconies and Verandahs on Council Property Policy No. 037 or justification for the lack of coverage over City of Darwin's road reserve be provided, to the satisfaction of City of Darwin.
- e). City of Darwin requests that the applicant provide further information with regard to the use of passive climate control measures, with particular regard to cross ventilation and shading for the upper levels.
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction and at no cost to City of Darwin.**
  - b). **The crossover and driveway shall meet City of Darwin requirements.**
  - c). **All awnings and canopies over City of Darwin road reserves must be designed in accordance with City of Darwin Policy No. 037 – awnings, Balconies and Verandahs on Council Property and are subject to the approval of City of Darwin.**
  - d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.

- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
- 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

e). **Waste**

**City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.**

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of City of Darwin's Waste Management Policy 054 may be viewed on City of Darwin's website or by contacting City of Darwin.

f). **Site Construction**

**City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

g). **Traffic**

City of Darwin requires a comprehensive **Traffic Impact Assessment Report**, to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities.

The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development. The developer will be required to institute all required upgrade measures resulting from the traffic assessment at no cost to City of Darwin.

iii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the *Local Government Act* and associated By-Laws:-

a). **Awning Overhang**

The proposal includes awning overhangs to Mitchell Street and McLachlan Street. Awning agreements are required as a separate approval from City of Darwin. City of Darwin requests that the applicant first seek all required approvals from City of Darwin for any awnings or canopies for the proposed building.

b). **Street Trees, Verge Plantings and Footpaths**

The proposal includes plantings, new concrete footpaths and other works within City of Darwin verges, along Mitch Street and McLachlan Street. Verge plantings, footpaths and all other works are required to be upgraded in accordance with City of Darwin policies and are subject to a separate approval from City of Darwin. City of Darwin requests that the applicant first seek all required approvals from City of Darwin for any proposed works within the road reserve.

c). **Street Trees**

The proposed street tree/s to Council's road reserve fronting the development shall be carried out at full cost to the developer, to ensure

that adequate landscaping is provided and maintained on adjacent and adjoining subject land.

Species selection will be in sequence with Council's Street Tree Strategy or current master plan.

Council is to be notified of any contractor prior to the commencement of any works.

As street trees will become an asset of City of Darwin, the developer shall provide Council specification for the purchasing of quality tree stock prior to construction. Specification for quality tree stock shall be submitted for approval to the satisfaction of City of Darwin.

The developer shall provide Council a Plant Schedule for street trees indicating;

- root-ball container volume (litres),
- height of species (metres),
- calliper (mm); and
- details identifying the nursery supplying the tree stock.

Street trees shall be of advanced size to provide greater impact to the road reserve and the development.

Prior to the establishment of street trees within the road reserve contact shall be made with City of Darwin, to ensure appropriate planting locations are defined. The developer will be responsible for the ongoing establishment and maintenance to ensure a 100% survival rate.

d). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

e). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the

background on which it is placed, to the satisfaction and at no cost to City of Darwin.

City of Darwin comments in relation to the *Planning Act*, the Northern Territory Planning Scheme and Land Use Objectives:-

- a). **City of Darwin requests that the Authority require a monetary contribution is paid to City of Darwin in accordance with its Stormwater Contribution Plan to upgrade stormwater infrastructure as a result of this development.** The site falls within the Developer Contributions Plan for Stormwater Drainage - Darwin CBD CP 2015/04 SWD – Policy Area D. The applicant will be required to pay City of Darwin a contribution towards stormwater drainage works in accordance with the above plan.

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

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of City of Darwin. No fence or tree exceeding 0.6m in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed awnings at the site shall be subject to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property.
- Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**

**ENCL:** 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 15.3  
**YES**

**SIGNAGE APPLICATION – FANNIE BAY INVESTMENTS PTY LTD, SECTION 4298 & PORTION 1827 (658 & 660) STUART HIGHWAY, BERRIMAH**

**REPORT No.:** 17CF0017 BS:hd **COMMON No.:** 3648460 **DATE:** 17/10/2017

**Presenter:** Manager City Planning, Cindy Robson

**Approved:** General Manager City Futures, Gerard Rosse

### **PURPOSE**

The purpose of this report is for Council to consider an application for a signage concept for Fannie Bay Investments Pty Ltd at Section 4298 & Portion 1827 (658 & 660) Stuart Highway, Berrimah.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

### **KEY ISSUES**

- Fannie Bay Investments Pty Ltd has submitted an application for five business wall signs and two precinct free-standing signs.
- It is recommended that Council approve this application and a sign permit be issued as the advertising signs are in proportion to the large size and form of the development, are consistent with the character of signage in the vicinity and are not expected to affect the visual amenity of the locality.
- The application exceeds the size and number for complying advertising signs and as such, the application is considered discretionary under City of Darwin Outdoor Advertising Signs Code (Signs Code) and therefore requires Council approval.
- The advertising signs are located within private property.

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 SECTION 4298 & PORTION 1827 (658 & 660) STUART HIGHWAY,  
 BERRIMAH

## **RECOMMENDATIONS**

- A. THAT Report Number 17CF0017 BS:hd entitled Signage Application - Fannie Bay Investments Pty Ltd, Section 4298 & Portion 1827 (658 & 660) Stuart Highway, Berrimah be received and noted.
- B. THAT Council approve the application from Fannie Bay Investments Pty Ltd for five business signs and two Precinct free-standing signs, located within Section 4298 & Portion 1827 (658 & 660) Stuart Highway, Berrimah, and that a Sign Permit be issued in accordance with the requirements of the Outdoor Signs Code, as the advertising signs for Fannie Bay Investments Pty Ltd complies with the intent and purpose of the Signs Code.

## **BACKGROUND**

The subject site received development approval in May 2017. This application is for two precinct free-standing signs and multiple wall signs advertising the main business (Amart Furniture), located in a complex of five tenancies. It has been proposed that Amart Furniture and Reece (proposed) will be located at the front of the premises fronting the Stuart Highway and a further three tenancies will be located to the rear of the site.

Section 6.2 Exempt Signs of the Signs Code, exempts advertising signs which are not readily visible from a public area. Amart Furniture advertising signs 2, 3 and 4, demonstrated in **Attachment A** are directed towards the centre of the lot and are not expected to be readily visible from the public area.

## **DISCUSSION**

<b>Applicant</b>	Fannie Bay Investments Pty Ltd	
<b>Type of Advertising</b> (inc. temp/perm/illuminated)	Permanent Illuminated	✓
<b>Type of Sign</b> (Business/Election/Promotion etc.)	Business	✓
<b>Type of Structure</b> (Free Standing/ Fascia/ Wall/ Projecting etc. )	Precinct Free-standing Wall	✓ ✓

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 BERRIMAH

## Business Sign Details

**Business advertising** is permitted to one type of sign, with a total advertising area of 4m<sup>2</sup>, without the need to obtain a Council Sign Permit. This proposal is for five business advertising signs each exceeding 4m<sup>2</sup>, and two precinct free-standing signs in the SC Zone (Service Commercial).

