CITY OF DARWIN

TWENTY EIGHTH ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 25 JUNE 2013

MEMBERS: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member R Lesley; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Executive Manager, Mr M Blackburn; Acting Committee Administrator, Mrs K Berry.

Enquiries and/or Apologies: Kerry Berry
E-mail: k.berry@darwin.nt.gov.au
PH: 8930 0670

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1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD’S PRAYER

3. MEETING DECLARED OPEN

The Chairman declared the meeting open at _____ p.m.

4. APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE

6. DECLARATION OF INTEREST OF MEMBERS AND STAFF
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

7.1 Confirmation of the Previous Ordinary Council Meeting
Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 11 June 2013, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\(\) (25/06/13)

8. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

8.1 Business Arising

9. MATTER OF PUBLIC IMPORTANCE

10. DEPUTATIONS AND BRIEFINGS

11. PUBLIC QUESTION TIME
12. CONFIDENTIAL ITEMS

12.1 Closure to the Public for Confidential Items

Common No. 1944604

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 matters referred from Committees including Confidential Committee Items, and the following Items:-

<table>
<thead>
<tr>
<th>Item</th>
<th>Regulation</th>
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<tbody>
<tr>
<td>C29.1</td>
<td>8(e)</td>
<td>information provided to the council on condition that it be kept confidential.</td>
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<td>C29.3</td>
<td>8(c)(iv)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.</td>
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<tr>
<td>C30.1</td>
<td>8(e)</td>
<td>information provided to the council on condition that it be kept confidential.</td>
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DECISION NO.21(25/06/13)

12.2 Moving Open Items Into Confidential

12.3 Moving Confidential Items Into Open

13. PETITIONS

14. NOTICE(S) OF MOTION
15. COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (17/06/13)

Presentation of Report by Acting Chairman – Acting Lord Mayor, A R Mitchell

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 17 June 2013.

1. Community Development Team Update – May 2013
Report No. 13C0054 KH:es (17/06/13) Common No. 1733166

(Want de Rowe/Knox)

That it be a recommendation to Council:

THAT Report Number 13C0054 KH:es entitled Community Development Team Update – May 2013, be received and noted.

DECISION NO.21\() (25/06/13)

2. Regulatory Services Update Report June 2013
Report No. 13C0058TW:mrg (17/06/) Common No. 1330602

(Knox/Want de Rowe)

That it be a recommendation to Council:

THAT Report Number 13C0058 TW:mrg entitled Regulatory Services Update Report June 2013, be received and noted.

DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Community & Cultural Services)

3. **Libraries Information Update for May 2013**  
   Report No. 13P0005 KC:md (17/06/13) Common No. 1943023

(Want de Rowe/Knox)

That it be a recommendation to Council:

THAT Report Number 13P0005 KC:md entitled Libraries Information Update For May 2013, be received and noted.

DECISION NO.21\() (25/06/13)

4. **MINUTES YOUTH ADVISORY GROUP (YAG) MEETING 1 MAY 2013**  
   Report No. 13C0059 KP:es (17/06/13) Common No. 2514736

(Want de Rowe/Knox)

That it be a recommendation to Council:

A. THAT Report Number 13C0059 KP:es entitled, Minutes Youth Advisory Group (YAG) Meeting 1 May 2013, be received and noted.

DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Community & Cultural Services)

5. **MINUTES SISTER CITY COMMITTEE MEETING – KALYMNOS 8 MARCH, 31 MAY, BOOK EXCHANGE AND SCHOLARSHIP**

Report No. 13C0057 HB:es (17/06/13) Common No. 2462313

(Knox/Want de Rowe)

That it be a recommendation to Council:

A. THAT Report Number 13C0057 HB:es entitled Minutes Sister City Community Committee Meeting - Kalymnos 8 March, 31 May, Book Exchange and Scholarship, be received and noted.

B. THAT $2000 is allocated to a reciprocal book exchange between select schools in Darwin and Kalymnos.

C. THAT $2500 is allocated to one-off cash scholarships for middle school students excelling in English language studies in Kalymnos public schools.

D. THAT all unallocated Committee funds for the 2012/13 financial year are allocated towards a Kalymnos Sister City stall at Glenti.

DECISION NO.21\(25/06/13\)

(Committee Reports – Community & Cultural Services Cont./…..)
(Cont./....Committee Reports – Community & Cultural Services)

6. MINUTES SISTER CITY COMMUNITY COMMITTEE MEETING - HAIKOU
20 MAY 2013, ENGLISH LANGUAGE SCHOLARSHIPS AND BILINGUAL
BOOK PROJECT
Report No. 13C0056 HB:es (17/06/13) Common No. 2513689

(Want de Rowe/Knox)

That it be a recommendation to Council:

A. THAT Report Number 13C0056 HB:es entitled Minutes Sister City Community Committee Meeting - Haikou 20 May 2013, English Language Scholarships, and Bilingual Book Project, be received and noted.

B. THAT Mr Philip Rudd is elected to the position of Chair of the Haikou Sister City Community Committee for the period 20 May 2013 to 30 June 2014.

C. THAT $500 is allocated to an English language scholarship project in Haikou.

D. THAT $2000 is allocated to a bilingual book project between a Darwin and Haikou School.

E. THAT all remaining funds from the Haikou Sister City Community Committee budget be brought forward to the 2013/14 financial year budget.

DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Community & Cultural Services)

7. MINUTES SISTER CITY COMMUNITY COMMITTEE MEETINGS – DILI 21 MAY, AMBON 23 MAY 2013, COMMITTEE FOCUS, AMBON NIGHT
Report No. 13C0055 HB:es (17/06/13) Common No. 2513664

(Knox/Want de Rowe)

That it be a recommendation to Council:

A. THAT Report Number 13C0055 HB:es entitled Minutes Sister City Community Committee Meetings - Dili 21 May, Ambon 23 May 2013, Committee Focus, Ambon Night, be received and noted.

B. THAT Dili Sister City Community Committee funds of $4539 is allocated towards the following:

   i. Funding a Council Officer to visit the Dili District Administration and assist in development of Waste Management strategies; and

   ii. Supporting a reciprocal delegation to Dili for the purposes of renewing and expanding Council's relationship with the Dili District Administration.

   iii. These funds are brought forward to the 2013/14 financial year.

C. THAT Mr Rick Setter is appointed to the position of Chair of the Ambon Sister City Community Committee for the period 23 May – 30 June 2014.

D. THAT the Ambon Sister City Community Committee recommends that up to $1000 is allocated towards the proposed Ambon Night to be held in July 2013 prior to the Darwin to Ambon Yacht Race.

DECISION NO.21\() (25/06/13)
15. COMMITTEE REPORTS

15.2 CORPORATE & ECONOMIC DEVELOPMENT (19/06/13)

Presentation of Report by Chairman – Member R Lesley

Recommendations from the Corporate & Economic Development Committee held on Wednesday, 19 June 2013.

1. Fourth Quarter Budget Review 2012-13
   Report No. 13A0092 AM:ns (19/06/13) Common No. 978289

   (Knox/Haslett)

   THAT it be a recommendation to Council:-

   A. THAT Report Number 13A0092 AM:ns entitled Fourth Quarter Budget Review 2013-14, be received and noted.


DECISION NO.21() (25/06/13)

2. Listing of Cheques / Eft Payments - May 2013
   Report No. 13A0096 WM:ns (19/06/13) Common No. 339125

   (Haslett/Knox)

   THAT it be a recommendation to Council:-

   THAT Report Number 13A0096 WM:ns entitled Listing Of Cheques / EFT Payments - May 2013, be received and noted.

DECISION NO.21() (25/06/13)

(Committee Reports – Corporate & Economic Development Committee Cont./…..)
(Cont./….Committee Reports – Corporate & Economic Development Committee)

3. **Financial Report to Council - May 2013**
   Report No. 13A0100 MC:ns (19/06/13) Common No. 339122

(Knox/Haslett)

THAT it be a recommendation to Council:-

THAT Report Number 13A0100 MC:ns entitled Financial Report To Council - May 2013, be received and noted.

DECISION NO.21\() (25/06/13)

4. **Register of Invitations Received and Declined By Lord Mayor or Representative During January, February and March 2013**
   Report No. 13TC0016MB:sv (19/06/13) Common No. 381402

(Knox/Haslett)

That it be recommended to Council:

THAT Report number 13TC0016 MB:sv entitled, Register of Invitations Accepted or Declined by the Lord Mayor or Representative for January, February and March 2013 be received and noted.

DECISION NO.21\() (25/06/13)

5. **Register of Elected Members Professional Development as of March 2013**
   Report No. 13TC0017MB:sv (19/06/13) Common No. 315321

(Haslett/Knox)

That it be recommended to Council:


DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Corporate & Economic Development Committee)


Report No. 13TC0015MB:js(19/06/13) Common No.2268256

(Knox/Haslett)

THAT it be a recommendation to Council:-

THAT Report Number 13TC0015JS:MB entitled, Communication and Marketing Strategy Action Plan, be received and noted.

DECISION NO.21\() (25/06/13)

7. Risk Management & Audit Committee Meeting Held on 31 May 2013

Report No. 13A0097NS:dlee (19/06/13) Common No. 353196

(Haslett/Knox)

THAT it be a recommendation to Council:-

THAT Report Number 13A0097 NS:dlee entitled Risk Management & Audit Committee Meeting held on 31 May 2013, be received and noted.

DECISION NO.21\() (25/06/13)
15. COMMITTEE REPORTS

15.3 ENVIRONMENT & INFRASTRUCTURE (18/06/13)

Presentation of Report by Chairman – Member R K Elix

Recommendations from the Environment & Infrastructure Committee Meeting held on Tuesday, 18 June 2013.

1. City of Darwin Bike Plan Brief

Report No. 13TS0133 DL:mm (18/06/13) Common No. 2476277

(Lambrinidis/Worden)

THAT it be a recommendation to Council:-

A. THAT Report Number 13TS0133 DL:mm entitled City of Darwin Bike Plan Brief, be received and noted.

B. THAT Council endorse the Bike Plan brief included as Attachment A to Report Number 13TS0133 DL:mm entitled City of Darwin Bike Plan Brief and proceed with the development of the Bike Plan.

C. THAT a request for an additional $60,000 required for the development of a City of Darwin Bike Plan, as identified in Report Number 13TS0133 DL:mm be referred to the 2013/14 First Quarter Budget Review.

DECISION NO.21\() (25/06/13)

(Committee Reports – Environment & Infrastructure Committee Cont./…..)
(Cont./….Committee Reports – Environment & Infrastructure Committee)

2. **Tree Removal, Power and Water Corporation Parap Trunk Sewer Upgrade**

   Report No. 13TS0136 JW:le (18/06/13) Common No. 2063922

(Worden/Acting Lord Mayor)

THAT it be a recommendation to Council:–

A. THAT Report Number 13TS0136: entitled Tree Removal, Power and Water Corporation Parap Trunk Sewer Upgrade be received and noted.

B. THAT Council approves the removal of one (1) street tree adjacent 11 Parsons Street and one (1) tree adjacent 40 Playford Street to facilitate the Parap Trunk Sewer Upgrade subject to;

   i) One (1) new tree being planted adjacent to 11 Parsons Street;
   ii) One (1) new tree being planted adjacent to 40 Playford Street;
   iii) Power and Water Corporation advising residents of planned removal and replanting;
   iv) All works being undertaken at Power and Water Corporations expense, and
   v) All works being undertaken to the satisfaction of the General Manager Infrastructure.

DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Environment & Infrastructure Committee)

3. **Tree Removals for Telecommunication Infrastructure**
   Report No. 13TS0115 JW:le (18/06/13) Common No. 1602059

   (Lambrinidis/Acting Lord Mayor)

   THAT it be a recommendation to Council:-

   A. THAT Report Number 13TS0115 JW:le entitled, Tree Removals for Telecommunication Infrastructure be received and noted.

   B. THAT Council only approves the removal of one (1) tree at 28 Darwent Street, Malak, in order to facilitate the National Broadband Network rollout, as identified in Report Number 13TS0115, on the condition that a tree be replanted within the verge at Telstra’s cost.

   C. THAT Telstra be advised that their request to remove four (4) trees at 164 Malak Crescent, 17 Abbott Crescent and 52 Darwent Street, Malak is not approved and that alternate solutions are to be implemented by Telstra.

DECISION NO.21\() (25/06/13)
(Cont./….Committee Reports – Environment & Infrastructure Committee)

4. **On Street Carparking Lot 1739 Albatross Street, Winnellie**

   Report No. 13TS0116 JW:le (18/06/13) Common No. 2513795

(Worden/Lambrinidis)

THAT it be a recommendation to Council:-

A. THAT Report Number 13TS0116: entitled On Street Car Parking Lot 1739 Albatross Street Winnellie, be received and noted.

B. THAT Council approve the construction of 12 on-street public car parking bays and additional landscaping within Albatross Street, Winnellie in front of Lot 1739, subject to the following conditions:

   i) The design and construction be undertaken in accordance with City of Darwin Parking Policy Number 003 Design Criteria and to the satisfaction of the General Manager – Infrastructure, City of Darwin, at no cost to Council.

   ii) The on-street car parking bays will be owned and managed by City of Darwin as public car parks.

   iii) The verge area adjacent the car parks and surrounding the allotment is to be landscaped by the developer to the satisfaction of the General Manager – Infrastructure, at no cost to Council.

   iv) The public on-street car parking will not be set aside or reserved for the development within Lot 1739 Albatross Street, Winnellie or any subsequent consolidated allotment.

   v) A security bond of 5% of the construction cost, as determined by the General Manager – Infrastructure, will be required from the developer for the entire defects and maintenance period.

   vi) The defects and maintenance period will be for a period of 24 months from the date of practical completion as approved by the General Manager – Infrastructure, City of Darwin.

   vii) The ongoing landscape maintenance will be the responsibility of the owner of Lot 1739.

(Continued on next page)
4. **On Street Carparking Lot 1739 Albatross Street, Winnellie**  
Report No. 13TS0116 JW:le (18/06/13) Common No. 2513795

(Continued from previous page)

C. THAT City of Darwin pursuant to Section 32(2) of the Local Government Act 2008 (as amended) hereby delegates to the Chief Executive Officer, the power to finalise the design, construction and final acceptance by Council of public on-street car parking and verge landscaping within Albatross Street, Winnellie in front of Lot 1739.

DECISION NO.21\() (25/06/13)

5. **Malak Oval Training Lights**  
Report No. 13TS0088 DC:mm (18/06/13) Common No. 313949

(Lambrinidis/Worden)

THAT it be a recommendation to Council:-

A. THAT Report Number 13TS0088 DC:mm entitled Malak Oval Training Lights, be received and noted.

B. THAT Council endorse the commencement of community consultation in relation to the high intensity discharge sodium (HID) proposal for Malak Oval, as shown in Attachment A as amended to include cost recovery and time restrictions for lighting to no later than 9:00pm as detailed in Report Number 13TS0088 DC:mm entitled Malak Oval Training Lights.

C. THAT a further report be presented to Council outlining the outcomes of the community consultation for Council’s consideration.

DECISION NO.21\() (25/06/13)
Reports, recommendations and supporting documentation can be accessed via the City of Darwin Council Website at www.darwin.nt.gov.au, at Council Public Libraries or contact Kerry Berry on (08) 8930 0670.

(Cont./….Committee Reports – Environment & Infrastructure Committee)

6. **Led Flashing Light Panels in School Zones**
   Report No. 13TS0071 PC:ab (18/06/13) Common No. 2467918

(Acting Lord Mayor/Worden)

THAT it be a recommendation to Council:-

A. THAT Report Number 13TS0071 PC:ab entitled Flashing Lights Panels In School Zones, be received and noted.

B. THAT Council endorse the trial of LED flashing light panels for school zones as identified within Report Number 13TS0071 PC:ab entitled LED Flashing Light Panels In School Zones.

DECISION NO.21( ) (25/06/13)

7. **Nightcliff Pool Pump Room Thermal Heating and Water Management System - Update**
   Report No. 13TS0139 KS:nf 18/06/13) Common No. 1957047

(Worden/Lambrinidis)

THAT it be a recommendation to Council:-

THAT Report Number 13TS0139 KS:nf entitled Nightcliff Pool Pump Room Thermal Heating and Water Management System - Update, be received and noted.

DECISION NO.21( ) (25/06/13)

8. **Lee Point Road Upgrade Project – Update June 2013**
   Report No. 13TS0128 ND:kb (18/06/13) Common No. 2413422

(Lambrinidis/Acting Lord Mayor)

THAT it be a recommendation to Council:-

THAT Report Number 13TS0113LC:kb entitled, Lee Point Road Upgrade - Update May 2013, be received and noted.

DECISION NO.21( ) (25/06/13)

(Committee Reports – Environment & Infrastructure Committee Cont./…..)
(Cont./….Committee Reports – Environment & Infrastructure Committee)

9. **Berrimah North Developer Contribution Plan Update**  
   Report No. 13TS00127 ND:kb (18/06/13) Common No. 1928454

   [Lambrinidis/Worden]

   THAT it be a recommendation to Council:-

   THAT Report Number 13TS00127 ND:kb entitled Berrimah North Developer Contribution Plan Update, be received and noted.

