



AGENDA

Ordinary Council Meeting Tuesday, 28 June 2022

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 28 June 2022

Time: 5:30pm

**Location: Council Chambers Darrandirra
Level 1, Civic Centre
Harry Chan Avenue, Darwin**

Webcasting: [MS Teams Link to Webcast](#)

**Simone Saunders
Interim Chief Executive Officer**

ORDINARY COUNCIL MEMBERS

The Right Worshipful, the Lord Mayor Kon Vatskalis (Chair)

Deputy Lord Mayor Amye Un

Councillor Paul Arnold

Councillor Jimmy Bouhoris

Councillor Sylvia Klonaris

Councillor Brian O'Gallagher

Councillor Mick Palmer

Councillor Peter Pangquee

Councillor Morgan Rickard

Councillor Vim Sharma

Councillor Ed Smelt

Councillor Rebecca Want de Rowe

OFFICERS

Interim Chief Executive Officer, Simone Saunders

Acting General Manager Corporate, Chris Kelly

General Manager Community, Matt Grassmayr

General Manager Innovation, Alice Percy

WEBCASTING DISCLAIMER

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Order of Business

1	Acknowledgement of Country	5
2	The Lord's Prayer	5
3	Meeting Declared Open	5
4	Apologies and Leave of Absence	5
5	Electronic Meeting Attendance.....	5
6	Declaration of Interest of Members and Staff	5
7	Confirmation of Previous Minutes.....	5
8	Moving of Items	5
9	Matters of Public Importance / Lord Mayoral Minute	5
	Nil	
10	Public Question Time	5
11	Petitions	5
12	Deputations and Briefings	5
13	Notices of Motion.....	5
	Nil	
14	Action Reports	6
14.1	Place Name Application - Naming of Two Roads & One Park - Lot 4106 (1) Boulter Road - Mirawood Berrimah	6
14.2	Review of Employment Policies Statement 0072.100.E.R.....	11
14.3	Nomination to the Prescribed Corporation Panel.....	20
14.4	Tree Advisory Committee - Terms of Reference	43
14.5	Play Space Strategy.....	50
14.6	Waste Management Exemption Policy	90
15	Receive & Note Reports	96
15.1	Street Food Program 2022/2023 Update.....	96
15.2	Monthly Financial Report - May 2022	101
16	Reports of Representatives	114
17	Questions by Members	114
18	General Business.....	114
	Nil	
19	Date, time and place of next Ordinary Council Meeting.....	114
20	Closure of Meeting to the Public	115
21	Adjournment of Meeting and Media Liaison	116

1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

4.2 Leave of Absence Granted

4.3 Leave of Absence Requested

5 ELECTRONIC MEETING ATTENDANCE

5.1 Electronic Meeting Attendance Granted

5.2 Electronic Meeting Attendance Requested

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF PREVIOUS MINUTES

Ordinary Council Meeting - 14 June 2022

8 MOVING OF ITEMS

8.1 Moving Open Items into Confidential

8.2 Moving Confidential Items into Open

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

11 PETITIONS

12 DEPUTATIONS AND BRIEFINGS

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

14.1 PLACE NAME APPLICATION - NAMING OF TWO ROADS & ONE PARK - LOT 4106 (1) BOULTER ROAD - MIRAWOOD BERRIMAH

Author: Planning Officer
Manager City Planning

Authoriser: General Manager Innovation

Attachments: 1. Mirawood Berrimah [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Place Name Application - Naming of Two Roads & One Park - Lot 4106 (1) Boulter Road - Mirawood Berrimah be received and noted.
2. THAT Council support the following proposed road names and open space park name for 'Mirawood' Berrimah as submitted by the Place Names Unit, for Lot 4106 (1) Boulter Road, Berrimah:
 - (a) Road 1 – Meyering Road
 - (b) Road 2 – Beinhorn Court
 - (c) Park – Kathryn Flynn Park

PURPOSE

The purpose of this report is for Council to consider an application to name two (2) roads and one (1) park within the new residential subdivision at 'Mirawood' Berrimah.