The application exceeds the size and number of advertising signs and as such, Council approval is required

Sign Type	Advertising Type	Width (m)	Height (m)	Area (m <sup>2</sup> )	Illuminated	Sign No. on plan	
Wall	Business	7.72	2.7	20.84	Yes	1, 5, 7 & 8	✱
Wall	Business	12.57	1.2	15	No	6	✱
Free-standing	Precinct	3.52	7.5	26.4	Yes	9	✓
Free-standing	Precinct	2.35	6	14.1	Yes	10	✱
<b>Location of Sign</b>				On private property			✓

Complies - ✓      Discretionary, requires Council Approval - ✱

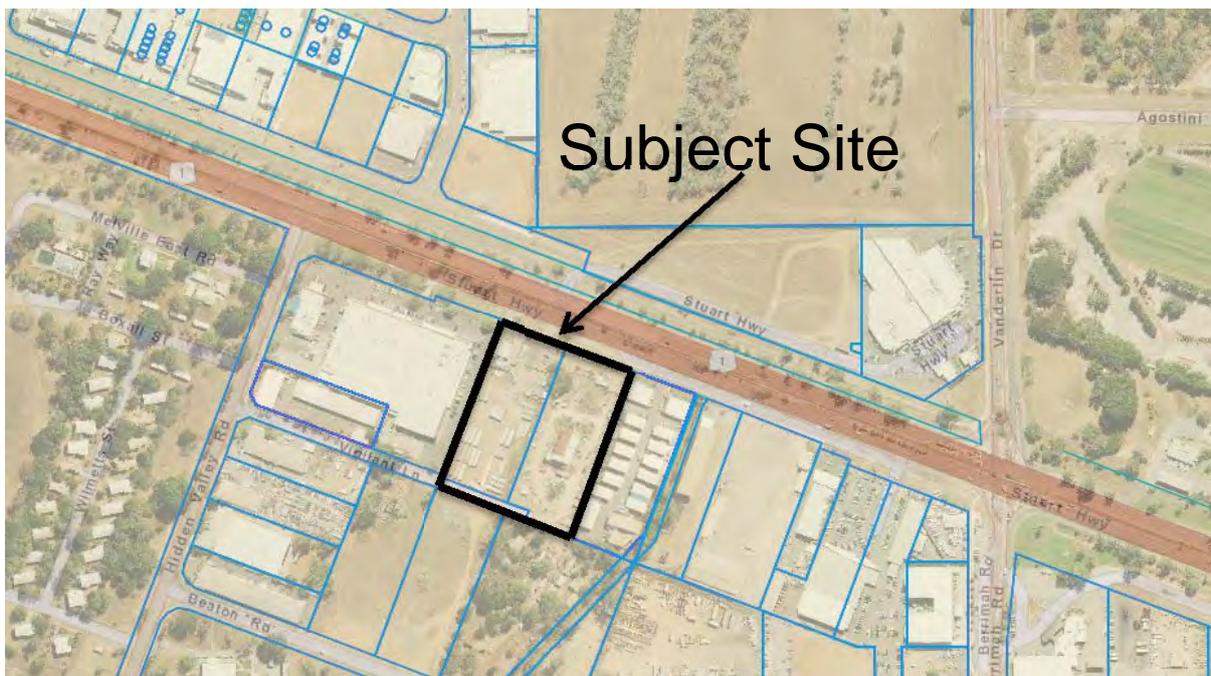


Image 1 - Location of subject site

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 BERRIMAH

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To permit lease agreements to be finalised, Fannie Bay Investments Pty Ltd is seeking Council's consent to display five wall signs for Amart Furniture and two precinct free-standing signs for the development with all signs situated within private property. The proposed advertising signage concept is provided at **Attachment A**.

The premises are located within Zone SC (Service Commercial) and the Signs Code allows one business advertising sign to a maximum size of 4m<sup>2</sup> and one free-standing sign to a height of 7m, within private property without the requirement to apply to City of Darwin for a signs permit. As this application exceeds the discretionary controls, Council is required to consider and make a determination on the submitted sign application.

### Wall Signs

Signs 1, 5, 7 & 8 are illuminated and are 2.7m high x 7.72m wide, totalling 20.84m<sup>2</sup> each.

Sign 1 is located on the southern wall (facing Berrimah), signs 5 and 7 front the Stuart Highway and sign 8 is located on the eastern wall (facing Harvey Norman) of the business premises.

Sign 6 is non-illuminated and 1.2m high x 12.57m wide (15m<sup>2</sup>) and fronts the Stuart Highway.

The development incorporates Section 4298 and Portion 1827 (658 & 660) Stuart Highway, resulting in a parcel of land totalling 19,390m<sup>2</sup>. The site is located next to Harvey Norman, opposite Berrimah Business Park, with Amart Furniture being the major tenant in the development. City of Darwin officers consider the advertising signs are appropriate in this location, due to the large size and form of the development. The signs are also comparative to other signage in the surrounding service commercial area.

### Precinct Free-standing Signs

The two free-standing signs include illuminated signage panels, with Amart being placed on top both signs. The rear three tenancies are allocated a position on the larger sign located at the entrance to the premises and the fourth business (fronting the Stuart Highway) has been allocated a panel on the second sign located at the front of the business premises.

The Sign Code permits one free-standing sign to a height of 7 m. Free-standing sign 2 (Sign number 10 on plans) complies with these requirements.

Free-standing sign 1 (Sign number 9 on plans) exceeds the height by 0.5 m and is the second free-standing sign proposed for the site.

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 BERRIMAH

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### Conclusion

It is recommended that Council approve this sign application as the advertising signs are in proportion to the size and form of the development, are consistent with the character of signage in the vicinity and are not expected to affect the visual amenity of the locality.

### **CONSULTATION PROCESS**

As the proposed signage is directed towards a Northern Territory Government (NTG) controlled road, the application was forwarded to the Manager Corridor Access, Department of Infrastructure, Planning and Logistics for comment.

The response from the NTG was that the signage does not impact on the Stuart Highway road reserve.

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

- Manager City Planning
- Town Planner
- Planning Officer

In preparing this report, the following external parties were consulted:

- Department of Infrastructure, Planning and Logistics
- Fannie Bay Investments

### **POLICY IMPLICATIONS**

The proposed advertising signs exceed the complying controls detailed within the Signs Code, resulting in the application being discretionary under the City of Darwin Policy No.042 - Outdoor Advertising Signs Code and as such, this sign application requires Council consent.

### **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget and resource implications expected for City of Darwin resulting from this application.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

There are no risk/legal/legislative implications expected for City of Darwin resulting from this application.

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BERRIMAH

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### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications expected for City of Darwin resulting from this application.

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

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**CINDY ROBSON**  
**MANAGER CITY PLANNING**

**GERARD ROSSE**  
**GENERAL MANAGER CITY**  
**FUTURES**

For enquiries, please contact Brian Sellers on 8930 0683 or email: b.sellers@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Sign Application - Fannie Bay Investments Pty Ltd, Section 4298 & Portion 1827 (658 & 660) Stuart Highway, Berrimah

**ATTACHMENT A**

Brian Sellers  
Planning Officer  
Darwin City Council  
Harry Chan Avenue  
Darwin NT 0800

15 September 2017

Dear Brian,

Signage - 658-660 Stuart Highway, Berrimah

Thank you to David and yourself for your time yesterday in regard to reviewing and assisting my understanding of what is required by Darwin City Council for a signage application.

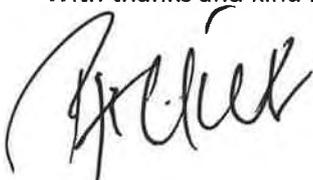
Accordingly, please find attached our application and drawings for your review.

I note, as discussed, that this application only covers the tenancy known as Amart Furniture and the two community pylon signs at the front of the property. As a priority, we are seeking Council's approval on all signage relating to this tenancy. I will submit a further application for the remaining 4 tenancies once a signage pack is available from my architect.

I note for your interest that the Pylon signs are located within our boundary and confirm that the front edge of both pylons (Pylon Sign 1 and Pylon Sign 2) will be set back from our boundary 2000mm, in line with the front of the car parks. Further, for your satisfaction, I have included the Detail Survey by FIFE to identify the boundary line – this shows that on the Harvey Norman site, the boundary for half of their site aligns with our site, however, further north on what looks to be originally a second land parcel, the boundary steps in. I assume this is why Harvey Norman have set their car parks in a fair distance from the boundary, to create one continuous line of car parks. I have also attached the plan marked Siteworks-Detail-Plan- North by BG group which shows that the adjoining Harvey Norman parking is set back – confirming that our Pylon signs are located within our property boundary.