   DECISION NO.21\() (25/06/13)

10. **City of Darwin Coastal Erosion Management Plan**  
    Report No. 13TS0018 DL:MM (18/06/13) Common No. 2072884

   [Worden/Acting Lord Mayor]

   THAT it be a recommendation to Council:-

   A. THAT Report Number 13TS0018 DC:mm entitled, City of Darwin Coastal Erosion Management Plan, be received and noted.

   B. THAT the City of Darwin Coastal Erosion Management included as **Attachment A** to Report Number 13TS0018 DC:mm entitled, City of Darwin Coastal Erosion Management Plan be endorsed.

   C. THAT the recommended actions shown in the roll out and budgeting plan provided in Report Number 13TS0018 DC:mm entitled, City of Darwin Coastal Erosion Management Plan be endorsed.

   D. THAT the City of Darwin write to the Northern Territory and Australian Governments seeking the funding required to implement the recommended actions shown in the roll out and budgeting plan provided in in Report Number 13TS0018 DC:mm entitled, City of Darwin Coastal Erosion Management Plan.

   E. THAT subject to adequate funding, to implement the recommended actions shown in the roll out and budgeting plan provided in Report Number 13TS0018 DC:mm entitled, City of Darwin Coastal Erosion Management Plan, the Council undertake community consultation.

   DECISION NO.21\() (25/06/13)

(Committee Reports – Environment & Infrastructure Committee Cont./…..)
11. CBD PARKING ADVISORY COMMITTEE - MEMBERSHIP FROM 1 JULY 2013 - 30 JUNE 2015
Report No. 13TS0140 LC:mm (18/06/13) Common No. 2032755

(Lambrinidis/Worden)

THAT it be a recommendation to Council:

A. THAT Report Number 13TS0140 LC:mm entitled CBD Parking Advisory Committee - Membership From 1 July 2013 - 30 June 2015, be received and noted.

B. THAT the composition of the City of Darwin CBD Parking Advisory Committee for the term of 1 July 2013 - 30 June 2015 be as follows:

- Lord Mayor (Chairperson);
- Up to seven (7) Elected Members;
- One (1) NT Property Council of Australia representative;
- One (1) NT Chamber of Commerce representative;
- One (1) Tourism Top End representative;
- One (1) Urban Development Institute of Australia (UDIA) NT;
- One (1) Community representative;
- Two (2) Northern Territory Government Representatives, being:
  - Department of Lands, Planning and the Environment – Chief Executive Officer or their nominated representative, and
  - Department of Transport – Chief Executive Officer or their nominated representative.

C. THAT the Chief Executive Officer write to the following organisations:

- NT Property Council of Australia;
- NT Chamber of Commerce;
- Urban Development Institute of Australia (UDIA) NT;
- Tourism Top End; and
- Northern Territory Government – Department of Lands, Planning and the Environment and Department of Transport

requesting the required number of nominations for a term of two (2) years being 1 July 2013 – 30 June 2015, to the City of Darwin CBD Parking Advisory Committee, for consideration by Council.

(Continued on next page)
11. CBD PARKING ADVISORY COMMITTEE - MEMBERSHIP FROM 1 JULY 2013 - 30 JUNE 2015

Report No. 13TS0140 LC:mm (18/06/13) Common No. 2032755

(Continued from previous page)

D. THAT Council seek expressions of interest from the community for the position of Community Representative on the City of Darwin CBD Parking Advisory Committee for a term expiring on 30 June 2015, as detailed in Report Number 13TS0140 LC:mm.

E. THAT Council write to all current members and their member organisations, including the community representative of the CBD Parking Advisory Committee, advising them of the conclusion of their term on 30 June 2013 and thanking them for their involvement and contribution.

DECISION NO.21\() (25/06/13)
16. OFFICERS REPORTS

16.1 Adoption of the City of Darwin 2013-14 Municipal Plan

Report No. 13A0101MC (25/06/13) Common No. 2337805

Supporting Documents to Report Number 13A0101MC will be distributed as a separate document.
16. OFFICERS REPORTS

16.2 2013-14 Declaration Of Rates And Charges
Report No. 13A0095 EG:ns (25/06/13) Common No. 251132

Report Number 13A0095 EG:ns attached.
2013-14 DECLARATION OF RATES AND CHARGES

REPORT No.: 13A0095 EG:ns COMMON No.: 2511322 DATE: 25/06/2013

Presenter: Manager Finance, Miles Craighead
Approved: General Manager Corporate Services, Diana Leeder

PURPOSE

The purpose of this report is to adopt the 2013-14 Rates and Charges that support the Budget contained in the City of Darwin 2013-14 Municipal Plan.

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
5.5 Responsible financial and asset management

Key Strategies
5.5.1 Manage Council’s business based on a sustainable financial and asset management strategy

KEY ISSUES

The Declaration of Rates is scheduled to be published on 1 July 2013 in accordance with the budget timetable.
RECOMMENDATIONS

A. THAT Report Number 13A0095 EG:ns entitled 2013-14 Declaration Of Rates And Charges, be received and noted.

B. THAT pursuant to Section 149 of the Local Government Act (“the Act”), Council adopt the Unimproved Capital Value method as the basis of the assessed value of allotments within the Darwin Municipality.

C. THAT pursuant to Sections 155-157 of the Act, Council declares that it intends to raise, for general purposes by way of rates, the amount of $51,198,503 which will be raised by the application of differential valuation-based charges (“differential rates”) with differential minimum charges (“minimum amounts”) being payable in application of each of those differential rates. Council hereby declares the following differential rates and minimum amounts in the application of those differential rates for the financial year ending 30 June 2014:

For the purposes of this paragraph C, residential parts or units means a dwelling house, flat or other substantially self-contained residential unit or building:

RATES ALLOTMENTS OF LAND TO WHICH RATES APPLY AND MINIMUM AMOUNTS

i) 0.401340% With respect to all rateable land within the municipality zoned SD, RR, R or RL under the NT Planning Scheme, the minimum amount being $973.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

ii) 0.401340% With respect to all rateable land within the municipality zoned MD, MR or HR under the NT Planning Scheme, the minimum amount being $1,023.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.
iii) 0.392337% With respect to all rateable land within the municipality zoned CV under the NT Planning Scheme, the minimum amount being $973.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

iv) 0.522286% With respect to all rateable land within the municipality zoned CB under the NT Planning Scheme, the minimum amount being $1,232.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

v) 0.361795% With respect to all rateable land within the municipality zoned PS or CN under the NT Planning Scheme, the minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

vi) 0.332146% With respect to all rateable land within the municipality zoned OR under the NT Planning Scheme, the minimum amount being $401.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.
vii) 0.401340% With respect to all rateable land within the municipality zoned FD, SU, CP, CL, RD or U under the NT Planning Scheme, the minimum amount being $1,023.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

viii) 0.524369% With respect to all rateable land within the municipality zoned C, or SC under the NT Planning Scheme other than those classes of allotments described below, a minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

ix) 0.962077% With respect to those classes of allotments within the municipality zoned C or SC under the NT Planning Scheme with a parcel area equal to or greater than 40,000m² and being allotments on which is situated a major shopping centre, a minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.
x) 0.524369% With respect to those classes of allotments within the municipality zoned C or SC under the NT Planning Scheme with a parcel area less than 40,000m² and being allotments on which is situated a major shopping centre, a minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

xi) 0.552084% With respect to all rateable land within the municipality zoned TC or HT under the NT Planning Scheme, the minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

xii) 0.334037% With respect to all rateable land within the municipality zoned LI under the NT Planning Scheme, the minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.
xiii) 0.282213% With respect to all rateable land (other than the small allotments identified below) within the municipality zoned GI or DV under the NT Planning Scheme, the minimum amount being $1,014.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.

Council considers the following classes of allotments within the municipality zoned GI to be a different class of allotments and small allotments for the purposes of section 148(3)(b) of the Act and the example given at the foot of that section:

- Units 1 to 3 and Units 5 to 98 comprised in Unit Plan No. 95/95;
- Units 101 to 216 in Unit Plan 97/112;
- Units 17 to 32 comprised in Unit Plan 98/32;
- Lots 6244 to 6285 Hundred of Bagot; and
- Lots 6330 to 6336 Hundred of Bagot.

Council considers that an inequity would result if the minimum amount declared in respect of rateable land within Zone GI were applied to these small allotments, and accordingly, Council declares a lesser minimum amount, being $253.00, to be payable in respect of each of these small allotments.

xiv) 0.401340% With respect to every allotment of rateable land within the municipality not otherwise described above, the minimum amount being $973.00 multiplied by :-

(a) The number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or

(b) The number 1, whichever is the greater.
D. THAT pursuant to Section 156 of the Act Council declares the following special rate (“the Parking Local Rate”):

i). The purpose for which the Parking Local Rate is to be imposed is to defray the expense of and in relation to on-street and off-street parking within the central business district (“the Central Business District”) as defined in Schedule 1 of the Local Government (Darwin Parking Local Rates) Regulations (“the Regulations”), it being the opinion of the Council that such on-street and off-street parking is and will be of special benefit to the ratepayers of the Central Business District.

ii). The amount to be raised by the Parking Local Rate is $1,024,211.

iii). The Parking Local Rate is to be an amount of $225.87 per car parking space which will be assessed and levied in accordance with the Regulations. Notification of the parking usage schedule 2013-14 has been duly prepared in accordance with Regulation 4 of the Regulations and notified in the Northern Territory Government Gazette and in the Northern Territory News on 5 June 2013.

iv). The Parking Local Rate will be levied on all rateable land in the Central Business District in accordance with the Regulations.

v). Appeals against the assessment of the Parking Local Rate may be made in accordance with regulation 7 of the Regulations. The period for appeals under regulation 7 of the Regulations expires on 4 July 2013.

vi). Proceeds of the Parking Local Rate shall be applied by the Council for the provision, operation and maintenance of land, facilities, services and improvements for and in connection with the parking of vehicles in the Central Business District, including both on-street and off-street parking facilities.

E. THAT pursuant to Section 157 of the Act, Council declares that it intends to raise $6,660,832 and makes and declares the following charges for the financial year ending 30 June 2014 in respect of the garbage collection and recycling collection services it provides for the benefit of all residential land within the municipality (except such land as the Council from time to time determines to be exempt or excluded from the provisions of such services) and the occupiers of such land.

For the purposes of this paragraph E:

- “residential dwelling” means a dwelling house, flat or other substantially self-contained residential unit or building on residential land and includes a unit within the meaning of the Unit Titles Act and the Unit Title Schemes Act.
• “residential land” means land used or capable of being used for residential purposes (but does not include land on which there is no residential dwelling).

i). A charge of $256.00 per annum per residential dwelling in respect of kerbside garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality other than a residential dwelling as described in Parts 1, 2 and 3 of the Schedule below.

The services are –

• a kerbside collection service of one garbage collection visit per week;

and

• a kerbside recycling collection service of one visit per fortnight,

with a maximum of one 240 litre mobile bin per garbage collection or recycling collection visit.

ii). A charge of $224.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where the number of residential dwellings (as the case may be) exceeds three (3) other than a residential dwelling as described in Parts 2 and 3 of the Schedule below.

The services are as described in Part 1 of the Schedule below.

iii). A charge of $237.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where:

(a) the number of residential dwellings exceeds twelve (12);

(b) the dwellings and the facilities in and about the dwellings meet the requirements of the Council for the purposes of providing the services;

and

(c) the owners of the dwellings have notified the Council in writing of their wish to be provided with these services.

The services are as described in Part 2 of the Schedule below.
iv). A charge of $179.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage collection and recycling collection services provided to, or which Council is willing and able to provide to, each residential dwelling within the municipality where:

(a) the number of residential dwellings exceeds forty (40);

(b) the dwellings and the facilities in and about the dwellings meet the requirements of the Council for the purposes of providing the services;

and

(c) the owners of the dwellings have notified the Council in writing of their wish to be provided with these services.

The services are as described in Part 3 of the Schedule below.

v). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative recycling service is being provided to that residential dwelling, a charge of $108.00 per annum shall apply to that residential dwelling in respect of garbage collection provided, or which Council is willing and able to provide to all or any such residential dwellings within the municipality.

The garbage collection shall be a kerbside collection service of one garbage collection visit per residential dwelling per week, with a maximum of one 240 litre mobile garbage bin per visit.

vi). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative garbage service is being provided to that residential dwelling, a charge of $108.00 per annum shall apply to that residential dwelling in respect of recycling collection service provided, or which Council is willing and able to provide to all or any such residential dwellings within the municipality.

The recycling collection service shall be a kerbside collection service of one recycling collection visit per residential dwelling per fortnight, with a maximum of one 240 litre mobile recycling bin per visit.
SCHEDULE
CITY OF DARWIN
GARBAGE AND RECYCLING COLLECTION SERVICES

PART 1 –

Communal Services for more than 3 residential dwellings
(refer paragraph E (ii) of declaration)

The services are –

(a) two (2) non-kerbside garbage collections per week; and

(b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

<table>
<thead>
<tr>
<th>NUMBER OF HOUSEHOLDS</th>
<th>GARBAGE BINS 240 LITRE</th>
<th>RECYCLING BINS 240 LITRE</th>
<th>TOTAL NUMBER 240 LTR BINS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>5-6</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>7-8</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>9-12</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>13-16</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>17-18</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>19-20</td>
<td>5</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>21-24</td>
<td>6</td>
<td>4</td>
<td>10</td>
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<tr>
<td>25-28</td>
<td>7</td>
<td>5</td>
<td>12</td>
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<tr>
<td>29-30</td>
<td>8</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>31-32</td>
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<td>6</td>
<td>14</td>
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<tr>
<td>33-36</td>
<td>9</td>
<td>7</td>
<td>16</td>
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<td>37-40</td>
<td>10</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>41-44</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>45-48</td>
<td>12</td>
<td>8</td>
<td>20</td>
</tr>
</tbody>
</table>
PART 2 –

Communal Services for more than 12 residential dwellings that meet the requirements of Council
(refer paragraph E(iii) of declaration)

The services are –

(a) two (2) non-kerbside garbage collections per week; and

(b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

<table>
<thead>
<tr>
<th>NUMBER OF HOUSEHOLDS</th>
<th>GARBAGE BINS 1,100 LITRE</th>
<th>RECYCLING BINS 240 LITRE</th>
<th>TOTAL NUMBER MIXED BINS</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-16</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17-18</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NUMBER OF HOUSEHOLDS</th>
<th>GARBAGE BINS 1,100 LITRE</th>
<th>RECYCLING BINS 1,100 LITRE</th>
<th>TOTAL NUMBER 1,100 LTR BINS</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-24</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>25-32</td>
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<td>4</td>
</tr>
<tr>
<td>33-48</td>
<td>3</td>
<td>2</td>
<td>5</td>
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<td>49-64</td>
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<td>3</td>
<td>7</td>
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<td>65-71</td>
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<td>72-80</td>
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<td>81-96</td>
<td>6</td>
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<td>10</td>
</tr>
<tr>
<td>97-112</td>
<td>7</td>
<td>5</td>
<td>12</td>
</tr>
</tbody>
</table>
PART 3 –
Communal Services for more than 40 residential dwellings that meet the requirements of Council
(refer paragraph E (iv) of declaration)

The services are –

(a) two (2) non-kerbside garbage collections per week; and

(b) one (1) non-kerbside recycling collection per week,

with the number of bins for garbage and recycling collections being as set out in the table below.

<table>
<thead>
<tr>
<th>NUMBER OF HOUSEHOLDS</th>
<th>3 CUBIC METRE GARBAGE BIN</th>
<th>RECYCLING BINS 1,100 LITRE</th>
<th>TOTAL NUMBER MIXED BINS</th>
</tr>
</thead>
<tbody>
<tr>
<td>41-48</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>49-50</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>51-71</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

F. THAT the relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 18.0% per annum and is to be calculated on a daily basis.

G. THAT rates and charges declared under this declaration may be paid by four (4) approximately equal instalments on the following dates, namely:-

- First Instalment: 30 September 2013
- Second Instalment: 30 November 2013
- Third Instalment: 31 January 2014
- Fourth Instalment: 31 March 2014

Instalments falling due on a weekend or public holiday may be paid by the following business day, without incurring any penalty.

(a) Details of due dates and specified amounts will be listed on the relevant Rates Notice.

(b) Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.

(c) A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges.
H. THAT the certification provided by the Chief Executive Officer pursuant to Regulation 24(1) of the Local Government (Accounting) Regulations, as tabled at the meeting, be received and noted.

BACKGROUND

Council has now adopted the City of Darwin 2013-14 Municipal Plan and Budget pursuant to Section 128 of the Local Government Act.

DISCUSSION

The City of Darwin 2013-14 Municipal Plan contains Council’s key rating proposals for the 2013-14 financial year.