I trust that the attached is in accordance with your requirements and should you have any queries, please do not hesitate to contact me.

With thanks and kind regards,



Philip Grice  
Director



**Description:** Amart -Darwin

2

<p><b>Job Code:</b> N/A  <b>Client:</b> Amart Furniture  <b>Job Name:</b> Darwin</p>	<p><b>Client Contact:</b> N/A  <b>Client Email:</b> N/A  <b>CVSS Contact:</b> Darren Berndt  <b>CVSS Email:</b> darren.berndt@cvservices.com.au</p>	<p><b>Please check this proof sheet carefully paying particular attention to spelling, colours, sizing and quantities.</b></p> <p>Please tick and sign the appropriate box and return to your CVSG Signage contact for action. CVSG Signage will not proceed with your job until a signed and dated form is received back. If changes are required please mark these down as required for the alterations required.</p> <p>Once a signed proof form has been received any additional changes will incur additional charges.</p> <p>In the absence of a purchase order confirmation to proceed with this project either by signing and returning this form or as an email will be taken as written authorisation to proceed with manufacture/installation as required.</p>	<p><b>Actions Required</b></p> <p><input type="checkbox"/> Proceed with no changes</p> <p><input type="checkbox"/> Proceed with marked changes</p> <p><input type="checkbox"/> Make changes and reproof</p> <p><input type="checkbox"/> New artwork to be supplied</p>
<p> <b>CV</b>          Signage Solutions          the visual edge          T: (07) 3622 4390          F: (07) 3622 1245          www.cvsignagesolutions.com.au</p>	<p><b>CVSS Designer:</b> Sam  <b>Proof Version:</b> 3</p>		<p><b>Signature:</b> _____ <b>Date:</b> ___/___/___</p>



**Description:** Amart -Darwin

**3**

<p><b>Job Code:</b> N/A  <b>Client:</b> Amart Furniture  <b>Job Name:</b> Darwin</p>	<p><b>Client Contact:</b> N/A  <b>Client Email:</b> N/A  <b>CVSS Contact:</b> Darren Berndt  <b>CVSS Email:</b> darren.berndt@cvservices.com.au</p>	<p><b>Please check this proof sheet carefully paying particular attention to spelling, colours, sizing and quantities.</b></p> <p>Please tick and sign the appropriate box and return to your CVSG Signage contact for action. CVSG Signage will not proceed with your job until a signed and dated form is received back. If changes are required please mark these down as required for the alterations required.</p> <p>Once a signed proof form has been received any additional changes will incur additional charges.</p> <p>In the absence of a purchase order confirmation to proceed with this project either by signing and returning this form or as an email will be taken as written authorisation to proceed with manufacture/installation as required.</p>	<p><b>Actions Required</b></p> <p><input type="checkbox"/> Proceed with no changes  <input type="checkbox"/> Proceed with marked changes  <input type="checkbox"/> Make changes and reproof  <input type="checkbox"/> New artwork to be supplied</p> <p><b>Signature:</b> _____ <b>Date:</b> ___ / ___ / ___</p>
 <p>T: (07) 3622 4390  F: (07) 3622 1245  www.cvsignagesolutions.com.au</p>	<p><b>CVSS Designer:</b> Sam  <b>Proof Version:</b> 3</p>		



**Description:** Amart -Darwin

**4**

<p><b>Job Code:</b> N/A  <b>Client:</b> Amart Furniture  <b>Job Name:</b> Darwin</p>	<p><b>Client Contact:</b> N/A  <b>Client Email:</b> N/A  <b>CVSS Contact:</b> Darren Berndt  <b>CVSS Email:</b> darren.berndt@cvservices.com.au</p>	<p><b>Please check this proof sheet carefully paying particular attention to spelling, colours, sizing and quantities.</b></p> <p>Please tick and sign the appropriate box and return to your CVSG Signage contact for action. CVSG Signage will not proceed with your job until a signed and dated form is received back. If changes are required please mark these down as required for the alterations required.</p> <p>Once a signed proof form has been received any additional changes will incur additional charges.</p> <p>In the absence of a purchase order confirmation to proceed with this project either by signing and returning this form or as an email will be taken as written authorisation to proceed with manufacture/installation as required.</p>	<p><b>Actions Required</b></p> <p><input type="checkbox"/> Proceed with no changes</p> <p><input type="checkbox"/> Proceed with marked changes</p> <p><input type="checkbox"/> Make changes and reproof</p> <p><input type="checkbox"/> New artwork to be supplied</p>
<p>          the visual edge          T: (07) 3622 4390          F: (07) 3622 1245          www.cvsignagesolutions.com.au</p>	<p><b>CVSS Designer:</b> Sam  <b>Proof Version:</b> 3</p>		<p><b>Signature:</b> _____ <b>Date:</b> __/__/__</p>