The General Rate for rateable properties within the Municipality has been increased by 5.5%

The rate for the domestic Garbage and Recycling collection service has increased by $11.00 per service for Kerbside Collection and $10.00 per service for Manual Collection.

The rate applied for Car Parking Shortfall has increased by 2.5% to $225.87 in line with the GST adjusted Consumer Price Index applicable to Darwin for the period December 2011 to December 2012 and the decision of Council 17/4383 which stated as follows:-

“That Council retain the current annual CBD parking rate levy at $151.50 for 1999/2000 varying annually in accordance with CPI.”

Council has previously recognised that strata titled Self-Storage Units should attract a lesser Minimum General Rate than other strata titled units situated within the GI Town Planning Zone. A General Rate of $240.00 was levied for 2012-13, this has been increased for the 2013-14 rating year to $253.00, being approximately one quarter of the standard non-residential minimum rate of $1,014.00. A lesser Minimum General Rate may be declared for these types of properties in accordance with Section 148 (3)(b) of the Local Government Act.

The penalty interest rate imposed pursuant to Section 162 of the Local Government Act has been retained at 18%. Relief from part or all of penalty interest accruals is available to ratepayers that are experiencing severe financial hardship and meet payment arrangement criteria, upon application.

CONSULTATION PROCESS

The budget estimates have been discussed in depth with Council and the Chief Officers Group. The estimates were published in the City of Darwin 2013-14 Draft Municipal Plan and Budget and made available for public inspection and comment for a period of 21 days following publication on Council’s website on Wednesday, 29 May 2013 and advertisement in the NT News on Thursday, 30 May 2013.
## Policy Implications

N/A

## Budget and Resource Implications

<table>
<thead>
<tr>
<th>General Rate</th>
<th>$51,198,503</th>
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</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Rate (%UCV)</td>
</tr>
<tr>
<td>SD, RR, R, RL</td>
<td>0.401340%</td>
</tr>
<tr>
<td>MD, MR, HR</td>
<td>0.401340%</td>
</tr>
<tr>
<td>CV</td>
<td>0.392337%</td>
</tr>
<tr>
<td>CB</td>
<td>0.522286%</td>
</tr>
<tr>
<td>PS, CN</td>
<td>0.361795%</td>
</tr>
<tr>
<td>OR</td>
<td>0.332146%</td>
</tr>
<tr>
<td>FD, SU, CP, CL, RD, U</td>
<td>0.401340%</td>
</tr>
<tr>
<td>Major Shopping Centres over 40,000m² in parcel area</td>
<td>0.962077%</td>
</tr>
<tr>
<td>Major Shopping Centres less than 40,000m² in parcel area</td>
<td>0.524369%</td>
</tr>
<tr>
<td>C, SC</td>
<td>0.524369%</td>
</tr>
<tr>
<td>TC, HT</td>
<td>0.552084%</td>
</tr>
<tr>
<td>LI</td>
<td>0.334037%</td>
</tr>
<tr>
<td>GI, DV</td>
<td>0.282213%</td>
</tr>
</tbody>
</table>

**Garbage/Recycling Charges:** $6,660,832

- $256.00 Detached Dwellings and Flats/Units Receiving a Kerbside Service
- $224.00 Flats/Units Receiving a Communal Service
- $237.00 Flats/Unit Development Exceeding Twelve (12) Residential Units or Dwellings That Have Requested The Provision of a 1,100 Litre Bin
- $179.00 Flats/Unit Development Exceeding Forty (40) Residential Units or Dwellings That Have Requested The Provision of a 3 Metre Bin
- $108.00 Weekly Waste Collection Service Only
- $108.00 Fortnightly Recycling Collection Service Only

**Parking Local Rate:** $1,024,211

- $225.87 Per shortfall space
RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Section 155 of the *Local Government Act* states that Council shall declare its rates “on or before 31 July in each year”.

ENVIRONMENTAL IMPLICATIONS

N/A

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.

MILES CRAIGHEAD
MANAGER FINANCE

DIANA LEEDER
GENERAL MANAGER
CORPORATE SERVICES

For enquiries, please contact Miles Craighead on 8930 0523 or email: m.craighead@darwin.nt.gov.au.

Attachments:

Attachment A: Index of Zones
<table>
<thead>
<tr>
<th>INDEX OF ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zones</td>
</tr>
<tr>
<td><strong>SD</strong></td>
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<td><strong>MD</strong></td>
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<td><strong>MR</strong></td>
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<td><strong>HR</strong></td>
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<td><strong>CV</strong></td>
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<td><strong>CL</strong></td>
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<tr>
<td>Commercial Zones</td>
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<td><strong>CB</strong></td>
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<td><strong>C</strong></td>
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<td><strong>SC</strong></td>
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<td><strong>TC</strong></td>
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<tr>
<td>Industrial Zones</td>
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<td><strong>LI</strong></td>
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<td><strong>GI</strong></td>
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<td><strong>DV</strong></td>
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<tr>
<td>Recreation Zones</td>
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<td><strong>PS</strong></td>
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<td><strong>OR</strong></td>
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<tr>
<td>Rural Zones</td>
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<td><strong>RR</strong></td>
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<tr>
<td><strong>RL</strong></td>
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<td><strong>R</strong></td>
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<tr>
<td>Other Zones</td>
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<td><strong>CP</strong></td>
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<td><strong>CN</strong></td>
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<td><strong>HT</strong></td>
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<td><strong>RD</strong></td>
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<td><strong>FD</strong></td>
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<td><strong>SU</strong></td>
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<tr>
<td>Infrastructure Zones</td>
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<tr>
<td><strong>U</strong></td>
</tr>
</tbody>
</table>
16. OFFICERS REPORTS

16.3 Proposed Nightcliff Foreshore Café/Restaurant – Community Consultation Outcomes
Report No. 13TS0137MB:as (25/06/13) Common No. 2191683

Report Number 13TS0137MB:as attached.
PROPOSED NIGHTCLIFF FORESHORE CAFE/RESTAURANT - COMMUNITY CONSULTATION OUTCOMES

REPORT No.: 13TS0137MB:as COMMON No.: 2191683 DATE: 25/06/2013

Presenter: Senior Community Engagement Officer, Anna Malgorzewicz
Approved: Executive Manager, Mark Blackburn

PURPOSE

The purpose of this report is to present the outcomes of the community consultation process for the proposed Nightcliff Foreshore Café/Restaurant.

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
5.3.4  Encourage community participation by engaging, communicating and working in partnership with the community

KEY ISSUES

- Council implemented a "city-wide" six-week community consultation process to gauge public support and receive comment regarding two (2) shortlisted options for the Proposed Nightcliff Foreshore Cafe/Restaurant, or a third option not to proceed.
- A total of 748 Surveys were completed and 47 Submissions received.
- The quantitative analysis identifies a level of interest and support exists in the community for some form of café/restaurant facility to be provided at the Nightcliff Foreshore. There was a slight majority for the development of a Café/Restaurant Option 1 and Option 2 = 55%. 45% did not support the development of a facility of this size.
- The Friends of Nightcliff implemented a public information and education campaign endeavouring to introduce a fourth option, the “9 Point Master Plan” that may have affected the clarity of results from the community consultation process that Council was seeking. A petition supporting the Master Plan was also developed and secured 766 signatures.
The Friends of Nightcliff would prefer Council consider a master-planned approach that addresses other issues, such as car parking, landscaping, pedestrian and cycle access and the future development of the swimming pool, including the development of a smaller scale cafe.

RECOMMENDATIONS

A. THAT Report Number 13TS0137MB: as entitled Proposed Nightcliff Foreshore Café/Restaurant – Community Consultation Outcomes, be received and noted.

B. THAT Council not proceed with a Café/Restaurant at the Nightcliff Foreshore.

or

C. THAT Council proceeds with further work on the commercial considerations of a Café/Restaurant based on the community feedback generated by the two shortlisted options (Option 1, North West Constructions Pty Ltd with Manuel Liveris Architect Pty Ltd; and Option 2, Hames Sharley and Ray Laurence Constructions Pty Ltd) and progresses the process for appointing a commercial operator.

D. THAT a further report is presented to Council on the outcomes of the commercial investigation in order for Council to make a final investment decision on a proposed Café/Restaurant at the Nightcliff Foreshore.

BACKGROUND

At its Ordinary Council Meeting of Tuesday 12 March 2013 Council resolved:

A. THAT Report Number entitled Nightcliff Foreshore Café/Restaurant – Financial Model And Consultation Plan, be received and noted.


D. THAT a further report be prepared regarding the outcomes of Council’s Community Consultation on the proposed Nightcliff Foreshore Café/Restaurant.

DECISION NO.21\868   (12/03/13)       Carried
A “city-wide” community consultation process commenced on Monday 25 March 2013 and concluded on Monday 6 May 2013. The specific aim of the community consultation process was to obtain public feedback on concept plans developed by Council’s two (2) shortlisted preferred applicants, being:

- North West Constructions Pty Ltd with Manuel Liveris Architect Pty Ltd; and
- Hames Sharley and Ray Laurence Constructions Pty Ltd.

In addition the consultation process measured the level of community support of the proposal, offering maintaining the status quo as a third option, or

- No Café/Restaurant.

Further, at its Ordinary Council Meeting of Tuesday 28 May 2013 Council resolved:

**Proposed Nightcliff Foreshore Café/Restaurant**

A. THAT the petition for the Proposed Nightcliff Foreshore Café/Restaurant be Received and Noted.

B. THAT the petition be referred for consideration at the First Ordinary Council Meeting on Tuesday, 11 June 2013, when the outcomes of the community consultation are expected to be considered by Council.

**DECISION NO.21\1100 (28/05/13)**

**DISCUSSION**

Council conducted an extensive consultation process over a six-week period. The consultation process involved a number of methods, including a Survey and the receipt of Submissions. A report of consultation methods and outcomes is at Attachment A. The consultation process formed one part of the decision making process regarding the Proposed Nightcliff Foreshore Café/Restaurant.

Council approached the consultation process with a very specific brief – to obtain opinion and comment on its two (2) shortlisted options, with a third option not to proceed. From the outset there was some public disagreement with this approach and the “Friends of Nightcliff” organised a public information and education campaign to promote a fourth option, which may have affected the clarity of results.
Survey
Council developed and conducted a Survey seeking public opinion and response on the two shortlisted options and the third, No Cafe/Restaurant option. A total of 748 responses were received and the results were as follows:

- Option 1: 85 (11.4%)
- Option 2: 326 (43.6%)
- No Cafe/Restaurant: 337 (45%)

Total: 748 (100%)

Question 6 - Preferred Options

The combined totals demonstrate a slight majority of survey respondents, 55%, indicated a preference for Option 1 or 2, and 45% of survey respondents indicated No Café/Restaurant.
As it is also possible to extrapolate survey respondents who supported the Friends of Nightcliff proposal, final survey results appear as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1</td>
<td>85</td>
<td>11.4%</td>
</tr>
<tr>
<td>Option 2</td>
<td>326</td>
<td>43.6%</td>
</tr>
<tr>
<td>Friends of Nightcliff</td>
<td>72</td>
<td>9.6%</td>
</tr>
<tr>
<td>No Cafe/Restaurant</td>
<td>265</td>
<td>35.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>748</strong></td>
<td><strong>100%</strong></td>
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This breakdown therefore suggests that of the 748 survey respondents, 265 (or 35.4%) did not wish for **any** type of development to proceed at all on the Nightcliff Foreshore.

The remaining 483 survey respondents (or 64.6%) either preferred Option 1 or 2, including a small proportion (9.6%) who supported the Friends of Nightcliff proposal that includes a master-planned approach and a smaller cafe facility.

Of the survey respondents who supported a Cafe/Restaurant, the clear majority preferred Option 2, the proposal developed by Hames Sharley and Ray Laurence Constructions Pty Ltd.
Submissions
A total of 47 separate written, emailed or verbal submissions were received from 46 individuals (one individual provided two separate submissions). These can be summarised as follows:

- Not Supportive: 16
- Supportive: 9
- Supportive – But prefer other management model or design: 7
- Prefer Friends of Nightcliff Proposal: 13
- Defer for further consultation: 1

A Copy of the Friends of Nightcliff Submission is at Attachment B and a Summary of Submissions received is at Attachment C.

It is interesting to note that following the Information Session, Council received a number of emails from residents that were too “anxious” to speak in favour of a Café/Restaurant facility at the meeting.

Friends of Nightcliff
The Friends of Nightcliff developed a comprehensive submission. It contains a covering letter, FAQs (Frequently Asked Questions), a “9 Point Masterplan”, a hard copy petition of 766 signatures supporting a master-planned approach, and a print out of an online petition developed by an associated group, also in support of the “9 Point Masterplan”, that contains 126 signatures. (This subsequently totalled 127 signatures online).

The “9 Point Plan” includes the following considerations:

1. Relocate pool pump house and council waste bin to open the view from the pool.
2. Rationalise the existing inefficient carpark, make it more compact for similar number of cars.
3. Separate pedestrians and cyclists from cars to make the area safer.
4. Establish a landscaped green belt along the water’s edge, wide enough to accommodate picnickers and the cycle/walking path. Incorporate shade and seating.
5. Realign the pool fence on the foreshore side (Significant land is underutilised within the pool fence).
6. Continue to replace the barbed wire pool fence with the more attractive fencing already existing along the front of the pool.
7. Establish services infrastructure (power, water, sewer), to support a range of activities, eg. pop up restaurants, a small number of food vans, the Sea Breeze and Darwin Festival events and other community activities.

8. Build a small Cafe/Restaurant, set back from the cliff face so it does not block the view from the pool and is not subject to erosion problems.

9. The new Cafe/Restaurant should also service the pool. Consider that when the pool buildings need to be replaced, they will open up fantastic views across to the Arafura Sea. The Cafe could form the first part of the new pool infrastructure.¹

The Friends of Nightcliff do not support the two options shortlisted by Council as they argue, the two concepts are larger and more costly than is necessary, will obstruct views from the pool and walking path and do not address safety issues, particularly for pedestrians and cyclists. The Friends of Nightcliff prefer Council take a holistic approach, incorporating the future needs and development of the Nightcliff Swimming Pool within a larger vision for the Foreshore.

Council recognises that there is merit in many suggestions put forward in the “9 Point Masterplan” by the Friends of Nightcliff and in fact had already progressed some items, including points 1, 6 and 7. At its Ordinary Meeting on Tuesday 30 April 2013, Council resolved to relocate the Nightcliff Pool Pump Room, specifically:

**Nightcliff Pool Pump Room Thermal Heating and Water – Management System**

Report No. 13TS0089KS:nf (23/04/13) Common No. 1957047

A. THAT Report Number 13TS0089 KS:nf entitled Nightcliff Pool Pump Room Thermal Heating and Water Management System, be received and noted.

B. THAT Council endorse the location of the new Nightcliff Pool Pump Room in accordance with location B contained within Report Number 13TS0089 KS:nf entitled Nightcliff Pool Pump Room Thermal Heating and Water Management System.

C. THAT Council endorse the purchase and implementation of a thermal blanket with motorised rollers as the heating system for the Nightcliff Pool.

DECISION NO.21\1021 (30/04/13) Carried

¹ Nightcliff Pool Precinct Masterplan, Scale 1:750 @ A3, Prepared by Friends of Nightcliff Foreshore, April 2013.
The Friends of Nightcliff also requested in their submission;

   The opportunity to present our 9 Point Masterplan to CoD. We believe that
the mayor, aldermen and council staff, will gain a better understanding of the
issues we have raised and which are supported with 892 signatures if we are
able to present them in person.

Council has been responsive to requests from the Friends of Nightcliff to present
their views including;

- a presentation to Council of their views and concerns at an earlier public
  forum in Chambers;
- a meeting with the Lord Mayor;
- were provided with opportunity to present their proposal at the public
  Information Session in May;
- have corresponded directly with Council during the consultation period and
  been provided with written responses; and
- have engaged with Elected Members at the information stall at the Nightcliff
  Markets to discuss their proposal.

Based on a quantitative analysis of the surveys and submissions received, many
respondents indicated support for some form of café/restaurant facility being
provided at the Nightcliff Foreshore.

Erosion Management Plan
The City of Darwin is concerned with the rate of erosion of coastal areas under its
management and the likely impact climate change will have. The engineering and
environmental consultants BMT WBM Pty Ltd were awarded the commission to
develop the City of Darwin Coastal Erosion Management Plan. The location for the
Proposed Nightcliff Foreshore Café/Restaurant was highlighted as a site for
investigation by the consultants. The rock in the area has higher resistive
characteristics and taking into consideration the nature of the proposed
Café/Restaurant development, the consultants included the following in their report:

   Any future planning for infrastructure in this area would need to consider:

- Maintaining a prudent buffer to edge of cliff edge (~25m);
- Architectural and construction elements to maintain the buffer;
- Protection (seawall) if construction is closer to edge;
- Stormwater implications as runoff concentrations will accelerate erosion –
  consider berm to divert stormwater to sides;
- Geotechnical advice focused on maintaining uncompromised foundations
  (i.e. protection from erosion and freshwater).