**SIGN 1, 5, 7, 8**  
Illuminated  
7720x2700mm

**Amart Furniture**

**SIGN 3**  
Illuminated  
2635x1000mm

**Amart Furniture**

**SIGN 9**  
Illuminated  
3525x2400mm

the home of furniture

**SIGN 2, 4, 6**  
Non - Illuminated  
12570x1200mm

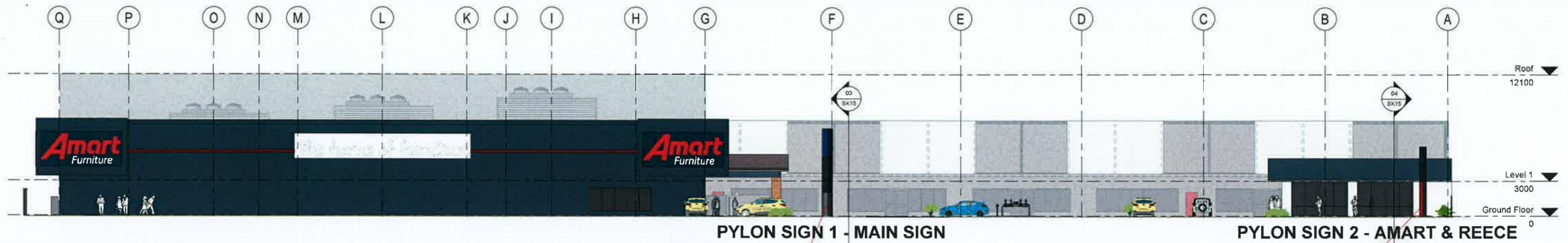
**Amart Furniture**

**SIGN 10**  
Illuminated  
2350x1500mm

**Description:** Amart - Darwin

**5**

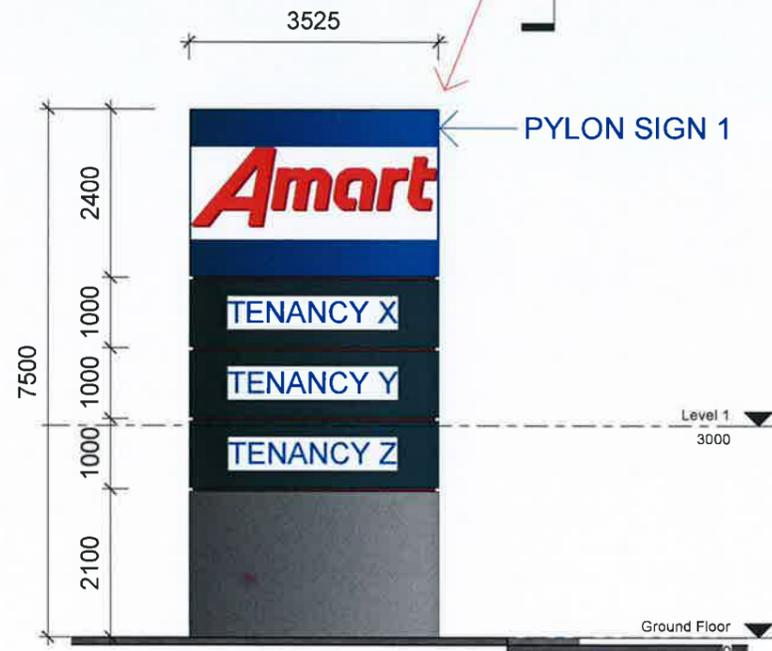
<p><b>Job Code:</b> N/A <b>Client:</b> Amart Furniture <b>Job Name:</b> Darwin</p>	<p><b>Client Contact:</b> N/A <b>Client Email:</b> N/A <b>CVSS Contact:</b> Darren Berndt <b>CVSS Email:</b> darren.berndt@cvservices.com.au</p>	<p><b>Please check this proof sheet carefully paying particular attention to spelling, colours, sizing and quantities.</b></p> <p>Please tick and sign the appropriate box and return to your CVSG Signage contact for action. CVSG Signage will not proceed with your job until a signed and dated form is received back. If changes are required please mark these down as required for the alterations required.</p> <p>Once a signed proof form has been received any additional changes will incur additional charges.</p> <p>In the absence of a purchase order confirmation to proceed with this project either by signing and returning this form or as an email will be taken as written authorisation to proceed with manufacture/installation as required.</p>	<p><b>Actions Required</b></p> <p><input type="checkbox"/> Proceed with no changes</p> <p><input type="checkbox"/> Proceed with marked changes</p> <p><input type="checkbox"/> Make changes and reproof</p> <p><input type="checkbox"/> New artwork to be supplied</p>
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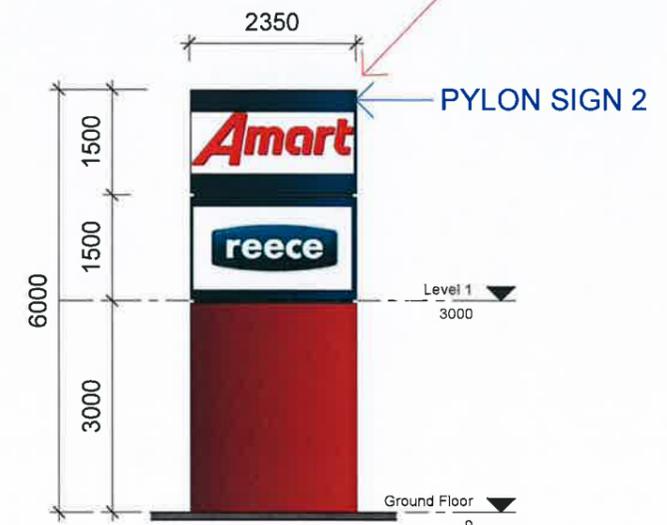
**G**

GABBERT DESIGN

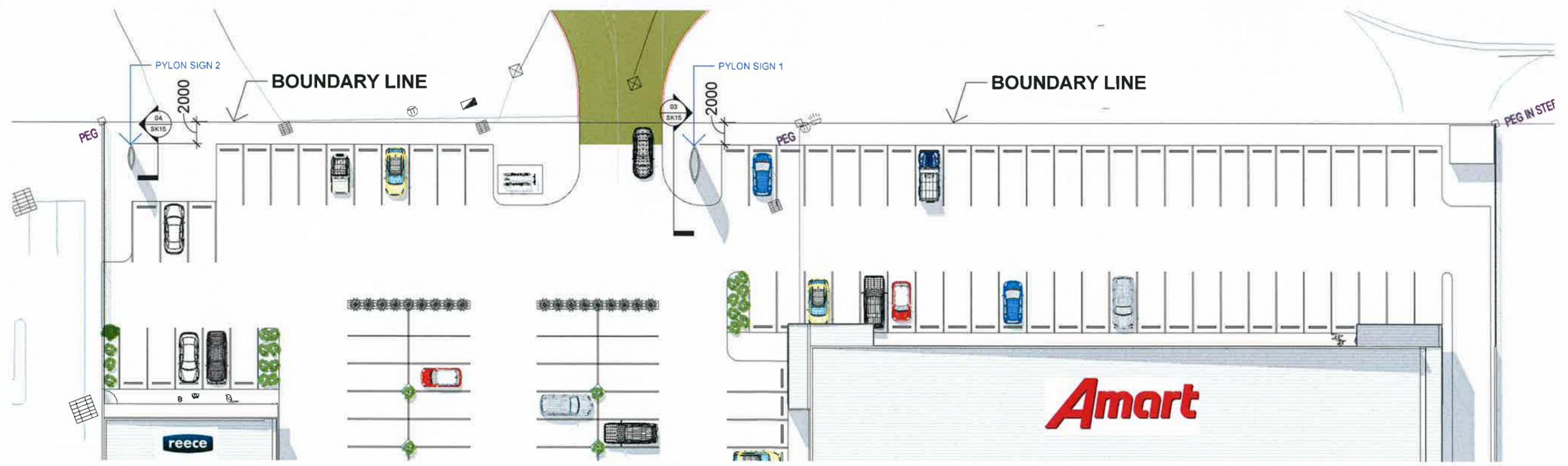
**SK15 - SIGNAGE 15.09.17**



03 SIGNAGE ELEVATION (PYLON SIGN 1)  
SK2 1:50



04 SIGNAGE ELEVATION (PYLON SIGN 2)  
SK2 1:50



02 OVERALL LOCATION PLAN SIGNAGE 1  
SK1 1:200



THIRD ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 17 OCTOBER 2017

ORD10/13

**16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**17. REPORTS OF REPRESENTATIVES**

**18. QUESTIONS BY MEMBERS**

**19. GENERAL BUSINESS**

**20. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**  
Common No. 2695130

THAT the next Ordinary Meeting of Council be held on Tuesday, 31 October 2017, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

**21. CLOSURE OF MEETING TO THE PUBLIC**  
Common No. 2695131

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

**22. ADJOURNMENT OF MEETING AND MEDIA LIAISON**





# **PREVIOUS MINUTES**

## **OPEN**

**Ordinary Council Meeting**

**26 September 2017**



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/1

**CITY OF DARWIN**

MINUTES OF THE SECOND ORDINARY COUNCIL MEETING OF THE TWENTY-SECOND COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 26 SEPTEMBER 2017 COMMENCING AT 5.38PM.

MEMBERS: The Right Worshipful, Lord Mayor, K Vatskalis, (Chair); Member A J Arthur; Member J Bouhoris; Member S Cullen; Member J A Glover; Member G J Haslett; Member R M Knox; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member P Pangquee; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; Acting General Manager City Performance, Mr R Iap; General Manager City Operations, Mr L Cercarelli; General Manager City Life, Ms A Malgorzewicz; General Manager City Futures, Mr G Rosse; Executive Manager, Ms M Reiter; Manager City Planning, Ms C Robson; Manager Engagement & Participation, Ms S Jeeves; Town Planner, Mr D Burrows; Senior Communications and Public Relations Officer, Ms J Raymond-Monro; Youth Services Trainee, Ms A Kent; Committee Administrator, Mrs P Hart.

GUESTS: Mr Andrew Kirkman, Chief Executive Officer, and Ms Louise McCormick, General Manager Transport and Civil Services, from the Department of Infrastructure, Planning and Logistics were in attendance from 5.35pm to brief the Council on Barneson Boulevard.

Mr Don Milford, President, Darwin RSL, and Mr Richard Butler, Rubicon, were in attendance from 6.15pm to brief the Council on the Darwin Cenotaph Renewal.

MEDIA: NT News, Ms Phillipa Butt; ABC Radio Ms Annie Brown; ABC News, Ms Georgia Hitch.

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**WEBCASTING DISCLAIMER**

The City of Darwin live webcasts the Open Section of Ordinary Council Meetings. Audio-visual recording equipment was configured to avoid coverage of the public gallery area and the City of Darwin used its best endeavours to ensure images in this area are not webcast. However the City of Darwin expressly provided no assurances to this effect and in the event your image was webcast, you were by remaining in the public gallery area taken to have given the City of Darwin a non-exclusive licence to copy and broadcast your image worldwide for no reward.

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**(Moved from Confidential)**

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SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/5

**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. THE LORD'S PRAYER**

**3. MEETING DECLARED OPEN**

The Chair declared the meeting open at 5.38 pm.

**4. APOLOGIES AND LEAVE OF ABSENCE**  
Common No. 2695036

**4.1 Apologies**

Nil

**4.2 Leave of Absence Granted**

Nil

**4.3 Leave of Absence Requested**

(Haslett/Pangquee)

- A. THAT a Leave of Absence be granted for Member A Arthur for the period of 27 September to 7 October 2017.
- B. THAT a Leave of Absence be granted for Member R M Knox for the period of 14 to 22 October 2017.
- C. THAT a Leave of Absence be granted for Member S Cullen for the period of 4 to 13 November 2017.
- D. THAT a Leave of Absence be granted for Member S J Niblock for the period of 13 to 21 October 2017.

DECISION NO.22\0027

(26/09/17)

Carried



**5. ELECTRONIC MEETING ATTENDANCE**  
Common No. 2221428

**5.1 Electronic Meeting Attendance Granted**

(Young/Haslett)

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following member was granted permission for Electronic Meeting Attendance at this the Second Ordinary Council Meeting held on Tuesday, 26 September 2017:

- Member G Lambrinidis

DECISION NO.22\0028 (26/09/17) Carried

**5.2 Electronic Meeting Attendance Requested**

(Cullen/Palmer)

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following members request Electronic Meeting Attendance:

- Member S J Niblock to attend all Council and Committee Meetings for the period of 13 to 21 October 2017.

DECISION NO.22\0029 (26/09/17) Carried

**6. DECLARATION OF INTEREST OF MEMBERS AND STAFF**  
Common No. 2752228

**6.1 Declaration of Interest by Members**

Nil

**6.2 Declaration of Interest by Staff**

Nil



**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S**  
Common No. 1955119

**7.1 Confirmation of the Previous Ordinary Council Meeting**

(Haslett/Palmer)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 12 September 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.22\0030 (26/09/17) Carried

**7.2 Confirmation of the Previous Confidential Ordinary Council Meeting**

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

(Palmer/Glover)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 12 September 2017 be received and confirmed as a true and correct record of the proceedings of that meeting.

B. THAT this decision be moved into Open.

DECISION NO.22\0031 (26/09/17) Carried

**7.3 Business Arising**

Nil

**8. MATTERS OF PUBLIC IMPORTANCE**

Nil



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/8

**9. DEPUTATIONS AND BRIEFINGS**

**9.1 Barneson Boulevard**  
Common No. 2116605

*Mr Andrew Kirkman, Chief Executive Officer, and Ms Louise McCormick, General Manager Transport and Civil Services, from the Department of Infrastructure, Planning and Logistics were in attendance from 5.35pm to brief the Council on Barneson Boulevard.*

(Haslett/Young)

THAT the presentation from the Department of Infrastructure, Planning and Logistics in relation to Barneson Boulevard be received and noted.

DECISION NO.22\0032 (26/09/17) Carried

**9.2 Darwin Cenotaph Renewal**  
Common No. 3171870

*Mr Don Milford, President, Darwin RSL, and Mr Richard Butler, Rubicon, were in attendance from 6.15pm to brief the Council on the Darwin Cenotaph Renewal.*

(Knox/Bouhoris)

THAT the presentation from Darwin RSL in relation to the Darwin Cenotaph Renewal be received and noted.

DECISION NO.22\0033 (26/09/17) Carried

**10. PUBLIC QUESTION TIME**

Nil



**11. CONFIDENTIAL ITEMS**

Common No. 1944604

**11.1 Closure to the Public for Confidential Items**

(Glover/Young)

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:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.2.1	8(d)	information subject to an obligation of confidentiality at law, or in equity

DECISION NO.22\0034

(26/09/17)

Carried

**11.2 Moving Open Items Into Confidential**

Nil

**11.3 Moving Confidential Items Into Open**

Nil

**12. PETITIONS**

Nil



**13. NOTICE(S) OF MOTION**

**13.1 6 month trial of non-enforced on-street parking time limits in the CBD on weekends and public holidays**  
Common No. 1952026

(Lord Mayor/Haslett)

- A. THAT Council undertake a 6 month trial of non-enforced on-street parking time limits in the CBD on weekends and public holidays.
- B. THAT a report on the results of the trial be presented to Council.

DECISION NO.22\0035 (26/09/17)

Carried

ACTION: GM CITY LIFE

**13.2 Outdoor Dining Fees in the CBD**  
Common No. 180516

(Lord Mayor/Want de Rowe)

- A. THAT a report be presented to Council in November outlining the financial and non-financial implications of a 12 month moratorium on outdoor dining fees in the CBD.
- B. THAT a report be presented to Council in November 2017 reviewing City of Darwin Policy No. 011 - Outdoor Dining Policy and the associated pricing mechanisms for outdoor dining.
- C. THAT evaluation reports be presented 6 months into the moratorium period and at the conclusion of the moratorium.

DECISION NO.22\0036 (26/09/17)

Carried

ACTION: GM CITY FUTURES



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/11

**13.3 Community Council Meetings**

Common No. 2695130

(Lord Mayor/Cullen)

THAT Council hold three Ordinary Council Meetings in community locations, as follows:-

- 2<sup>nd</sup> Ordinary Council Meeting, February 2018 – Casuarina Library
- 2<sup>nd</sup> Ordinary Council Meeting, April 2018 – Parap Primary School
- 2<sup>nd</sup> Ordinary Council Meeting, September 2018 – Karama Library

DECISION NO.22\0037 (26/09/17)

Carried

ACTION: CA  
NOTE: EXEC MGR

**13.4 Barneson Boulevard**

Common No. 2116605

(Niblock/Knox)

- A. THAT Council request that the Northern Territory Government prepare a report for council outlining alternative options for Barneson Boulevard that do not dissect the Frog Hollow precinct, comprising Lots 5665 and 5672.

**Amendment**

(Arthur/)

- B. THAT the report include but not be limited to:
- Roundabout on McMinnn Street
  - Park and drive option
  - Provision of a walkable liveable city
  - The impact of driverless vehicles
  - High speed transit lanes for buses
  - Cost benefit analysis of a light rail system from Darwin to Palmerston
  - Staggered times for workers in the CBD
- C. THAT City of Darwin withdraw its support for the Barneson Boulevard project until the report is received by Council.

*Lapsed for want of a seconder*

*Continued on next page.*



**13.4 Barneson Boulevard**  
Common No. 2116605

*Continued from previous page.*

(Niblock/Knox)

- A. THAT Council request that the Northern Territory Government prepare a report for council outlining alternative options for Barneson Boulevard that do not dissect the Frog Hollow precinct, comprising Lots 5665 and 5672.
- B. THAT Council request that the report also consider the following:
- Transport mode design
    - Can one lane be dedicated to a rapid bus lane?
    - What is Transport’s strategic plan or goals for mode shift over the next 10 years?
  - Landscaping
    - How wide will the median strip in the middle of the four lanes be
    - Will there be other elements to landscaping such as ground cover?
    - Does the plan include an irrigation system? Can this utilise grey water?
  - Heat mitigation
    - Will the road surface be treated with any coatings to reduce surface temperature?
    - Will pedestrian paths use ‘cool pavement’ textiles that are reflective?
  - Street lighting
    - Can any proposed streetlights utilise these technologies so that we aren’t wasting money upfront?
    - Further to this, will pedestrian lighting be provided along the verge in landscaped areas, and street furniture?
  - Art
    - Can we provide areas of pavement that schools or local artists can contribute with mosaics – promoting ownership amongst the community?
  - Iconic Entrance to the City
    - From a place making and tourist perspective, what can be done at the intersection on Cavenagh Street in front of Woolworths so the Boulevard still has that wow factor that says “welcome to Darwin”?