The City of Darwin Coastal Erosion Management Plan was considered at Council’s
recent Environment and Infrastructure Committee meeting.
Financial Model and Business Plan
Council agreed to make available for public information the Financial Model and Business Plan March 2013 prepared by Deloitte Private. A number of respondents have provided comment on the paper, including the Friends of Nightcliff. A full copy of the Review is contained in the Friends of Nightcliff submission in Attachment B.

The Deloitte Private report is based on the assumption a Café/Restaurant facility with a gross internal floor area of 250 sqm is constructed for a total cost of $1,500,000. Three funding scenarios were explored:

- Use of Council reserves;
- External funding via the use of a loan with repayments over a 10 year period; and
- External funding via the use of a loan with repayments over a 20 year period.

Council also obtained through the consultation process valuable and detailed information regarding the community’s preferences for the operations of a Cafe/Restaurant facility. Survey respondents in particular provided data regarding hours of operation, licensing concerns and preferences, and catering options and service styles.

Of the survey respondents who completed question 7, (likelihood to use the proposed Café/Restaurant), 58.9% indicated they were ‘most likely’, or ‘likely’, to use the facility. Survey respondents also provided the following catering preferences (NB. Multiple responses were allowed for this question):

- Snacks, ice-creams: 56.7%
- Take-away foods (chips, pies): 36.1%
- Licensed: 58%
- Coffee and cakes: 85.2%
- Meals: 74.1%

A total of 232 survey respondents also provided written comments to this survey question. Comments ranged from other suggestions of catering style (healthy options, regional cuisine to arguments for the proposed facility not being a licenced premise).

Questions 9 and 10 explored operational hours options.

<table>
<thead>
<tr>
<th>Part A – Opening Times</th>
<th>Part B – Closing Times</th>
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<tbody>
<tr>
<td>7.00am</td>
<td>3.00pm</td>
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<tr>
<td>8.00am</td>
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<td>9.00am</td>
<td>8.00pm</td>
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<tr>
<td>10.00am</td>
<td>10.00pm</td>
</tr>
</tbody>
</table>

52.8%  4%
24.8%  10.6%
10%    23.7%
15%    63.8%
Some survey respondents also provided written comments to both questions. These ranged from suggestions for breakfast service to closing times later than 10.00pm.

If further commercial investigation were to be undertaken on the proposal this would need to include the process for appointing a commercial operator; level of market interest in the facility; issues of affordability of meal options for the general public; confirmation of return on investment by Council; cost of design and construct for the facility; and ongoing, if any, maintenance costs of the facility for Council.

THE WAY FORWARD
Council implemented a community consultation process following its decision to consider developing a café/restaurant facility at the Nightcliff Foreshore. The scope of the consultation process was very specific, with the focus being to provide access to and receive public feedback on two (2) submissions prepared by Council’s preferred applicants, plus a third status quo option of No Café/Restaurant.

A quantitative analysis of the results of the community consultation process suggests the community has not discounted Council pursuing the establishment of a Café/Restaurant facility at the Nightcliff Foreshore. The results identify a level of interest and support exists for some form of café/restaurant facility to be provided at the Nightcliff Foreshore. However, there is no overwhelming majority view. Notwithstanding the case presented by the Friends of Nightcliff for Council to consider an additional option, a master-planned approach, Council needs to determine if it is to proceed with the proposal.

CONSULTATION PROCESS
This report was considered by the Chief Officer’s Group on 3 June 2013 and now referred to Council for consideration.

A comprehensive process of community consultation was undertaken over a six-week period, consistent with the Council endorsed City of Darwin Community Consultation Plan Level 3 – Participate.

Community Consultation also involves a “promise” made to the public. Level 3 - Participate includes a guarantee that Council will advise on the extent the public influenced the decision.

More than 450 people and organisations registered an email or postal address with Council for the express purpose of receiving direct feedback (403 emails and 54 postal addresses). In keeping with its policy, once Council has made its recommendation, the decision and advice on Council’s consideration of public feedback will need to be provided, both directly and also through traditional information methods, such as social media and the traditional media.
POLICY IMPLICATIONS

Implementation of the community consultation process was consistent with the guidelines established in Policy 025 Community Consultation Policy. The consultation process for this initiative was at Level 3 – Participate.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Nil

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.

ANNA MALGORZEWICZ
SENIOR COMMUNITY ENGAGEMENT OFFICER

MARK BLACKBURN
EXECUTIVE MANAGER

For enquiries, please contact Mark Blackburn on 89300516 or email: m.blackburn@darwin.nt.gov.au.

Attachments:

Attachment A: Proposed Nightcliff Foreshore Café/Restaurant Community Consultation Report Level 3 – Participate (Extract)
Attachment B: Submission – Friends of Nightcliff (Extract)
Attachment C: Submission – Summary of Submissions (Redacted)
PROPOSED NIGHTCLIFF FORESHORE CAFÉ/RESTAURANT
COMMUNITY CONSULTATION REPORT

LEVEL 3 - PARTICIPATE

(EXTRACT)
Community Consultation Report
Level 3 – Participate
Volume 1

Proposed Nightcliff Foreshore Café/Restaurant

May 2013
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   2.5. INFORMATION DISPLAYS
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APPENDICES

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APPENDIX 2 : SURVEY COMMENTS – QUESTION 6
APPENDIX 3 : SURVEY COMMENTS – FRIENDS OF NIGHTCLIFF
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APPENDIX 5 : MEDIA COVERAGE
APPENDIX 6 : CITY OF DARWIN COMMUNICATIONS
1. INTRODUCTION

Included in its 2012/2013 budget process, Council considered a new initiative submitted by the Chan Ward Aldermen, to develop a Café/Restaurant on the Nightcliff Foreshore. The proposal presented an opportunity to enhance the area and the suite of services and experiences offered to users.

Council identified Lot 8657, (259) Casuarina Drive, Nightcliff as the preferred location for the proposed development. Lot 8657 is zoned Organised Recreation (OR) and includes the Nightcliff Swimming Pool and an at grade public car park.

A public call for Request for Proposals (RFP) was launched on 27th September 2012 and closed on 1st November 2012. Following an assessment process, Council endorsed two submissions for the purpose of undertaking community consultation on the proposed Nightcliff Foreshore Café/Restaurant development. The two submissions were:

- North West Constructions Pty Ltd and Manuel Liveris Architect Pty Ltd; and
- Hames Sharley and Ray Laurence Constructions Pty Ltd.

2. CONSULTATION METHODS

At its Ordinary Council Meeting of Tuesday 16th October 2012 Council resolved;

B. THAT a new consultation plan (level 3) be developed for the Nightcliff Foreshore Café/Restaurant.

DECISION NO.21\496 (16/10/12)

At its Ordinary Council Meeting of Tuesday 12th March 2013 Council resolved:


DECISION NO.21\868 (12/03/13)

A Level 3 Plan – Participate is designed to ensure community concerns and aspirations are directly reflected in the alternatives developed and also guarantees Council will provide feedback on the extent the public influenced the decision.¹

The aim of the community consultation strategy was to obtain public feedback on the submissions prepared by Council’s two (2) preferred applicants and to measure the level of community support to the proposed development, offering maintaining the status quo (No Café/Restaurant) as a third option.

As the proposed development would impact directly on adjacent residents and has wide ranging resonance and interest, a “city wide” approach was implemented. The community

¹ Community Consultation Policy No. 025, Section 6 Consultation Categories, City of Darwin, 2011.
consultation process was conducted over a six week period, commencing on Monday 25th March 2013 and concluding on Monday 6th May 2013.

As the scope of the consultation process was very specific, that is to provide access to and receive public feedback on two (2) submissions, plus a third status quo option (No Café/Restaurant), a number of approaches were used to capture public opinion and comment on the proposals. To ensure a wide spectrum of the community were reached, activities were conducted across seven days and during daylight and early evening hours. The online survey was also available 24 hours a day, seven days a week.

2.1 MEDIA LAUNCH

A media launch was conducted on Monday 25th March 2013 at 10.00am in the eastern car park adjacent to the Nightcliff Swimming Pool. The purpose of the event was to announce the two (2) shortlisted options and the commencement of a six week community consultation phase. The media launch was hosted by the Lord Mayor, Katrina Fong Lim, and Chan Ward Aldermen Bob Elix, Robin Knox and Kate Worden were also in attendance.

A number of journalists representing print and electronic media were in attendance and the announcement received positive media coverage in the evening news, print media, websites and social media sites. Refer to Appendix 5 : Media Coverage.

2.2 DIRECT MAIL OUT

A total of 848 letters were posted or emailed directly to residents and key stakeholders regarding the proposal. Each article of correspondence also included a Factsheet and FAQ (Frequently Asked Questions) on the proposal and the community consultation process. Recipients of correspondence included the following:

- Residents of Casuarina Drive between Walker Street and Willow Way, Nightcliff;
- Residents of Poinciana Street, between Jacaranda Avenue and Nightcliff Road, Nightcliff;
- Vendors and catering cart operators, Nightcliff Foreshore;
- Local Northern Territory Government Member; and
- Individuals and special interest groups who had corresponded with Council previously regarding the proposal.

Refer to Appendix 6 : City of Darwin Communications.
2.3 WEB SITE

A specific web page [www.darwin.nt.gov.au/nightcliffcafe](http://www.darwin.nt.gov.au/nightcliffcafe) was created for the project and launched simultaneously with the media launch on Monday 25th March 2013. Accessible from the “Have your say” section on the home page of the City of Darwin web site and the interactive banner, the web page included information on the project and the consultation process. Contact details for the Chan Ward Aldermen and links to the Factsheet, FAQ, form letter to residents and stakeholders, the Financial Model and Business Plan and full colour concept plans of the two shortlisted proposals were also included. A hyperlink to the online survey was also featured on the web page.

Web analytics reveal that there were more than 4,400 views of the web page for the duration of the consultation period. Visitors to the page spent an average of 3.57 minutes on the page. The City of Darwin web site average is 1.33 minutes, indicating that visitors to the Proposed Nightcliff Foreshore Café/Restaurant web page were reading information contained on the page or accessing the online survey.

2.4 SURVEY

A survey was designed specifically to capture public opinion and comment on the two (2) shortlisted proposals, plus a third status quo option (No Café/Restaurant). Related questions were also designed to gauge an indication of the type of catering service respondents preferred and hours of operation, if the proposal were to proceed.

In addition, the survey included questions that provided Council with general information regarding respondents’ satisfaction with the current facility and amenities at the Nightcliff Foreshore, visitation, and frequency of use.

The survey was available in both online and printed copy formats. The printed copy format was available at all Information Displays and from the Chan Ward Aldermen at the Nightcliff Markets stall. The online survey, hosted on Survey Monkey, was available through the dedicated web page on the City of Darwin web site and the City of Darwin Facebook page. A specific online facility was also trialled and provided at the Nightcliff Seabreeze Festival.

The online survey included a set of compulsory questions (questions 1 – 6) with the remaining questions optional, including the provision of name and address details. As a security precaution to prevent multiple responses, the online survey was restricted to a single IP address. However, households with only one computer wishing to complete more than one survey were provided upon request with a specific email link to enable more than one survey to be completed on the same computer.
A total of 748 surveys were completed. Of these, 593 (or 80%) were completed online and 155 (20%) printed surveys were returned through City of Darwin libraries, the Nightcliff Pool or through the Nightcliff Markets information stall. The breakdown for printed surveys was as follows:

Information Displays  84 printed copies
Nightcliff Markets    56 printed copies
Seabreeze Festival    15 printed copies (online surveys were also completed)

Of the 748 surveys completed, 423 (or 56.55%) included name and/or email address details.

Refer to Appendix 6 : City of Darwin Communications.

2.5 EMAIL ACCOUNT

A dedicated email account was established to receive written submissions and enquiries from the public - nightcliffcafe@darwin.nt.gov.au and operated throughout the community consultation period.

More than 110 emails were received. The email account was promoted through a range of media, including printed materials, Council’s website, paid print advertising and written correspondence.

All emails received were registered into the City of Darwin’s electronic records management system and every email received a written reply. Emails ranged from general enquiries, complaints regarding the consultation process or survey design, alerts of new signatories to an online petition and formal submissions.

2.6 SOCIAL MEDIA

Announcements with links to media articles, the online survey and the web page were posted on the City of Darwin Facebook page and Twitter account. Traffic through these portals was very limited and did not compare with the activity of ancillary social media sites established by third parties. (Refer to Section 3 – Ancillary Sources below).

2.7 INFORMATION DISPLAYS

Displays of the concept options were installed at each of the following locations on Monday 25th March 2013 and remained in place until Monday 6th May 2013:

- Civic Centre
- City Library
- Nightcliff Swimming Pool
- Nightcliff Library
- Casuarina Library
- Karama Library
Factsheets, FAQs and printed Survey forms were also available. A total of 84 printed Surveys were returned through these locations.

2.8 NIGHTCLIFF MARKETS

Chan Ward Aldermen arranged a regular information stall on Sunday mornings at the Nightcliff Markets for the duration of the entire consultation period and were accompanied on some occasions by the Lord Mayor and fellow Aldermen.

The Nightcliff Markets attracts patrons from greater Darwin, and provided an excellent opportunity for Council to raise awareness of, and discuss the proposal with individuals beyond the suburban confines of Nightcliff and its immediate surrounds.

The information stall included a display of both concept options, Factsheets and FAQ's and printed copies of the Survey. A total of 56 printed Surveys (or 36% of printed surveys) were returned through the Nightcliff Markets information stall.

2.9 INFORMATION SESSION

A public information session was held on Thursday 2\textsuperscript{nd} May 2013 between 6.00pm – 7.30pm in the western car park adjacent to the Nightcliff Swimming Pool. This was an opportunity for the Elected Members to engage with local residents and representatives from special interest groups at the physical location of the proposal. The evening was facilitated by Ms Jane Munday, of Michels Warren Munday. The majority of Elected Members were in attendance as were senior management from the City of Darwin.

A shade structure was erected on site and concept boards of the two shortlisted options were on display. The architects from both the shortlisted proponents were present and spoke to the designs:

- Manuel Liveris represented North West Constructions Pty Ltd and Manuel Liveris Architect Pty Ltd; and
- Keith Savage, Practice Director represented Hames Sharley and Ray Laurence Constructions Pty Ltd.

More than 100 people attended the information session.

Whilst the evening was planned as an information session it was evident a large proportion of those in attendance were an organised group who attended to voice concerns and oppose the proposals. The objective of the evening, that is to provide in-depth information and encourage discussion, was not achieved as the event was dominated by criticism of the planning and consultation process. However, opponents to the proposal and the Friends of Nightcliff were able to voice their ideas and views and share these with those in attendance and the Elected Members. The Information Session received considerable media coverage in print and social media platforms and generated subsequent correspondence and commentary from members of the public. A number of individuals contacted Council directly, or utilised social media sites to express their frustration in not
being able to voice their support for the proposal at the Information Session, as they felt intimidated by the behaviour of some attendees.

There was also a surge of respondents to the Survey post the Information Session with a noticeable increase in the number of respondents selecting No Café/Restaurant or indicating a preference for the friends of Nightcliff 9 Point Masterplan.

Refer to Appendix 5: Media Coverage.

2.10 SEABREEZE FESTIVAL

The annual Seabreeze Festival is a week long program of activities and events held along the Nightcliff Foreshore. “Seabreeze Day” is the opening main event. This year it was staged on Saturday 4th May 2013. The Seabreeze Festival attracts tourists and a broad base of residents and offered an important opportunity for Elected Members to engage with members of the public.

The City of Darwin hosted a stall in the “Community Village” that included a display of the two shortlisted options, six laptop computers connected to a mobile “hotspot” for members of the public to complete the survey online and copies of Factsheets and FAQ’s. Printed copies of the Survey were also available. The “Community Village” operated between 2.00pm and 6.00pm and a total of 52 online and printed surveys were completed during the event.

3. ANCILLARY SOURCES

Public comment and debate regarding the Proposed Nightcliff Foreshore Cafe/Restaurant was also conducted on social media sites and the news media by third parties. Whilst these activities did not form part of the formal consultation process implemented by the City of Darwin, these represent important sources of ancillary information and public opinion and should be taken into account by Council as part of its consideration of feedback from the community consultation process.

Online media coverage of the proposal also generated considerable public debate and commentary. The NT News featured an article “Have your say on cafe” on its online edition on Monday 25th March 2013. A total of 119 comments were posted by members of the public and these are located in full at Appendix 5 – Media Coverage. Comments ranged from supportive, opposition to the proposal and criticism of Council’s consultation process.