DECISION NO.22\0038

(26/09/17)

Carried

ACTION: GM CITY OPS

**Call for Division**

Member A Arthur called for a division on the Barneson Boulevard motion.

AFFIRMATIVE	NEGATIVE
Niblock	Haslett
Cullen	Lord Mayor
Arthur	Palmer
Knox	Pangquee
Glover	Young
Want de Rowe	Bouhoris
Lambrinidis	



**13.5 Rainbow Markings Retention**  
Common No. 3573214

(Young/Want de Rowe)

- A. THAT the rainbow markings at the Smith Street and Knuckey Street intersection remain there following the conclusion of the Darwin Pride Festival 2017.
- B. THAT a review of the rainbow marking's permanent retention and maintenance needs takes place within 12 months.
- C. THAT Council explore options for similar street art at other intersections in Darwin to celebrate Darwin's cultural diversity, following discussions with Darwin multicultural organisations and the Larrakia, in a report to come back to Council in November 2017.

DECISION NO.22\0039

(26/09/17)

Carried

ACTION: GM CITY OPS

**Call for Division**

Member R Want de Rowe called for a division on the Rainbow Markings Retention.

<b>AFFIRMATIVE</b>	<b>NEGATIVE</b>
Niblock Arthur Knox Lambrinidis Glover Palmer Pangquee Young Want De Rowe	Cullen Haslett Bouhoris



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/14

**13.6 Non-voting Penalty**  
Common No. 3193634

**Procedural Motion**

(Lambrinidis/Want de Rowe)

*THAT this item lay on the table until the post-election report is received from the Northern Territory Electoral Commission and Council has written to the Northern Territory Government.*

Carried

(Haslett/Bouhoris)

THAT Council take necessary action to fine those Darwin residents without a valid reason not to vote in the recent Local Government Elections.

NOTE: COMM ADMIN

**13.7 Parking Times at Nightcliff Shopping Centre**  
Common No. 3399523

(Knox/Haslett)

THAT Council immediately convert the 1 hour parking zone on Progress Drive adjacent to the Nightcliff Shopping Centre to a 2 hour zone and complete the review of the management of other timed and untimed car parking and consider the effect of overflow parking on surrounding streets.

DECISION NO.22\0040 (26/09/17)

Carried

ACTION: GM CITY LIFE  
NOTE: GM CITY OPS

**13.8 Regulation of Poultry**  
Common No. 3568780

(Knox/Bouhoris)

THAT Council prepare a report on the keeping of poultry (such as roosters and chickens) in the City of Darwin municipality to be considered by the City Life Committee and to come to Council in November 2017.

DECISION NO.22\0041 (26/09/17)

Carried

ACTION: GM CITY LIFE



**Procedural Motion - Adjournment of the meeting at 8.05pm in Accordance with By-Law 163(d)**

(Haslett/Young)

THAT in accordance with By-Law 163(d), the meeting be adjourned at 8.05pm for 30 minutes to enable the Council to have a meal break.

Carried

**Procedural Motion - Resumption of Meeting Procedures at 8.35pm**

(Want de Rowe/glover)

THAT the meeting be resumed at 8.35pm.

Carried

**14.1 OFFICERS REPORTS (ACTION REQUIRED)**

**14.1.1 Darwin Cenotaph Renewal - Consultation Outcomes**

Report No. 17CL0011 SJ:kl (26/09/17) Common No. 3171870

(Palmer/Haslett)

- A. THAT Report Number 17CL0011 SJ:kl entitled Darwin Cenotaph Renewal - Consultation Outcomes, be received and noted.
- B. THAT Council provide in principle support for the renewal of the Darwin Cenotaph subject to the revision of the concept to reflect the feedback from the community consultation.
- C. THAT Council recommend the Darwin RSL work with the Bombing of Darwin and Military History Advisory Committee to revise the Darwin Cenotaph renewal concept to reflect the community feedback from the consultation report at **Attachment B** to Report Number 17CL0011 SJ:kl entitled Darwin Cenotaph Renewal - Consultation Outcomes.
- D. THAT a further report be presented to Council following the resolution of the revised Darwin Cenotaph renewal concept.

DECISION NO.22\0042

(26/09/17)

Carried

ACTION: MANAGER ENGAGEMENT & PARTICIPATION  
NOTE: GM CITY LIFE



**14.1.2 Election of Members to Committees and Delegation**

Report No. 17CE0001 MR:ph (26/09/17) Common No. 375173

**Procedural Motion – Suspension of Meeting Procedures in Accordance with By-law 147 at 9.00pm for 60 minutes**

(Young/Want de Rowe)

THAT in accordance with By-Law 147 the operation of procedures set out in Part 7 of the Darwin City Council By-Laws, that limits the duration and number of times a Member may speak, be suspended at 9.00pm for 60 minutes to allow for discussion on the report relating to Election of Members to Committees and Delegation.

Carried

**Procedural Motion – Extension of Suspension of Meeting Procedures in Accordance with By-law 147 at 10.00pm for 15 minutes**

(Young/Want de Rowe)

THAT in accordance with By-Law 147 the operation of procedures set out in Part 7 of the Darwin City Council By-Laws, that limits the duration and number of times a Member may speak, be further suspended at 10.00pm for 15 minutes to allow for discussion on the report relating to Election of Members to Committees and Delegation.

Carried

**Resumption of Meeting Procedures at 10.03pm**

(Palmer/Arthur)

THAT the operation of procedures as set out in Part 7 of the Darwin City Council By-Laws, be resumed.

Carried

(Haslett/Palmer)

- A. THAT Report Number 17CE0001 MR:ph entitled Election of Members to Committees and Delegations, be received and noted.
- B. THAT Council make the following appointments and endorse the following delegations:



## EXECUTIVE COMMITTEES

### Administrative Review Committee

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32 (2)(b) of the *Local Government Act*, hereby delegates to the Administrative Review Committee the power to make recommendations to Council and decisions relating to undertake internal reviews in accordance with Part 18.1 of the Local Government Act.
- (ii) THAT the Lord Mayor, Alderman R Want de Rowe, Alderman J A Glover, Alderman J Bouhoris and Alderman E L Young be appointed to the Administrative Review Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the Administrative Review Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Alderman E L Young be the Chair of the Administrative Review Committee, for the period 26 September 2017 to 30 June 2018.

### Chief Executive Officer's Performance Appraisal Committee

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32 of the Local Government Act, hereby delegates to the Chief Executive Officer's Performance Appraisal Committee be delegated the power to conduct and finalise the appraisal of the Chief Executive Officer.
- (ii) THAT the Lord Mayor, Deputy Lord Mayor, Chair of the City Life Committee, Chair of the City Futures Committee, Chair of the City Performance Committee and Chair of the City Operations Committee with an independent facilitator undertake performance evaluations of the Chief Executive Officer.
- (iii) THAT all other Aldermen be appointed as Alternates to the Chief Executive Officer's Performance Appraisal Committee, for the term of the 22<sup>nd</sup> Council.