On Friday 3rd May 2013 the NT News featured another article “Plan for pool cafe opposed” on its online edition as well as the print edition. The online edition attracted a total of 44 reader comments. A full transcript of these is appended to this report. (Refer to Appendix 5 – Media Coverage). The online comments to this article can be summarised as a mixture of supportive, not supportive and criticism of Council’s consultation process.
A number of social media sites were also established including the following:

- Facebook – Friends of Nightcliff (with 217 likes)
- Facebook – Supporters of Nightcliff Foreshore Cafe (with 25 likes)
- Facebook – Friends of Nightcliff Foreshore (an open group with 45 members)
- Website – PLan – The Planning Action Network Inc (featured the proposal in its Community Alert section)

An online petition was also created by Marisa Fontes – www.change.org/en-AU/petitions/city-of-darwin-support-the-masterplan-presented-by-friends-of-nightcliff. The aim of the petition was to "help preserve and enhance the open space around Nightcliff pool. We have concerns about the size of the proposed restaurant, its location and the lack of masterplanning of the entire area". Petitioners were signatories to the following statement –

"I support the 9 Point Masterplan presented by Friends of Nightcliff and request that the City of Darwin consider the ideas put forward in any development of this area."

A total of 127 people signed the online petition. A copy of the online petition forms part of the official submission presented by the Friends of Nightcliff.
4. CONSULTATION RESULTS

Council resolved to implement a very specific community consultation process - that is to seek community comments and preferences regarding the two (2) shortlisted options and a third, status quo (No Cafe/Restaurant) option.

A variety of methods were used to capture public responses – and these provide both quantitative and qualitative measures for Council consideration.

Survey
A quantitative analysis of the 748 completed surveys, focusing firstly on the results of the Survey, provides the following breakdown:

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<th>Count</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>No Cafe/Restaurant</td>
<td>337</td>
<td>45%</td>
</tr>
<tr>
<td>Total</td>
<td>748</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Question 6 - Preferred Options**

The combined totals demonstrate a slight majority of survey respondents, that is a total 411 respondents (or 55%) preferred either option 1 or 2, rather than No Cafe/Restaurant.

However, of those who selected No Cafe/Restaurant, 72 respondents (9.6%) expressly stated that they preferred the 9 Point Masterplan proposed by the Friends of Nightcliff. Copies of survey comments provided by these respondents are contained in Appendix 3 – Survey Comments: Friends of Nightcliff.
As it is possible to isolate these respondents in the survey, results then appear as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
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<td>No Café/Restaurant</td>
<td>265</td>
<td>35.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>748</td>
<td>(100%)</td>
</tr>
</tbody>
</table>

Therefore of the 748 survey respondents, 265 (or 35.4%) did not wish for any type of development to proceed at all on the Nightcliff Foreshore.

At Appendix 2 – Survey Comments: Question 6 are copies of respondents comments regarding their views on the suggestion to develop a café/restaurant facility or arguments as to why Council should not proceed with such an initiative.

**Written Submissions**

A total of 47 separate written, emailed or verbal submissions were received from 46 individuals (one individual provided two separate submissions). These can be summarised as follows:

- Not Supportive: 34.8% (16)
- Supportive: 19.6% (9)
- Supportive – But prefer other management model or design: 15.2% (7)
- Prefer Friends of Nightcliff Proposal: 28.3% (13)
- Defer for further consultation: 2.1% (2 same person)

Submissions are summarised at Appendix 4 – Summary of Submissions Received. Submissions can also be viewed in their entirety in Volume 2 of this report.
5. CONCLUSIONS

Council conducted an extensive six-week consultation process that included many opportunities for members of the public to engage directly with Elected Members. Due to the nature of the proposal, Council agreed upon a “city wide” approach and ensured its face-to-face engagement opportunities were at events that attracted people from beyond the Nightcliff neighbourhood. The community consultation process was widely promoted and also received excellent and broad ranging media coverage. An analysis of postcode data from the survey also demonstrates that respondents resided in Darwin, Palmerston and the rural area, with some respondents even residing interstate.

Council received a high number of responses to its survey. In addition, 34% of Survey respondents took the opportunity to provide Council with valuable and considered detailed comments at Questions 6 and 11 to 14. (Refer to Appendices 1, 2 and 3).

Members of the public also invested considerable thought, time and expertise in the preparation and development of Submissions. These are summarised at Appendix 4 and available in their entirety in Volume 2 to this Report.

It is also important to take note of the volume of criticism regarding the actual consultation process. This at times, distracted from Council’s main aim to engage in a public discussion regarding its two specific options or status quo (No Cafe/Restaurant). A large number of individuals were critical of Council’s approach and expressed a desire for there to have been an earlier opportunity for the public to discuss the concept of a development at the Nightcliff Foreshore location, prior to options being released for public comment. Whilst this was not consistent with Council’s purpose for the consultation, it did impact on the quality of the consultation. This was clearly evident for example at the Information Session where broad and general discussion was essentially shut down by a vocal group who were critical of the process.

In addition, Council has also obtained very detailed information regarding people’s preferences for the operations of a Cafe/Restaurant facility, if it were to proceed. Survey respondents in particular have provided Council with data regarding hours of operation, licensing concerns and preferences, and catering options and service styles. This can form the basis of a comprehensive briefing document, if Council decides to proceed with the proposed development.

Information gathered through the process will also be of value to Council for future planning processes. Council now has data on people’s satisfaction ratings of the Nightcliff Foreshore, their use of the available amenities and facilities and how they travel and engage there.

Community Consultation also involves a “promise” made to the public. Council’s Community Consultation Policy includes a guarantee that for a Level 3 – Participate process, Council will advise the community on the extent the public influenced the decision. Feedback to the community will also need to be provided in a dual approach, ensuring those who are most directly impacted by Council’s decision are advised in the first instance, prior to the general community receiving feedback.
Proposed Nightcliff Foreshore Café/Restaurant

Survey Results
Question 1:

The Nightcliff Foreshore offers a range of opportunities and experiences. Please indicate which of the following activities you participate in at the Nightcliff Foreshore. You may indicate more than one response.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walking</td>
<td>87.6%</td>
<td>655</td>
</tr>
<tr>
<td>Cycling</td>
<td>56.6%</td>
<td>423</td>
</tr>
<tr>
<td>Swimming (Beach)</td>
<td>20.3%</td>
<td>219</td>
</tr>
<tr>
<td>Swimming (Pool)</td>
<td>51.1%</td>
<td>382</td>
</tr>
<tr>
<td>Do not frequent the Nightcliff Foreshore area</td>
<td>1.6%</td>
<td>12</td>
</tr>
<tr>
<td>Jogging</td>
<td>28.3%</td>
<td>212</td>
</tr>
<tr>
<td>Family Gatherings</td>
<td>61.5%</td>
<td>400</td>
</tr>
<tr>
<td>Sunset Dining</td>
<td>68.6%</td>
<td>513</td>
</tr>
<tr>
<td>Exercise Stations</td>
<td>19.9%</td>
<td>149</td>
</tr>
<tr>
<td>Other (please tell us)</td>
<td></td>
<td>107</td>
</tr>
</tbody>
</table>

answered question 748
skipped question 0

Question 2:

Please indicate how frequently you visit the Nightcliff Foreshore area.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>41.4%</td>
<td>310</td>
</tr>
<tr>
<td>Weekly</td>
<td>33.7%</td>
<td>252</td>
</tr>
<tr>
<td>Fortnightly</td>
<td>7.2%</td>
<td>54</td>
</tr>
<tr>
<td>Monthly</td>
<td>14.6%</td>
<td>111</td>
</tr>
<tr>
<td>Yearly</td>
<td>2.8%</td>
<td>21</td>
</tr>
<tr>
<td>Never visit</td>
<td>0.0%</td>
<td>0</td>
</tr>
</tbody>
</table>

answered question 748
skipped question 0
Question 3:

How far do you travel to visit the Nightcliff Foreshore area?

<table>
<thead>
<tr>
<th>Distance</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 1km</td>
<td>38.2%</td>
<td>286</td>
</tr>
<tr>
<td>10 - 10km</td>
<td>7.0%</td>
<td>52</td>
</tr>
<tr>
<td>1 - 4km</td>
<td>27.1%</td>
<td>203</td>
</tr>
<tr>
<td>20km or more</td>
<td>5.2%</td>
<td>39</td>
</tr>
<tr>
<td>5 - 9km</td>
<td>22.3%</td>
<td>167</td>
</tr>
<tr>
<td>Never visit</td>
<td>0.1%</td>
<td>1</td>
</tr>
</tbody>
</table>

answered question 748
skipped question 0

Question 4:

How do you arrive there?

<table>
<thead>
<tr>
<th>Mode</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walk</td>
<td>58.7%</td>
<td>439</td>
</tr>
<tr>
<td>Cycle</td>
<td>45.2%</td>
<td>338</td>
</tr>
<tr>
<td>Bus</td>
<td>1.2%</td>
<td>9</td>
</tr>
<tr>
<td>Never visit</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Car</td>
<td>63.1%</td>
<td>472</td>
</tr>
</tbody>
</table>

Other (please tell us) 19

answered question 748
skipped question 0
### Question 5:

How satisfied are you with the current range of activities and infrastructure (e.g., seating, bins, paths, lighting, exercise equipment) offered at the Nightcliff Foreshore? Please indicate one (1) response only.

<table>
<thead>
<tr>
<th>Response</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Satisfied</td>
<td>29.4%</td>
<td>220</td>
</tr>
<tr>
<td>Satisfied</td>
<td>50.9%</td>
<td>381</td>
</tr>
<tr>
<td>Not Sure</td>
<td>10.0%</td>
<td>75</td>
</tr>
<tr>
<td>Dissatisfied</td>
<td>0.0%</td>
<td>67</td>
</tr>
<tr>
<td>Very Dissatisfied</td>
<td>0.7%</td>
<td>5</td>
</tr>
</tbody>
</table>

answered question 748
skipped question 0

### Question 6:

The two Concept Plan Options are: Option 1: North West Constructions Pty Ltd and Manuel Liveris Architect Pty Ltd. The proposed facility is located in the western carpark. Option 2: Hames Sharley and Ray Laurence Constructions Pty Ltd. The proposed facility is located north-west of the pool on the cliff edge. Having viewed the Concept Plans which do you prefer? Please indicate one (1) response only. You must select either Option 1, 2 or No Cafe/Restaurant.

<table>
<thead>
<tr>
<th>Response</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1</td>
<td>11.4%</td>
<td>85</td>
</tr>
<tr>
<td>No Cafe/Restaurant</td>
<td>45.1%</td>
<td>337</td>
</tr>
<tr>
<td>Option 2</td>
<td>43.6%</td>
<td>326</td>
</tr>
</tbody>
</table>

Other (please tell us) 255

answered question 748
skipped question 0
Question 7:

If a Cafe/Restaurant facility was established at the Nightcliff Foreshore how likely would you be to use it? Please indicate one (1) response only.

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Likely</td>
<td>42.7%</td>
<td>314</td>
</tr>
<tr>
<td>Likely</td>
<td>16.2%</td>
<td>119</td>
</tr>
<tr>
<td>Not Sure</td>
<td>9.1%</td>
<td>67</td>
</tr>
<tr>
<td>Unlikely</td>
<td>15.2%</td>
<td>112</td>
</tr>
<tr>
<td>Never</td>
<td>16.8%</td>
<td>124</td>
</tr>
</tbody>
</table>

answered question: 736
skipped question: 12

Question 8:

What type of food and beverage should be available? You may indicate more than one preference.

<table>
<thead>
<tr>
<th>Food Type</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snacks, ice-creams</td>
<td>56.7%</td>
<td>298</td>
</tr>
<tr>
<td>Take-away foods (chips, pies)</td>
<td>36.1%</td>
<td>190</td>
</tr>
<tr>
<td>Licensed</td>
<td>58.0%</td>
<td>305</td>
</tr>
<tr>
<td>Coffee and cakes</td>
<td>85.2%</td>
<td>448</td>
</tr>
<tr>
<td>Meals</td>
<td>74.1%</td>
<td>390</td>
</tr>
</tbody>
</table>

Other (please tell us): 232

answered question: 526
skipped question: 222
**Question 9:**

What hours do you think the Proposed Nightcliff Foreshore Cafe/Restaurant should operate? Part A - Opening Times

<table>
<thead>
<tr>
<th>Time</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.00am</td>
<td>52.8%</td>
<td>275</td>
</tr>
<tr>
<td>9.00am</td>
<td>10.0%</td>
<td>52</td>
</tr>
<tr>
<td>8.00am</td>
<td>24.8%</td>
<td>120</td>
</tr>
<tr>
<td>10.00am</td>
<td>15.0%</td>
<td>78</td>
</tr>
</tbody>
</table>

Other (please tell us) | 174

answered question | 521
skipped question  | 227

**Question 10:**

Part B - Closing Times

<table>
<thead>
<tr>
<th>Time</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.00pm</td>
<td>4.0%</td>
<td>21</td>
</tr>
<tr>
<td>8.00pm</td>
<td>23.7%</td>
<td>123</td>
</tr>
<tr>
<td>5.00pm</td>
<td>10.6%</td>
<td>55</td>
</tr>
<tr>
<td>10.00pm</td>
<td>63.8%</td>
<td>331</td>
</tr>
</tbody>
</table>

Other (please tell us) | 152

answered question | 519
skipped question  | 229
SUBMISSION
FRIENDS OF NIGHTCLIFF
(EXTRACT AND REDACTED)
6th May 2013

City of Darwin Lord Mayor and Aldermen
GPO Box 84 Darwin, NT 0801

Dear Lord Mayor and Aldermen,

**Proposed Restaurant for Nightcliff Foreshore**

Please find enclosed the Friends of Nightcliff (FoN) submission for the City of Darwin (CoD) public consultation in relation to the proposed Café/Restaurant adjacent to the Nightcliff Pool. We commend the CoD for providing the community with the opportunity to comment on the proposal and hope that council consider that FoN have assisted in the community discussion, and that our suggestions have enhanced the proposal.

FoN’s discussions at the Nightcliff Market and Pool, have been lively and insightful. Clearly the residents of Darwin have put time into considering the options presented by CoD. We have included a list of some of the issues raised with us in Attachment 1.

We hope that aldermen have had the opportunity to look at the ideas put forward in the Friends of Nightcliff’s 9 Point Masterplan. We have not presented these ideas as the final plan for this iconic location, rather as a starting point for holistic analysis and assessment of the precinct and issues to be considered in developing a Masterplan to enhance the site. A copy is included here for your reference. (Attachment 2)

766 people signed our paper petition. They support the 9 Point Masterplan prepared by FoN. The paper petition (in the required CoD format) is enclosed (Attachment 3)

126 people have signed our online petition run through the change.org platform. We have included the comments posted as they demonstrate the level of thought that has gone into the decision to sign. (Attachment 4)

118 people posted on the NT News website following their article about the CoD options on the 25 March titled “Have Your Say On Café” We have included a printout of the NT News facebook page comments [http://www.ntnews.com.au/article/2013/03/25/318862_lifestyle.htm](http://www.ntnews.com.au/article/2013/03/25/318862_lifestyle.htm). Comments posted vary from support to condemnation and provide an insight into community feeling. (Attachment 5)

Also included are “Have your Say” comments (as at 5 May 2013) from various NT News articles on the following dates: 3 May 2013: Plan for pool cafe opposed which has 36 comments. 2 May 2013: Beach cafe would be a real blessing, for sure which has 13 comments. 1 November 2012: Council Urged to Take Cafe off Menu which has 28 comments. “Have your Say” comments from an NT News article on 2 May 2013: Beach cafe would be a real blessing, for sure which has 13 comments. (Attachment 6)

The Deloitte Business plan was reviewed by a highly experienced, Darwin based builder and property developer. A copy of his review is enclosed (Attachment 7)

Our facebook page has generated much community discussion over the last six months that it has been active. Council can review the posts and comments on line at [www.facebook.com/friendsofnightcliff](http://www.facebook.com/friendsofnightcliff).

Finally we request the opportunity to present our 9 Point Masterplan to CoD. We believe that the mayor, aldermen and council staff will gain a better understanding of the issues we have raised and which are supported with 892 signatures if we are able to present them in person.

We look forward to your response.

Yours sincerely,

Friends of Nightcliff steering committee

Anthony Young, Graham Kirby, Marisa Fontes, Stefan Koser, Simon Scally, Sandra Yee
Frequently asked questions.

During the "consultation process" Friends of Nightcliff (FON) have held 14 sessions of public information and have spoken to hundreds and hundreds of people. These are the most frequently asked questions and comments.

- Is relocating the cycle path included in the DCC plan?
- Any proposed buildings should be energy efficient with solar power and heating for the pool.
- Is it the role of CoD to build commercial enterprises?
- Is Pee Wees a financial success?
- Once a lease is in place, won't the lease holder have the right to do what they want to make their business viable?
- What is this all about
- Whose idea was this
- Will the restaurant be licensed
- Is the cliff face subject to erosion
- Why weren't the public asked for their input before being asked to select 1 of 2 options
- Will there be public toilets and change facilities for family groups in the development
- Have the anti-social aspects of a building in such a vulnerable position been considered ie long-grasser occupation
- What will the maintenance costs be
- Why is there no Masterplan for the whole foreshore including this area.
- Why do we degrade the pool while saying we are enhancing the area
- Why isn't the pool considered in any enhancement proposal
- Why is rate-payers money being used for a private venture
- Why is public space being co-opted for private ventures
- What will happen to local vendors
- How is the mix of cars, people, bikes, prams etc being catered for in the front of the pool
- When is the pool facility being upgraded
- Where is the traffic report
- Why weren't all tender submissions published
- Why does Council spend so much time on this issue and not on reducing expenditure and increasing efficiency to limit rate increases for all residents.
- Why can't any other option be selected on the COD on-line survey
- Why is no signature/name/address required on the COD survey
1. Relocate pool pump house & council waste bin to open the view from the pool.

2. Rationale the existing inefficient carpark, make it more compact for similar number of cars.

3. Separate pedestrians & cyclists from cars to make the area safer.

4. Establish a landscaped green belt along the water's edge, wide enough to accommodate picnickers and the cyclewalking path. Incorporate shade & seating.

5. Realign the pool fence on the foreshore side. Significant land is underutilised within the pool fence.

6. Continue to replace the barbed wire pool fence with the more attractive fencing already existing along the front of the pool.

7. Establish services infrastructure (water, power, sewer) to support a range of activities eg pop-up restaurants, a small number of food vans, the sea breeze & Darwin festival events & other community activities.

8. Build a small café/restaurant, set back from the cliff face so it does not block the view from the pool and is not subject to erosion problems.

9. The new café/restaurant should also service the pool. Consider that when the pool buildings need to be replaced, they will open up fantastic views across to the Arafura Sea. The café could form the first part of the new pool infrastructure.
Response to the Proposed restaurant for Nightcliff foreshore

Background

The Nightcliff foreshore is a ribbon of green public land that stretches from Progress Drive to Rapid creek with links to the Water Gardens and Casuarina Beach. The ocean side of the road is generally free from development.

The City of Darwin has made great improvements to the foreshore in recent years, including exercise stations, drink stops, new road edge barriers, interpretive signage and seating. We commend CoD for identifying the area around the Nightcliff pool as the missing front teeth in this beautiful smile at the Arafura Sea. The area is currently a hot expanse of tarmac, without shade, it is dangerous with pedestrians, cyclists and cars sharing a common road. The pool is surrounded by barbed wire, the pump house blocks the view to the sea and an industrial waste bin occupies the point.

Nightcliff has a high and increasing population as more unit developments are built. Unit residents are especially dependent on public space for recreation and relaxation. Public space, especially the foreshore, will be more intensively used over time. Generally, public space ought to be increased and enhanced rather than reduced.

Any proposed development of the area around the Nightcliff swimming pool should be integrated with the swimming pool. The swimming pool is a superb public asset. It is very popular and it will become more so. The swimming pool is in need of refurbishment and any development should attempt to enhance rather than detract from the value and amenity of swimming pool. There ought to be a comprehensive plan for the whole site and how it relates to the immediate area and the surrounding suburbs.

We do not support the two options presented by CoD. They do not examine the site as a whole, looking only at the building; they are larger and more costly than is necessary, will block views from the pool and walking path, do not address the issues relating to safety for pedestrians and cyclists, do not incorporate landscaping improvements. Option 2, location 1, appears to be built over the boundary between lots 8657 and 9353. It is built on land which is eroding. It will break the ribbon of green around the foreshore. The materials will prone to suffer from corrosion and be an ongoing maintenance expense for Darwin ratepayers.

We have concerns about the financial model prepared by Deloitte;

- The model assumes rent increases at a rate of $100/m2 every five years, In the first 5 years this is a 33% increase or approx. 6.5% per year. Commercial leases are usually reviewed annually at CPI which Deloitte say is averaging at 2.6%. Or at market rates which can fluctuate.
- No allowance is made for building maintenance. The exterior building maintenance would usually be by the owner. We could expect these costs to be significant given the coastal environment.
- The ‘break even point’ in the Deloitte summary is between 19 and 22 years not 10 years.. Given the optimistic assumptions above we could expect this time period to double. CoD should expect a commercial return on a commercial venture, not “break even”.
- The land value is not included in the model, which would be usual for a business plan.

We have questions about the role of CoD in engaging in commercial development. We have seen the spectacular failure of the “China Town Development” in Mitchell Street.
OTHER OPTIONS

Question 6 of the CoD community consultation survey has four options, A, B, Do Nothing or Other. Rather than mess up this important community asset we would “doing nothing”.

However CoD have asked for the community opinion by having the 4th option of ‘OTHER’. We suggest the following be considered as OTHER options for the way forward. When filling our the survey Darwin people could add these points if they agree.

We think a better and lower risk proposal is for the CoD to establish the infrastructure to support a range of activities, mobile food vendors, temporary restaurants, community and festival events. This infrastructure would include power, water and sewer, amenities, shade and seating and potentially sculptures and temporary stages. Mobile food vendors have a number of advantages. The food types can change, they adapt to the number of patrons, they adapt to the weather and the seasons. When they aren’t in use the site returns to a blank canvas.

A Masterplan for the site.

Develop a Masterplan for the whole site, including landscaping, pedestrian flows, traffic and carparking management and utilities. The Masterplan may need to be implemented over a period of time, as funds become available and will set up the future direction for development of the site. Key elements of the Masterplan would include;

9 points to consider

1. Relocation of the pool pump house and council waste bin. To open the view from the pool.

2. Rationalize the carpark to make it more compact for the same or a similar number of cars, (its currently very inefficient).

3. Separate the pedestrians, cyclists from the cars to make the area safer.

4. Establish a landscaped, green belt along the water’s edge, wide enough to accommodate picnickers and the cycle/walking path. Incorporating shade and seating.

5. Realign the pool fence on the sea side to bring it closer to the pool. (There is currently significant area that is underutilized within the pool fence).

6. Continue to replace the barbed wire pool fence with the more attractive fencing already existing along the front of the pool.

7. Establish services infrastructure, power, water, sewer, to support a range of activities, including; pop up restaurants, a small number of food vans, the Sea Breeze Festival, Darwin Festival events and other community activities.

8. If a building is built it should be small cafe, set back from the cliff face so it doesn’t block the view from the pool and so isn’t subject to erosion problems.

9. If a restaurant is built it should also service the pool. When the pool buildings are replaced as they will need to be they will open up a fantastic view across the to the Arafura Sea. The café could form the first part of the new pool infrastructure.

See "Friends of Nightcliff" on facebook for more information.
Analysis of Nightcliff Foreshore Financial Model and Business Plan.

The writer tried to follow the Deloitte Financial Model.

A number of inconsistencies made it impossible to come to the conclusion as shown in the summary on page 21.

Inconsistencies and or differences in opinion:

1)

The model concentrates on the repayment periods of the construction cost, completely ignoring the value of the land, the car parks and existing improvements.

I believe the City of Darwin should aim to achieve a return for its investment and the model should have paid attention to a return for rate payers. In short, if we cannot achieve a commercial return of say, 6-7% of the investment we should not proceed with the proposal in its present form.

2)

The model assumes that the rent be reviewed every 5 years and that every five years it increases by $100,000.

This is an unconventional method of rent review.

My understanding is that agreements for commercial rental are either increase annually by CPI or that so called market rate increases come into effect every 2 or 3 years.

After year 5, the $100,000 rent increase will result in a 33.3%rent increase (from $300 to $400 per m2)

I don’t believe that this amount of rent increase will be achievable.

3)

Repayment periods:

Appendix 3 states a repayment period for scenario 2 as 10 years, while on page 17 it states 40 years.

Similar for scenario 3 it states repayment period as 20 years but page 20 says 40 years.

Appendix 1 on page 5 states “the time period for the model is 40 years.”

Not having access to the sophisticated software of Deloitte, I calculated the repayment period of a $1.5million loan as follows:

Year 1 – 5, 250m2x $300/m2 = $75,000x5 = $375,000
Year 6 – 10, 250m2x $400/m2 = $100,000x5 = $500,000

Sub total $875,000
Year 11 – 15, 250m2 x $500/m2 = $125,000 x 5 = $625,000

TOTAL = $1,500,000

Provided the assumptions made in the model regarding the market rate and the ability to increase the rent from $300/m2 to $500/m2 in 10 years (an increase of 66.6%) a loan of $1.5M can be repaid in 15 years and not in 10 years as stated.

If the Council charges interest on the $1.5M advance then the interest payments must be calculated and the repayment period will be extended.

As demonstrated a 10 year repayment period is impossible to achieve.

We can now discard the repayment periods and the break-even shown in the summary (page 21).

4) Model limitations:

Pages 10 and 11, referring to the model’s limitations, which in my opinion, reduces the values of the model considerably.

5) Finally, City of Darwin could have saved expenditure on the Deloitte model and would have had more adequate actual information to assess the financial viability of the proposed Nightcliff cafe/restaurant.

About 20 years ago the Council built Pee Wees restaurant, a building of similar size and location. To me it was logical to look at the performance of the existing project to gauge the viability of the proposed one.

I wrote an email on 31/10/12 to Aldermen Elix and Worden. In this email I objected to the proposed restaurant for a number of reasons stating that the Council built Pee Wees restaurant about 20 years ago and that council should now be in a position to disclose what returns the original investment (including design, construction cost, design and fitout and the value of the land) had generated.

Only Bob Elix replied the same day ‘I can advise that Pee Wee do pay a commercial rent, fitout costs are theirs and the original all up costs were in the vicinity of $1m. This reply did not address my questions.

However, it is not too late. Records for Pee Wees should be readily available to the aldermen/women and they could provide proof that the investment resulted in a profit for rate payers.

If not, Council should not go ahead with this proposed restaurant.

Stefan Koser, member of Friends of Nightcliff and Nightcliff resident for 41 years.
SUMMARY OF SUBMISSIONS RECEIVED

REDACTED VERSION
<table>
<thead>
<tr>
<th>No</th>
<th>NAME</th>
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<th>FORMAT</th>
<th>SUMMARY</th>
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<tbody>
<tr>
<td>1</td>
<td></td>
<td>Friday, 17&lt;sup&gt;th&lt;/sup&gt; May 2013</td>
<td>e-mail</td>
<td>“I would like it recorded that I am against this development. The public space available on the Nightcliff foreshore is precious and should not be alienated for the proposed café. I also have concerns that council will risk precious council funds in a commercial venture.”</td>
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<tr>
<td>2</td>
<td></td>
<td>Wednesday, 8&lt;sup&gt;th&lt;/sup&gt; May 2013</td>
<td>e-mail</td>
<td>“I very much value the public spaces along the foreshore in Nightcliff and, living in Millner visit that area regularly for recreation. I very much oppose the proposed development of public space and in favour of the Friends of Nightcliff proposal. However my key concern in this email is that the process whereby public opinion has been canvassed in both the paper and online survey is clearly biased towards approval of the development. I found that the Friends of Nightcliff plan was not offered. I find their option much more compatible with my vision of how the area around the pool can be improved for better access, and facility.”</td>
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<td>3</td>
<td></td>
<td>Tuesday, 7&lt;sup&gt;th&lt;/sup&gt; May 2013</td>
<td>Hand-written note</td>
<td>“If this does go ahead please DO NOT under any circumstances put it in front of pool or block view from pool grounds. You may put it at southern (SW) end of pool beside pool fence (in carpark a bit. BUT it mustn’t be too big!”</td>
</tr>
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<td>4</td>
<td></td>
<td>Tuesday, 7&lt;sup&gt;th&lt;/sup&gt; May 2013</td>
<td>e-mail</td>
<td>“I have looked at the 2 proposed plans and prefer option 2 on site 3 as I like the idea of the cantilevered decking for the view, and also the fact that there is a greater deck area to maximize viewing. I think the plan looks a bit more interesting than the pedestrian plan 1. I’m not sure however about the erosion impact.”</td>
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popup restaurants and possible stages sounds great. In my view a café shouldn’t be built on vulnerable or eroding land. A café adjoining the pool area would be brilliant especially if it could also have a coffee access point from outside the pool.”

| 8 | Monday, 6<sup>th</sup> May 2013 | e-mail | “We write in opposition to the current proposal to develop a Café/Restaurant facility on the Nightcliff Foreshore, adjacent to the Nightcliff Swimming Pool on Lot 8657 (259) Casuarina Drive, Nightcliff.

While we are not opposed to competition per se, we are opposed to competition which has the through the return on investment criteria underpinning this proposal the effect of subsidizing this development by the ratepayers of Darwin.

The business plan provided by Delloites concentrates only on recovering the cost of construction and places no value on the recovery of the land value of the proposed area, any extra costs relating to the provision of car parking, changes to the areas infrastructure, asbestos testing and decontamination of the site or anti-erosion treatment to the area and the amount of $1,500,00 allowed for the completion of the project is grossly understated and is in our view misleading in terms of gauging an accurate response from the public in how their rate payers dollars might be spent in regards to projects of this nature.”

| 9 | Monday, 6<sup>th</sup> May 2013 | e-mail | “I fully support the idea of a quality café on the Nightcliff foreshore, but only in the location of position 2. It should have no impact on the view from the world’s greatest public swimming pool, ie to the north and west. This would also give minimal impact on local apartment complex views.

I think both proposed architectural designs have some merit: I think any design should definitely be low (1 storey), as environmentally
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<td></td>
<td>Monday, 6(^{th}) May 2013</td>
<td>e-mail</td>
<td>“I am a very concerned ratepayer, and resident of Nightcliff for over 26 years. While Bob’s concept of “a café” is good in concept, I object to the planning proposal for the café/restaurant because: Public land should be kept for public use . . . Ratepayers will be paying for this . . . Pool future uncertain – Keep all the future options open . . . New restaurants – Don’t compete with them . . . Nightcliff after dark – Let’s rejuvenate it . . . Landscape the area surrounding all sides of the pool . . . Food vans would be more flexible . . . Dance floor instead . . .”</td>
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<td></td>
<td>Monday, 6(^{th}) May 2013</td>
<td>e-mail</td>
<td>“I do enjoy a coffee in pleasant surroundings but I am indifferent about a café being situated on the Nightcliff foreshore. If it were there, it may be something I would use say 2-3 times a year. It is not a compelling proposition for a coffee experience. What I am not indifferent about is the undisclosed cost to the ratepayers of Darwin. The elected members owe it to the ratepayers to put forward a properly costed proposal before proceeding any further. As presented it is so deficient as to make any informed comment impossible.”</td>
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</table>
| Friends of Nightcliff | Monday, 6\(^{th}\) May 2013 | e-mail and hand delivered | “Any proposed development of the area around the Nightcliff swimming pool should be integrated with the swimming pool. The swimming pool is a superb public asset. It is very popular and it will
become more so. The swimming pool is in need of refurbishment and any development should attempt to enhance rather than detract from the value of the amenity of swimming pool. There ought to be a comprehensive plan for the whole site and how it relates to the immediate area and the surrounding suburbs.

We do not support the two options presented by the CoD. They do not examine the site as a whole, looking only at the building; they are larger and more costly than is necessary, will block views from the pool and walking path, do not address the issues relating to safety for pedestrians and cyclists, do not incorporate landscaping improvements. Option 2, location 1, appears to be built over the boundary between lots 8657 and 9353. It is built on land which is eroding. It will break the ribbon of green around the foreshore. The materials will prone to suffer from corrosion and be an ongoing maintenance expense for Darwin ratepayers.”

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<th>Date</th>
<th>Author Details</th>
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<th>Message</th>
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<tr>
<td>Sunday, 5\textsuperscript{th} May 2013</td>
<td>e-mail</td>
<td>“I attended the public session at the Nightcliff Pool car park last week and was happy to see that most of the people present were against the idea of a café/restaurant where you propose to build it. Not only would this block our views of the sunset and the sea, the construction phase would also be a disruption to the general public who use the foreshore for their enjoyment, as I do... I quite like the idea that the Friends of Nightcliff have proposed, although the erosion problem would have to be dealt with. Darwin City Council could enhance the area by installing extra BBQs and seating, where the general public can bring our own food to cook and enjoy the sunsets and sea breezes, as do now.”</td>
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<td>Sunday, 5\textsuperscript{th} May 2013</td>
<td>e-mail</td>
<td>“As a resident of Grevillea Circuit, Nightcliff, and a daily user of the Nightcliff foreshore, I am writing to you to express my opposition to the proposed café/restaurant on the Nightcliff foreshore in front of...”</td>
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I am not against an additional café/restaurant in the Nightcliff area but there are more suitable locations for a facility of this type such as in the park next to the tennis courts or by improving the current facility at the pool. In addition, I have concerns about the structural integrity of the cliffs on which the proposed café/restaurant would be built. Council acknowledges the instability of the area by warning signs placed at regular intervals. Furthermore, the business model is based on the facility operating at full capacity, which is highly unlikely to occur year-round as is the case with many other similar facilities in the Darwin city area and suburbs.”