### City Life Committee

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32 (2)(b) of the Local Government Act, hereby delegates to the City Life Committee the power to make recommendations to Council and decisions relating to City Life matters within the approved budget:
  - Access and Inclusion
  - Arts and Culture
  - Community Development
  - Community Engagement
  - Customer Services
  - Darwin Entertainment Centre
  - Darwin Safer City
  - Families and Children
  - Libraries
  - Recreation, Leisure & Events
  - Regulatory Services



- Youth

- (ii) THAT the Lord Mayor, Alderman A Arthur, Alderman P Pangquee, and Alderman G Haslett be appointed to the City Life Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the City Life Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Alderman G Haslett be the Chair of the City Life Committee, for the period 26 September 2017 to 30 June 2018.

### **City Operations Committee**

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32 (2)(b) of the Local Government Act, hereby delegates to the City Operations Committee the power to make recommendations to Council and decisions relating to City Operations matters within the approved budget:
  - Asset Management
  - Building Services
  - Capital Works
  - Civil Works
  - Design
  - Development
  - Fleet/Workshop
  - Operations Administration & Stores
  - Parks & Reserves
  - Waste Management
  - Public lighting
- (ii) THAT the Lord Mayor, Alderman R Want de Rowe, Alderman E L Young and Alderman R M Knox be appointed to the City Operations Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the City Operations Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Alderman R Want de Rowe be the Chair of the City Operations Committee, for the period 26 September 2017 to 30 June 2018.

### **City Futures Committee**

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32(2)(b) of the Local Government Act, hereby delegates to the City Futures Committee the power to make recommendations to Council and decisions relating to City Futures matters within the approved budget:
  - City Resilience
  - Climate Change & Environment
  - International relations (formerly Sister Cities)
  - Investment attraction/Economic Development/Tourism
  - Planning - Strategic, Statutory, Social:



- Development Applications referred from the Development Assessment Services (NTG)
  - Town Planning Strategy, Policies and Procedures
  - Strategic Planning matters such as Planning Scheme Amendments, NT Planning Act amendments, discussion papers and proposed guidelines
  - Development and Planning Matters referred to Council from Developers, Community Groups and Individuals
  - Signage Applications, Policies and Procedures
  - Outdoor Dining Applications, Policy and procedures
  - On-street & Off-street Parking
  - Smart City/Digital Delivery
- (ii) THAT the Lord Mayor, Alderman G Lambrinidis, Alderman S Cullen and Alderman S J Niblock be appointed to the City Futures Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the City Futures Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Alderman S Cullen be the Chair of the City Futures Committee, for the period 26 September 2017 to 30 June 2018.

#### **City Performance Committee**

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32(2)(b) of the Local Government Act, hereby delegates to the City Performance Committee the power to make recommendations to Council and decisions relating to City Performance matters within the approved budget:
- Business Services (Contracts, Property Administration)
  - Financial Management
  - Information Technology
  - People, Culture & Capability
  - Records & Information Unit
  - Risk, Audit & Safety
  - Strategic Services
  - Communications & Marketing
  - Governance
  - Sponsorship
- (ii) THAT the Lord Mayor, Alderman J A Glover, Alderman J Bouhoris and Alderman M Palmer be appointed to the City Performance Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the City Performance Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Alderman J Bouhoris be the Chair of the City Performance Committee, for the period 26 September 2017 to 30 June 2018.



### **Risk Management & Audit Committee**

- (i) THAT effective as of 26 September 2017 Council, pursuant to Section 32(2)(b) of the Local Government Act, hereby delegates to the Risk Management & Audit Committee the power to make recommendations to Council and decisions relating to Risk Management & Audit matters:
  - follow up issues arising from internal and external audits
  - the management of outstanding and completed audit issues registers
  - the receipt and acceptance of strategic and operational risk assessments
- (ii) THAT the Chair of the City Performance Committee, Alderman J Bouhoris, and Alderman J A Glover be appointed to the Risk Management & Audit Committee, for the period 26 September 2017 to 30 June 2018.
- (iii) THAT all other Aldermen be appointed as Alternates to the Risk Management & Audit Committee, for the period 26 September 2017 to 30 June 2018.
- (iv) THAT Council note that community member Mr Iain Summers is the Chair of the Risk Management & Audit Committee, for the period 26 September 2017 to 30 June 2018.
- (v) THAT Council note that Mr Craig Spencer is the second community member of the Risk Management & Audit Committee, for the period 26 September 2017 to 30 June 2018.

### **ADVISORY COMMITTEES**

#### **Access and Inclusion Advisory Committee**

- (i) THAT Alderman S J Niblock be appointed to the Access and Inclusion Advisory Committee for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman A Arthur be appointed as Alternate to the Access and Inclusion Advisory Committee for the period 26 September 2017 to 30 June 2018.

#### **Arts & Cultural Development Advisory Committee**

- (i) THAT the Chair of the City Life Committee, Alderman G J Haslett, be appointed to the Arts & Cultural Development Advisory Committee for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman G Lambrinidis be appointed as Alternate to the Arts & Cultural Development Advisory Committee for the period 26 September 2017 to 30 June 2018.

#### **Bombing of Darwin & Military History Advisory Committee**

- (i) THAT Council note that the Lord Mayor is the Chair of the Bombing of Darwin & Military History Advisory Committee.
- (ii) THAT Alderman A Arthur be appointed to the Bombing of Darwin & Military History Advisory Committee for the period 26 September 2017 to 30 June 2018.



- (iii) THAT Alderman G J Haslett be appointed as Alternate to the Bombing of Darwin & Military History Advisory Committee for the period 26 September 2017 to 30 June 2018.

#### **International Relations Advisory Committee**

THAT Council note that a report on the International Relations Advisory Committee will come to Council in October 2017.

#### **Youth Advisory Committee**

- (i) THAT Alderman J A Glover be appointed to the Youth Advisory Committee for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman J Bourhois be appointed as Alternate to the Youth Advisory Committee for the period 26 September 2017 to 30 June 2018.

#### **OUTSIDE COMMITTEES WITH CITY OF DARWIN APPOINTED REPRESENTATION**

##### **Arafura Games Steering Committee**

THAT Council note that the Lord Mayor is the ex-officio member of the Arafura Games Steering Committee, for the term of the 22<sup>nd</sup> Council.

##### **Northern Australian Capital City Committee (NACCC)**

THAT Council note that the Lord Mayor is the ex-officio member on the Northern Australian Capital City Committee, for the term of the 22<sup>nd</sup> Council.

##### **Vibrant CBD Subcommittee**

THAT the Alderman J Bouhoris be appointed as Council's delegate on the Vibrant CBD Subcommittee, for the period 26 September 2017 to 30 June 2018.

##### **Council of Capital Cities Lord Mayors (CCCLM)**

THAT it be noted the Lord Mayor is the ex-officio member of the Council of Capital Cities Lord Mayors for the term of the 22<sup>nd</sup> Council.

##### **Council of the Ageing NT Board (COTA)**

- (i) THAT Alderman G Lambrinidis be appointed as Council's delegate on the Council of the Ageing NT Board for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman G J Haslett be appointed as Council's Alternate on the Council of the Ageing NT Board for the period 26 September 2017 to 30 June 2018.



### Development Consent Authority (DCA)

- (i) THAT Alderman S Cullen and Alderman M Palmer be nominated to be Division Members of the Darwin Development Consent Authority for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman S J Niblock be nominated to be the Alternate Member of the Darwin Development Consent Authority for the period 26 September 2017 to 30 June 2018.

### Local Government Association of the Northern Territory (LGANT)

- (i) THAT Council note that Alderman Gary Haslett has been appointed to the Local Government Association of the Northern Territory executive, Executive Board Member - Municipals (City of Darwin appointed).
- (ii) THAT Alderman P Pangquee be nominated to the Local Government Association of the Northern Territory executive, Executive Board Member - All Councils.
- (iii) THAT Alderman G J Haslett be nominated to the Local Government Association of the Northern Territory executive, Vice President - Municipals.
- (iv) THAT Alderman R Want de Rowe be nominated to the Local Government Association of the Northern Territory executive, Executive Board Member - Municipal (City of Darwin appointed), should Alderman G Haslett be successful in his nomination to Vice President - Municipals.
- (v) THAT Council nominate the Lord Mayor and Deputy Lord Mayor as its delegated representatives under Section 7, Clause 3 of the Local Government Association of the Northern Territory Constitution, to represent Council at meetings of the Association.
- (vi) THAT Council note the appointments of City of Darwin Elected Members as Local Government Association of the Northern Territory representatives on the Committees as follows:

Neighbourhood Watch (NT) Committee	Alderman Gary Haslett
Coastal and Marine Management Strategy Partnership Group	Alderman Robin Knox

- (vii) THAT Council nominate City of Darwin Elected Members as Local Government Association of the Northern Territory representatives on the Committees as follows:

Animal Welfare Advisory Committee	Alderman Justine Glover
Heritage Council	Alderman Emma Young
NT Ministerial Council on Multicultural Affairs	Alderman George Lambrinidis
NT Place Names Committee	Alderman Andrew Arthur
NT Water Safety Advisory Council	Alderman Robin Knox



### Rapid Creek Water Advisory Committee

- (i) THAT Council note that Waste Management Project Officer, Ms Emma Lewis, was appointed to the Rapid Creek Water Advisory Committee by the Minister for Environment and Natural Resources on 1 November 2016.
- (ii) THAT Council write to the Minister for Environment and Natural Resources requesting that Alderman Robin Knox be nominated in place of the Waste Management Project Officer on the Rapid Creek Water Advisory Committee.

### Top End Regional Organisation of Councils (TOPROC)

- (i) THAT the Lord Mayor be appointed as Council's delegate on the Top End Regional Organisation of Councils for the period 26 September 2017 to 30 June 2018.
- (ii) THAT Alderman A Arthur be appointed as Council's Alternate delegate on the Top End Regional Organisation of Councils for the period 26 September 2017 to 30 June 2018.

### Tourism Top End

THAT Alderman P Pangquee be appointed as Council's delegate on the Tourism Top End Board, for the period 26 September 2017 to 30 June 2018.

### DELEGATIONS

- C. THAT Pursuant to Section 32 of the Local Government Act, Council hereby delegates to the Chief Executive Officer its powers and functions as set out in the Schedule below:

#### Schedule

Section 112	Appointment of Authorised Persons
Section 244	Authorisation of the persons to institute proceedings in the name of Council
Various	All of the powers and functions of the Council with the exception of the following: <ul style="list-style-type: none"> <li>i. those matters referred to in Section 21(2) of the Local Government Act</li> <li>ii. Sections 22 and 24, regarding adoption of the Municipal Plan</li> <li>iii. Section 46, appointment to fill a Casual Vacancy on the Council</li> <li>iv. Section 49, establishment of Local Boards</li> <li>v. Section 54, establishment of Council Committees</li> <li>vi. Section 68, calling meetings for elections</li> </ul>

- D. THAT pursuant to Section 112 of the Local Government Act, Council appoints the Chief Executive Officer as an authorised person.



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/24

- E. THAT pursuant to Section 32 of the Local Government Act, Council hereby delegates to the Chief Executive Officer the power and authority to exercise all or any of the powers of the Council under the Darwin City Council By-laws, Part 3 - Animal Management.

DECISION NO.22\0043 (26/09/17) Carried

ACTION Part A - B: CA  
ACTION Part C-E: CEO  
NOTE: EXEC MGR

## 14.2 OFFICERS REPORTS (RECEIVE & NOTE)

### 14.2.1 Monthly Financial Report - August 2017

Report No. 17CP0021 MC:je (26/09/17) Common No. 2476534

(Palmer/Pangquee)

THAT Report Number 17CP0021 MC:je entitled Monthly Financial Report - August 2017, be received and noted.

DECISION NO.22\0044 (26/09/17) Carried

### 14.2.2 Parap Pool Redevelopment Update September 2017

Report No. 17CL0015 AM:kl (26/09/17) Common No. 2918032

(Palmer/Want de Rowe)

THAT Report Number 17CL0015 AM:kl entitled Parap Pool Redevelopment Update September 2017, be received and noted.

DECISION NO.22\0045 (26/09/17) Carried



**14.2.3 Listing of Cheques/EFT Payments - August 2017**

Report No. 17CP0022 MC:je (26/09/17) Common No. 339125

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

(Niblock/Palmer)

- A. THAT Report Number 17CP0022 MC:je entitled Listing of Cheques/EFT Payments - August 2017, be received and noted.
- B. THAT this decision be moved into Open.

DECISION NO.22\0046 (26/09/17) Carried

**15. TOWN PLANNING REPORT/LETTER**

**15.1 Council Responses to Planning Applications - September 2017**

Report No. 17CF0014 BS:hd (26/09/17) Common No. 2547669

(Cullen/Haslett)

- A. THAT Report Number 17CF0014 BS:hd entitled Council Responses to Planning Applications - September 2017, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachment A** to Report Number 17CF0014 BS:hd entitled Council Responses to Planning Applications - September 2017.
- C. THAT the cross-reference table of the Development Consent Authority outcomes at **Attachment B** to Report Number 17CF0014 BS:hd entitled Council Responses to Planning Applications - September 2017, be received and noted.

DECISION NO.22\0047 (26/09/17) Carried

ACTION: PLANNING OFFICER  
NOTE: GM CITY FUTURES



**15.2 Concurrent Application - Rezone and Subdivision PA2017/0178 - Part Section 4262 (74) Amy Johnson Avenue, Berrimah**

Report No. 17CF0013 DB:hd (26/09/17) Common No. 3638332

(Palmer/Cullen)

- A. THAT Report Number 17CF0013 DB:hd entitled Concurrent Application - Rezone and Subdivision PA2017/0178 - Part Section 4262 (74) Amy Johnson Avenue, Berrimah, be received and noted.
- B. THAT Council endorse the submission, dated 29 September 2017, to the Reporting Body within **Attachment A** to Report Number 17CF0013 DB:hd entitled Concurrent Application - Rezone and Subdivision PA2017/0178 - Part Section 4262 (74) Amy Johnson Avenue, Berrimah.

DECISION NO.22\0048 (26/09/17)

Carried

ACTION: TOWN PLANNER  
NOTE: GM CITY FUTURES

**16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**16.1 Incoming Letter - Minister for Infrastructure and Transport - 2017 Darwin Airport Draft Master Plan**

Document No. 3646644 (26/09/17) Common No. 3405720

(Knox/Bouhoris)

THAT the incoming letter from the Minister for Infrastructure and Transport regarding approval of the 2017 Darwin Airport Draft Master Plan be received and noted.

DECISION NO.22\0049 (26/09/17)

Carried

**17. REPORTS OF REPRESENTATIVES**

Nil

**18. QUESTIONS BY MEMBERS**

Nil



SECOND ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 26 SEPTEMBER 2017

ORD09/27

**19. GENERAL BUSINESS**

Nil

**21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**  
Common No. 2695130

(Glover/Palmer)

THAT the next Ordinary Meeting of Council be held on Tuesday, 17 October 2017, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.22\0050 (26/09/17) Carried

**22. CLOSURE OF MEETING TO THE PUBLIC**  
Common No. 2695131

(Young/Cullen)

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

DECISION NO.22\0051 (26/09/17) Carried

**23. ADJOURNMENT OF MEETING**

Nil

*The meeting moved to the Confidential Section at 10.05pm.*



**THE RIGHT WORSHIPFUL, LORD  
MAYOR, K VATSKALIS (CHAIR) –  
ORDINARY COUNCIL MEETING –  
TUESDAY, 26 SEPTEMBER 2017**

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**Confirmed On:** *Tuesday, 17 October 2017*

**Chair:** \_\_\_\_\_