“At a recent public meeting, about 25 residents of Nightcliff, Rapid Creek and Coconut Grove discussed pressing planning issues concerning them. One of these is Council’s apparent drive to build a large restaurant near the cliffs on the Nightcliff Foreshore Headland, near the swimming pool. . .

At the conclusion of the meeting, after discussing other local planning issues, the meeting most strongly resolved to reject both the two optional restaurant buildings offered in its formal survey, and ask the City of Darwin Council to accept instead the Friends of Nightcliff draft proposal as a basis for upgrading the headland through consultation.”

“Dear Bob and Robyn, I noted the article in the NT News re the forum on the Nightcliff Café Plan, and that the opposition to it being strong. While I am sure you are probably more aware of this than we are, I wanted to articulate that there is extensive community support for this in and around Nightcliff, and in fact I have come up against very few people who are opposed. Those are seem to be very much more vocal than the rest of us; which is not unusual I
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<th>Subject</th>
<th>Message</th>
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<tr>
<td>17</td>
<td>Friday, 3rd May 2013</td>
<td>e-mail</td>
<td></td>
<td>“Hi, I am opposed to the idea of having a café on the foreshore. The foreshore is looking increasing cluttered with council stuff – fences, carparks, sporting equipment, tables, playgrounds, shelters. I think we have enough things already. There are already shops in Aralia Street. That should be the focus of the café culture if there is a demand for it. As a ratepayer I object to council spending funds on a commercial venture in competition with other businesses.”</td>
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<tr>
<td>18</td>
<td>Friday, 3rd May 2013</td>
<td>e-mail</td>
<td></td>
<td>“Firstly let me say I like the idea of a café on the foreshore and have always wondered why Darwin never really had one. The closest public facility business was the Coolspot for years, followed by the three clubs on Fannie Bay. I have filled out the questionnaire in favour, although I have my reservations that this is where the Council should be going. I was of the opinion that it is not the Council’s job to build private enterprise/businesses to lease out. Is this the beginning of other such projects? Will this be the precedent allowing Council to build units, other restaurants, shopping precincts, because they can or a developer won’t? Like the feeling of the meeting, at the beginning, I had the feeling that it was a fait accompli and that whatever the public thought the Council would go ahead with their plans anyway, as so often happens in the three levels of government.”</td>
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<tr>
<td>19</td>
<td>Friday 3rd May 2013</td>
<td>e-mail</td>
<td></td>
<td>“I was at the meeting last night regarding the proposed Restaurant at Nightcliff pool and thought the opinion of the group was overwhelmingly against the proposal, as one of our elected alderman I sincerely hope you took that on board and vote accordingly.”</td>
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</table>
In my opinion it is a very poor choice for that parcel of land which would eventually over shadow the pool.

Maybe the council could actually go out of their way and consult properly with the resident and the Friends of Nightcliff, rather than pushing the proposal upon us.

Perhaps the council could pay some attention to the pool and provide shade and fix a few things as it is probably one of the DCC’s best assets but very neglected."

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<tr>
<th>Name</th>
<th>Date</th>
<th>Type of Communication</th>
<th>Comments</th>
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<tbody>
<tr>
<td>20</td>
<td>Friday, 3rd May 2013</td>
<td>Verbal comment via telephone</td>
<td>“Redacted name called to comment on the construction of the café at Nightcliff. She and her friend walk along the foreshore, and she believes it would be nice to have a coffee there afterwards. <strong>Redacted name</strong> also mentioned that there are a number of people in favour of the café, but not all those in favour attended the meeting; she just wished to put forward her support after the large number of those attending the meeting opposed the idea.”</td>
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<tr>
<td>21</td>
<td>Rapid Creek Landcare Group</td>
<td>Friday, 3rd May 2013</td>
<td>e-mail</td>
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| 22   | Thursday, 2nd May 2013 | e-mail | “I write this letter to express my concerns around the proposed Nightcliff Foreshore Café/Restaurant and the process which the COD has undertaken to prompt the preferred designs. . .

Personally I do not like or support either option presented for the following reasons:
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<tr>
<td>23</td>
<td>Thursday, 2&lt;sup&gt;nd&lt;/sup&gt; May 2013</td>
<td>Verbal comment to Lord Mayor</td>
<td>“Do not want café – not enough parking.”</td>
</tr>
<tr>
<td>24</td>
<td>Tuesday, 30&lt;sup&gt;th&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>“I do not support either of the two café options proposed. I would prefer to see other options explored – e.g. those proposed by the Friends of Nightcliff face book page. Given a choice of the two options proposed or no change, I would prefer no change. BUT, my preference would be to see other options which attempted to balance a range of uses (e.g. bikes, picnics, sea views, café, pool use;) but up for discussion/comment. A failure to do so could rightly be seen as a failure to properly engage with the public/stakeholders in the Nightcliff and adjacent areas. The Nightcliff foreshore is an amazing location that deserves thorough planning and community input and more proposals, like that provided by the Friends of Nightcliff, need to be considered.”</td>
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<tr>
<td>25</td>
<td>Monday, 29&lt;sup&gt;th&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>“I am concerned about parking at the proposed Restaurant/Café. Now that a new fishing platform has been built near the pedestrian bridge, cars are being parked on the grass and are a hazard to cyclists and pedestrians when they drive on the pathway. It seems inadequate planning was made for parking and will this be the case at the café. I also believe it will put local and weekend food businesses at risk of having to close down.”</td>
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<tr>
<td>26</td>
<td>Sunday, 28&lt;sup&gt;th&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>“Concern regarding long term tenure especially if the Café proceeds and that tenant requests some sort of ‘sole occupancy’. If café proceeds the Potato Man asks for some sort of trade protection, ie,</td>
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<tr>
<td>27</td>
<td>Friday, 26th April 2013</td>
<td>e-mail</td>
<td>“But we (redacted name) and I) don’t support a restaurant in any shape or form, in particular when COD would be using rate payer funds to build such a eating house. Whatever happens it got to be of a minimalist approach if rate payers funds are used at all. Funding for restaurants is NOT a core funding role of council.”</td>
</tr>
<tr>
<td>28</td>
<td>Wednesday, 24th April 2013</td>
<td>e-mail</td>
<td>“As you are probably aware, there is a community group called ‘Friends of Nightcliff’ with an active presence on Facebook which is also opposed to the café/restaurant scheme. I share many of their objections and also some of their alternative proposals for more appropriate use of the area surrounding the pool such as moving the existing filtration plant down to the south-west corner of the pool site. However, I strongly oppose their plans relating to the cliff-edge bike path...”</td>
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<tr>
<td>29</td>
<td>Wednesday, 24th April 2013</td>
<td>e-mail</td>
<td>“Along with many ratepayers I am interested in what is happening regarding the proposed Nightcliff restaurant project. While not living in Nightcliff, I am a ratepayer and aware of the fact that developments underwritten by our Council are funded by all of we ratepayers together. This project if it proceeds is set to cost a substantial amount of money. Indeed, the project to date would not have been cost insignificant.”</td>
</tr>
<tr>
<td>30</td>
<td>Tuesday, 23rd April 2013</td>
<td>e-mail</td>
<td>“I am concerned that there has been increased traffic to the...”</td>
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the café operator is not to sell potatoes. Lee and Ashlee made the point that they are not necessarily aligned to Simon Scally’s group but did see some merit in some of their suggestions, eg. Bikepath/walkway around the seaside of the pool, more trees. . . . said it ‘could’ bring more people to the area but it could also take customers away.”
Nightcliff foreshore and the bike path has become more dangerous and the foreshore recreational area congested with cars. I support the bike path being relocated away from the carparks and support of cars being parked in the roads leading to the foreshore eg. Nightcliff Road and the carparks being relocated slightly away from the foreshore to promote health and safety.

The Nightcliff pool facilities need to be upgraded and I support the upgrade to include a café/restaurant with a sea view accessed from both the poolside and from the foreshore path side. I believe this is an opportunity to increase the recreational opportunities of the whole pool/car park area not just focus on building a café/restaurant.

“What really worries me about Darwin is how very fast it is being transformed into a mini Gold Coast. Yes we have to have development, yes we have to have change but at what cost? This is the second time I have become very alarmed and dumbfounded at what I perceive as poor foresight, senseless and selfish planning considerations by governing bodies in Darwin. The first was in relation to building a marina at east Point and now a café at the Nightcliff foreshore.

I believe there is no greater asset than our nature environment. I cannot get my head around how a building that is manmade be of a greater asset than the beautiful fragile land it may be built on. Once the natural environment is destroyed it cannot be repaired.”

“He has concerns about a café taking prime spot on the foreshore. If café is licensed he is concerned about people coming (stumbling) out of the building and getting in the way of walking, jogging and
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<th>Text</th>
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| 33| Wednesday, 17\(^{th}\) April 2013 | e-mail   | "Re: Nightcliff Foreshore landscaping option (not council café). I am very impressed with this proposal. I am a regular user of this foreshore and am impressed with the use made of this area by locals. It is a delightful scene especially on weekends to see families and large groups gathering for picnics and get-togethers on the very limited facilities."
| 34| Sunday, 14\(^{th}\) April 2013    | e-mail   | "I have completed the on-line survey with regard to the Council proposal to establish a café/restaurant on the Nightcliff Foreshore and I have opposed the development. While I expect local government to protect and regulate activities on land that the council holds in trust for the Darwin community, I do not welcome council proposals to despoil the foreshore nor do I welcome the council aspiring to get into business of unwise, expensive and inappropriate commercial developments."
| 35| Sunday, 14\(^{th}\) April 2013    | e-mail   | "I think it is important that the pool and restaurant flow/compliment each other. It would only value-add to both facilities in the long run. . .

Best of luck with the community consultation period. I do hope that the venture goes ahead so that facilities are widened for all Territorians (even though you may not please every one of them)."
| 36| Friday, 5\(^{th}\) April 2013    | e-mail   | "I object to the idea of the café as I live opposite the proposed building. We have parking and noise problems already without creating more! Councils are not there to provide business ventures for themselves or tax payers. It may be different outcome if they had to use there (sic) own cash!"
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| 37  | Friday, 5<sup>th</sup> April 2013 | E-mail | E-mail | “I fully support the views put forward by the ‘Friends of Nightcliff Foreshore’ (FONF) including their masterplan and 9 points. . . .

If a café is to be built, it should be small and set well back from the foreshore, so as not to be at risk from the elements/cyclonic conditions/erosion, and not to detract from the aesthetics/community ownership of the foreshore. It should also have the ability to serve the passing public as well as swimming pool users (ie. Be on the boundary as indicated in the FONF masterplan).” |
| 38  | Thursday, 4<sup>th</sup> April 2013 | E-mail | E-mail | “As regular users of the pool we cannot establish whether the proposal includes the pool or not in its design. The proposal does not give adequate detail for a reasonable person to make a judgement on the suitability of what is proposed.

Not only are we regular users of the Nightcliff Pool, we have in the past been regular users of similar pools interstate which have restaurant/café facilities incorporated in them. It is suggested that research is conducted to review multi-use facilities that have been developed in other states such as the Boy Charlton Pool and the Leichardt Pool in Sydney. . .

We will only support the proposal if it is incorporated into the swimming complex, the current proposals are ill considered, and while they may be designed by competent architects the business plan and brief to the architects are what is important here, the concept will be another white elephant unless it is anchored by the Nightcliff Pool.” |
| 39  | Thursday, 4<sup>th</sup> April 2013 | Correspondence | Correspondence | “I am writing on behalf on the Friends of Nightcliff community group. I note the display of two options, 1 and 2, for the proposed restaurant/café. It appears to us that both options have serious
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<tr>
<td>40</td>
<td>Wednesday, 3&lt;sup&gt;rd&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>I strongly disagree with both proposed café concepts released for comment by City of Darwin on Monday 25 March.</td>
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<td></td>
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<td>This area is VERY well used currently. Why change anything? Council do not need to spend money to attract people to the area by creating a café.</td>
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<td>Walkers, joggers, cyclists, families, dogs, children and swimmers all use the area happily. If a café were to go ahead, and if this café did bring more traffic to the area, this would create a dangerous situation for these pedestrians/cyclists.</td>
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<tr>
<td>41</td>
<td>Tuesday, 2&lt;sup&gt;nd&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>I am supportive of the café going ahead but I am concerned about what will happen to the WWII 2/14 Field Regiment plaque on the grasslands in front of the pool. My father was in this Regiment and came up especially for the 1992 Fifty Year commemorations. This was when the plaque was officially unveiled. Unfortunately it was vandalised not long after but the basics still stand.</td>
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<td>42</td>
<td>Tuesday, 2&lt;sup&gt;nd&lt;/sup&gt; April 2013</td>
<td>Correspondence</td>
<td>Why is it that the Council needs to own the development with ratepayers money possibly at risk? Why can't the Council offer a long term ground lease to a developer and let them assess the public need and financial viability of the project? It would be interesting to obtain their response to taking it on as a worthwhile no risk investment.</td>
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<td>43</td>
<td>Monday, 1&lt;sup&gt;st&lt;/sup&gt; April 2013</td>
<td>e-mail</td>
<td>I fully support the concept of a Café/restaurant at the Nightcliff Foreshore as shown in North West Construction Pty Ltd concept. This concept is realistic and shows what it would look like in reality. I would like to think they may be able to extend to the north by incorporating a deck area over the cliff line. . .</td>
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<td>The construction should be fully funded by private enterprise in return for ten year lease option. Rates should not be used to fund</td>
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the project as whilst I believe it would be viable, it is not City of Darwin core business.”

| 44 | Friday, 29<sup>th</sup> March 2013 | e-mail | “I am writing to express my concern that Darwin City Council is proposing to fund the development of a café on the Nightcliff foreshore.  

First, let me say that I have no objection to the development of the proposed café on the foreshore. I don’t think the entries you picked are very imaginative but that is a matter of taste and I won’t enter into that debate.  

However, what does concern me is that the Council has decided to get into the business of running cafes. For what reason I am at a loss to understand. Why are you stepping outside of your role as a local government to get into the decidedly risky business of owning a restaurant and spending significant amounts of taxpayers’ funds for the benefit of the person who gets the concession?” |

| 45 | Thursday, 28<sup>th</sup> March 2013 | Verbal comment via telephone | “Redacted name phoned to voice her opinion against the Nightcliff Café’ proposal. She would prefer nothing happens and that this be included in the results.  

Waves have been crashing the foreshore.” |

| 46 | Thursday, 28<sup>th</sup> March 2013 | e-mail | “Folks,  

There is no issue when the Fact Sheet as below is considered.  

Fact Sheet requires a total internal floor area of 250sqm. Ray Lawrence Scheme - Approx 320sqm. Manuel Liveris Architect Scheme - Approx 130sqm (TOO SMALL by 120sqm!)  

• the total cost of the development not to exceed $1.5M.” |
| 47 | Wednesday, 27<sup>th</sup> March 2013 | Hand-written note | “Do not involve rate payers’ money in commercial ventures. Council already own two flops . . . Waratah Club Rooms and Amphitheatre. If it is necessary to have a coffee shop on the beach let those who propose it do it and take the risk themselves.” |

The best value is from Ray Lawrence, and Council should give it to him for the $1,500,000 maximum price.” |
16. OFFICERS REPORTS

16.4 Proposed 2013 Community Satisfaction Survey
Report No. 13TC0037 AH:ah (25/06/13) Common No. 482285

Report Number 13TC0037 AH:ah attached.
PROPOSED 2013 COMMUNITY SATISFACTION SURVEY

REPORT No.: 13TC0037 AH:ah COMMON No.: 482285 DATE: 25/06/2013

Presenter: Manager Strategy & Outcomes, Anne Hammond
Approved: Executive Manager, Mark Blackburn

PURPOSE

The purpose of this report is to seek Council’s endorsement of the proposed questionnaire for this year’s Annual Community Satisfaction Survey (refer Attachment A) and identify any amendments required to source data regarding any current issues.

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
5.3.4 Encourage community participation by engaging, communicating and working in partnership with the community

KEY ISSUES

- Council has now conducted four consistent Annual Community Satisfaction Surveys with this being the fifth year.
- Many of Council’s endorsed performance indicators are sourced directly from the survey results.
- Since the 2011 survey, McGregor Tan moved from using the electronic white pages to using a database from CustomLists.net that both landlines and mobile numbers plus voice over IP (VOIP), therefore ensuring access to all residents.

RECOMMENDATIONS

A. THAT Report Number 13TC0037 AH:ah entitled Proposed 2013 Community Satisfaction Survey, be received and noted.

B. THAT Elected Members endorse the proposed survey questions as provided in Attachment A to Report Number 13TC0037 AH:ah.
BACKGROUND

McGregor Tan Research has undertaken the Annual Community Satisfaction Survey on Council’s behalf over the past four years and has again been engaged to run the 2013 survey, commencing the week of 15 July 2013.

As with previous years, McGregor Tan’s proposal includes sampling and questionnaire design, fieldwork including supervision, briefing, interviewer costs, quality control and validation, telephone and online costs, travel costs, data preparation and processing, data analysis, documentation, reporting and a presentation of results.

It should be noted that since the 2011 survey, McGregor Tan moved from using the electronic white pages to using a database from CustomLists.net that includes both landlines and mobile numbers, therefore will again be able to reach all community members.

As with previous years, Council will also provide hard copy survey questionnaires at the Civic Centre and Council libraries.

The results of the surveys are regularly used as indicators which are aligned to the City of Darwin’s Evolving Darwin Towards 2020 Strategic Plan and Municipal Plan as measures of effectiveness.

Each year, all results are analysed and reviewed to determine areas for improvement in our service delivery. The survey results assist Council in identifying real or perceived gaps in the delivery of services throughout the municipality. The analysis of results is disseminated throughout all sections of Council.

DISCUSSION

It is desirable the core set of questions remain the same each year in order to accurately monitor and analyse movement in the results. However, there is also scope to include some ‘hot topic’ questions – questions that may only be relevant at a point in time to understand a current situation or threat.

Now that the survey has been consistently run over the past four years and Council now has now just begun to establish informative data sets, it is recommended not to make any wholesale changes.

Minor changes have been implemented in previous years such as separating out parks and playgrounds, the inclusion of ‘recycling 7 types of plastics’ and additional questioning in regards to communication mediums (i.e. Twitter, Email, Face Book etc).

The proposed survey is provided as Attachment A, which incorporates some minor changes including the addition and deletions of some questions.

The survey questions have also been reworked to reflect the new goals and outcomes of the Evolving Darwin Towards 2020 Strategic Plan.

The sample size of 700 residents provides a maximum margin of error of +/- 3.68% at a 95% confidence level, which is acceptable for a project of this nature and will allow for direct comparisons to be made with previous findings.
CONSULTATION PROCESS
In preparing this report, the following City of Darwin officers were consulted:

- Chief Officers Group
- Middle Managers
- Communications and Marketing

POLICY IMPLICATIONS
Nil

BUDGET AND RESOURCE IMPLICATIONS
The quoted price for conducting the survey is $25,950 (excluding GST). This includes conducting the Computer Aided Telephone Interview (CATI) with 700 residents and developing the final report including a presentation of results.

Funding for this has been included as part of Council’s 2013/14 operational budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS
The Local Government Act 2008, section 23 - Contents of municipal or shire plan, part (1) (d) states “must define indicators for judging the standard of its performance”, coupled with section 199 – Annual Reports, part (1) A council must, on or before 15 November in each year, report to the Minister on its work during the financial year ending on the preceding 30 June with part (3) which states “The report must also contain an assessment of the council's performance against the objectives stated in the relevant municipal plan (applying indicators of performance set in the plan)”. 

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.

ANNE HAMMOND
MANAGER STRATEGY & OUTCOMES

MARK BLACKBURN
EXECUTIVE MANAGER

For enquiries, please contact Anne Hammond on 89300531 or email: a.hammond@darwin.nt.gov.au.

Attachments:

Attachment A: Proposed 2013 Community Satisfaction Survey Questionnaire
CITY OF DARWIN – ANNUAL COMMUNITY SATISFACTION SURVEY 2013

Good ...... I am ...... from McGregor Tan Research. As an independent social and market research company we are conducting a survey about City of Darwin and would appreciate your opinions, we do not sell, promote or endorse any product or service. There are no right or wrong answers, it is just your opinion that we are after. We value your opinions and these are often used to improve services to the public, product quality or safety.

1. What services are you aware of that City of Darwin offers to Darwin residents?

Unprompted multiple response

01 ..... Arts and cultural activities
02 ..... Car parking (city & suburban)
03 ..... Cat control & education
04 ..... Community services
05 ..... Cycle paths
06 ..... City of Darwin website
07 ..... Darwin Entertainment Centre
08 ..... Dog control & education
09 ..... Footpaths
10 ..... Library Services
11 ..... Parks
12 ..... Playgrounds
13 ..... Public toilets
14 ..... Recreational & leisure services (swimming pools, sports ovals)
15 ..... Special events and festivals (e.g. Bombing of Darwin Commemoration)
16 ..... Streets
17 ..... Walkways
18 ..... Shoal Bay Waste Mgmt Facility
19 ..... Wheelie Bin collection service
20 ..... Wayfinding Signage
21 ..... Other - specify
22 ..... Not aware of any services

2. Answer for only those services aware of in Q1: Of all of the services that you are aware of, which ONE is of the most importance to you? Single response

01 ..... Arts and cultural activities
02 ..... Car parking (city & suburban)
03 ..... Cat control & education
04 ..... Community services
05 ..... Cycle paths
06 ..... City of Darwin website
07 ..... Darwin Entertainment Centre
08 ..... Dog control & education
09 ..... Footpaths
10 ..... Library Services
11 ..... Parks
12 ..... Playgrounds
13 ..... Public toilets
14 ..... Recreational & leisure services (swimming pools, sports ovals)
15 ..... Special events and festivals (e.g. Bombing of Darwin Commemoration)
16 ..... Streets
17 ..... Walkways
18 ..... Shoal Bay Waste Mgmt Facility
19 ..... Wheelie Bin collection service
20 ..... Wayfinding Signage
21 ..... Other - specify
22 ..... Not aware of any services
3. **ASK ALL:** Which of these City of Darwin services have you used in the past 12 months?  
**Read out (rotate), multiple response**

01 Arts and cultural activities  
02 Car parking (city & suburban)  
03 Cat control & education  
04 Community services  
05 Cycle paths  
06 City of Darwin website  
07 Darwin Entertainment Centre  
08 Dog control & education  
09 Footpaths  
10 Library Services  
11 Parks  
12 Playgrounds  
13 Public toilets  
14 Recreational & leisure services (swimming pools, sports ovals)  
15 Special events and festivals (e.g. Bombing of Darwin Commemoration)  
16 Streets  
17 Walkways  
18 Shoal Bay Waste Mgmt Facility  
19 Wheelie Bin collection service  
20 Wayfinding Signage  
21 Other - specify  
22 Not aware of any services

4. Now thinking of the services provided by the Council, please rate the level of importance of each of the following services on a 1 to 5 scale, where 5 is very important and 1 is not at all important. **Read out (rotated)**

<table>
<thead>
<tr>
<th>Service</th>
<th>5 Very Important</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Alfresco dining and mobile food stalls</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>6</td>
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<tr>
<td>b. Arts and cultural activities</td>
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<td>4</td>
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<tr>
<td>c. Car parking in the central business district</td>
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<td>d. Car parking in the suburban areas</td>
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<tr>
<td>e. Cat control &amp; education</td>
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<tr>
<td>f. Community services (e.g. Children’s Services, Fun Bus, Indigenous Support, Disability Support)</td>
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<td>g. Control of advertising signage</td>
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<td>i. Domestic dog control &amp; education</td>
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<td>k. Litter collection from public areas</td>
<td>5</td>
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<td>l. Maintenance of footpaths/cycle paths</td>
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<td>o. Markets (e.g. Mindil, Rapid Creek, Nightcliff)</td>
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<td>p. Public swimming pools</td>
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</table>
5. Still thinking of the services provided by Council, please rate your level of satisfaction with the standard of each service, on a scale of 1 to 5, where 5 is very satisfied and 1 is very dissatisfied. **Read out (rotated)**

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</table>

6. How do you rate your overall level of satisfaction with the City of Darwin?

5. Very satisfied
4. Quite satisfied
3. Neither satisfied nor dissatisfied
2. Quite dissatisfied
1. Very dissatisfied
6. Don’t know/ not sure
7. Have you made contact with City of Darwin in the last 12 months? **If yes**, what methods did you use to make that contact? **Unprompted multiple response**
   01 Rang Council
   02 Used the internet/email
   03 Used social media (e.g. Face Book, Twitter)
   04 Went to the Civic Centre in person
   05 Wrote a letter and sent it by mail
   06 Other - **specify**
   07 Don’t remember
   08 Have not made contact with the City of Darwin in the last 12 months

8. **Made contact with Council (codes 01-06 in Q7):** How satisfied were you with the contact?
   5 Very satisfied
   4 Quite satisfied
   3 Neither satisfied nor dissatisfied
   2 Quite dissatisfied
   1 Very dissatisfied
   6 Don’t know/ not sure

9. **Made contact with Council (codes 01-06 in Q7):** What was the main reason for that contact? **Unprompted single response**
   01 To conduct a business enquiry
   02 To gain information
   03 To make a complaint
   04 To pay rates/ fines
   05 To use a facility
   06 To use a service
   07 Other – **specify**
   08 Don’t remember

10. **Made complaint (code 3 in Q9):** What was the nature of your complaint. **Open ended, probed fully for details**
11. **ASK ALL:** How do you currently find out about Council matters? Unprompted, multiple response
   01...... Council's website
   02...... Letter
   03...... Radio
   04...... Television
   05...... The Darwin Sun
   06...... The NT News (general)
   07...... The NT News (monthly 1 page City of Darwin feature)
   08...... Word of mouth
   09...... Social media (e.g. Face Book, Twitter)
   10...... Lord Mayor &/or Aldermen
   11...... Other – **specify**
   12...... Don't know/not sure

12. How do you want to be informed about Council matters? **Unprompted, multiple response**
   01...... Council's website
   02...... Letter
   03...... Radio
   04...... Television
   05...... The Darwin Sun
   06...... The NT News (general)
   07...... The NT News (monthly 1 page City of Darwin feature)
   08...... Social Media (e.g Face Book, Twitter)
   09...... Email or E-newsletter
   10...... Lord Mayor &/or Aldermen
   11...... Other – **specify**
   12...... Don't know/not sure

13. How frequently do you access City of Darwin’s Face Book page?

<table>
<thead>
<tr>
<th>Daily</th>
<th>Most days</th>
<th>Several days a week</th>
<th>Once or twice a week</th>
<th>Between once a fortnight and once a month</th>
<th>Less than once a month</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Face Book</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

14. Do you believe that the City of Darwin has improved their communication processes over the past year?
   1...... Yes – **specify why/how it's improved**
   02...... Don't know/ not sure
   03...... No
15. How often do you use the following forms of transport? **Read out (rotated)**

<table>
<thead>
<tr>
<th></th>
<th>Daily</th>
<th>Most days</th>
<th>Several days a week</th>
<th>Once or twice a week</th>
<th>Between once a fortnight and once a month</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Car</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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<tr>
<td>Public transport</td>
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<tr>
<td>Bicycle</td>
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<tr>
<td>Motor Bike</td>
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<td>Walking</td>
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</table>

16. Now thinking about any contact that you have had with Council, could you please rate how satisfied you were with how that contact was handled. On a scale of 1 to 5, where 5 is very satisfied and 1 is very dissatisfied. **Read out (rotated)**

<table>
<thead>
<tr>
<th>Ask only those who answered code 04 in Q7</th>
<th>5 Very satisfied</th>
<th>→</th>
<th>1 Very dissatisfied</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specifically the quality of service from the front counter staff at the Civic Centre</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

**ASK ALL**

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</thead>
<tbody>
<tr>
<td>a. The ability of Council staff and representatives to ‘get it right the first time’</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>b. The ease with which you were put in touch with the right person to assist you</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>c. The enthusiasm and interest shown to you by Council staff</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>d. The knowledge of the person you dealt with in relation to your reason for making contact</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>e. Your ability to contact Council for emergency events after hours</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>f. Overall how satisfied are you with the quality of service that Council provided to you</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

17. Please rate from the following list, what you consider to be the top three priorities of the City of Darwin? **Read out (rotated) multiple response (maximum of 3 responses)**

01 Encouraging social inclusion and enabling individuals to stay connected through activities that support & promote community harmony and build community capacity.

02 Providing services and infrastructure that supports people to live, work and play.

03 Leading and advocating for the sustainability and protection of our environment and lifestyle.

04 Being recognised as a welcoming and culturally rich and diverse city.

05 Ensure its business is conducted in a transparent, accountable, sustainable and efficient way.

18. Are there ways that the City of Darwin can improve its service to you? **Read out (rotated)**

01 Yes – specify what ways

02 Don’t know/ not sure

03 No
19. What do you think are the key issues currently affecting the lives of Darwin residents? 

**Unprompted, multiple response**

01 Community harmony
02 Crime and anti-social behaviour
03 Housing affordability
04 Cost of living
05 Power & Water Costs
06 Itinerants
07 The environment and climate change
08 The increasing pace of living
09 The increasing size of the City
10 Other – **specify**
11 Don’t know/ not sure

20. **Answer for only those issues identified Q19.** Whose responsibility do you think this is? **Unprompted**

01 Northern Territory Government’s
02 Australian Government’s
03 City of Darwin’s
04 Society in general/everyone’s
05 Don’t know

21. How satisfied are you with the quality of life in Darwin?

5 Very satisfied
4 Quite satisfied
3 Neither satisfied nor dissatisfied
2 Quite dissatisfied
1 Very dissatisfied
6 Don’t know/ not sure

22. How safe do you feel in your local suburb?

5 Very safe
4 Quite safe
3 Neither safe nor unsafe
2 Quite unsafe
1 Very unsafe
6 Don’t know/ not sure

23. If you had one suggestion about what the City of Darwin should be focussing on in the future, what would it be?

01 Suggestion made – **specify details**
02 Don’t know/ not sure
03 No suggestion made
CLASSIFICATIONS:

24. Record gender:
   1 Male
   2 Female

25. In which of these age groups do you fall?
   1 18 to 24
   2 25 to 30
   3 31 to 35
   4 36 to 40
   5 41 to 54
   6 55 to 64
   7 65+
   8 Refused

26. Which of the following describes your household? Read out
   01 Young, single living alone or sharing accommodation with friends
   02 Young couple no children
   03 Family with youngest child under 12 years
   04 Family with teenager/adult living at home
   05 Older couple with no children at home
   06 Older single/widowed/divorced with no children at home
   07 Other – specify

27. How many people are living in your household?
   01 One
   02 Two
   03 Three
   04 Four
   05 Five
   06 Six or more - specify number

28. What is your current marital status? Read out
   1 Married
   2 Defacto relationship
   3 Divorced
   4 Separated
   5 Widowed
   6 Single (never married)
   7 Refused
29. From the following which best describes your employment status? Read out
   01 Employed full time
   02 Employed part time, 20 hours or more per week
   03 Employed part time, less than 20 hours per week
   04 Employed casually or seasonally
   05 Not employed at the moment, looking for work
   06 Not employed, receiving pension allowance
   07 Retired aged pension/disability pension allowance
   08 Other pension or allowances (eg Austudy, carers etc)
   09 Student (no other employment or allowances)
   10 Home duties
   11 Other – specify
   12 Refused

30. Employed (codes 01-04 in Q30): Please describe your occupation?
   01 Managers and Administrators
   02 Professionals
   03 Para – professionals
   04 Tradesperson
   05 Clerks
   06 Sales and personal service workers
   07 Plant and machine operators drivers
   08 Labourer and other workers
   09 Other – specify
   10 Refused

31. ASK ALL: Which of these categories does your income fall into (before tax)?
   01 Under $20,000 pa
   02 $20,000-39,999 pa
   03 $40,000-59,999 pa
   04 $60,000-79,999 pa
   05 $80,000-99,999 pa
   06 $100,000+ pa
   07 Refused

32. Do you live in a ?
   01 House/single dwelling
   02 Unit/flat in a block with others
   03 Other – specify

33. Are you a…?
   01 Owner/rate payer
   02 Renting tenant
   03 Other – specify
34. Which of the following suburbs do you live in? (Hidden, imported from sample)

01...... Alawa
02...... Anula
03...... Bayview
04...... Berrimah
05...... Brinkin
06...... Casuarina
07...... Coconut Grove
08...... Coonawarra
09...... Cullen Bay
10...... Darwin City
11...... East Point
12...... Fannie Bay
13...... Jingli
14...... Karama
15...... Larrakeyah
16...... Leanyer
17...... Lee Point
18...... Ludmilla
19...... Lyons
20...... Malak
21...... Marrara
22...... Milner
23...... Moil
24...... Muirhead
25...... Nakara
26...... Nightcliff
27...... Northlakes
28...... Parap
29...... RAAF Base
30...... Rapid Creek
31...... Stuart Park
32...... The Gardens
33...... The Narrows
34...... Tiwi
35...... Wagaman
36...... Wanguri
37...... Winnellie
38...... Woolner
39...... Wulagi

35. How long have you lived in Darwin?

1 Less than 12 months
2 Between 1 and 2 years
3 Between 2 and 5 years
4 Between 5 and 10 years
5 10 years or more
17. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

18. REPORTS OF REPRESENTATIVES

Common No. 1735503

19. QUESTIONS BY MEMBERS

20. GENERAL BUSINESS

21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 16 July 2013, at 5:00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21() (25/06/13)

22. CLOSURE OF MEETING TO THE PUBLIC

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

DECISION NO.21() (25/06/13)
24.  ADJOURNMENT OF MEETING AND MEDIA LIAISON

THAT the meeting be adjourned at ______p.m. to enable the Media to liaise with the Lord Mayor.

25.  CLOSURE OF MEETING