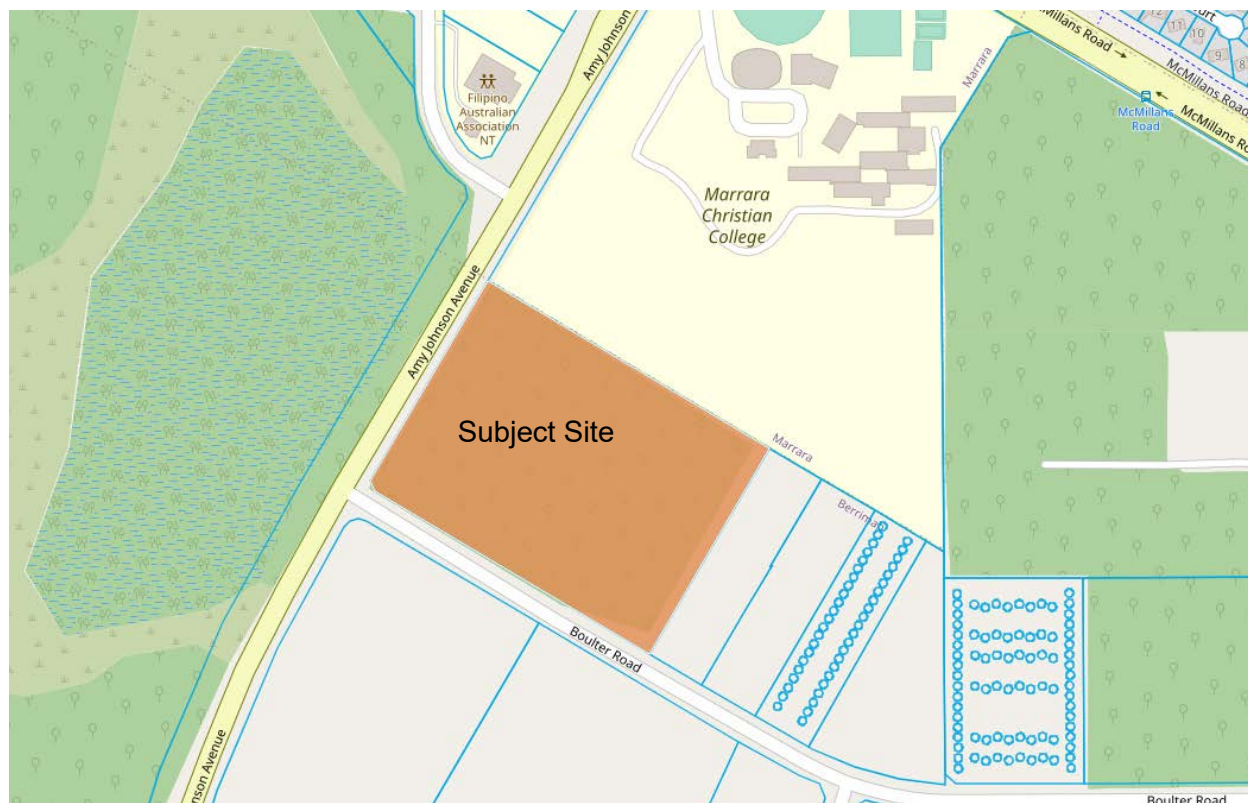
KEY ISSUES

- The Place Names unit of the Department of Infrastructure, Planning and Logistics (DIPL), on behalf of the developer and landowner, is seeking Council's views with respect to the naming of two roads and one park in a new subdivision at Lot 4106 (1) Boulter Road, Berrimah.
- The 'Mirawood' estate in Berrimah is a new residential development currently being developed at 1 Boulter Road, Berrimah.
- The subdivision will deliver 36 residential lots as well as one public park.
- All the proposed road names comply with the Guidelines for NT Place Naming, administered by the Northern Territory Government.
- It is recommended that Council support the two proposed road names and one park name. Refer to **Attachment 1**.
- The two roads and the park will be handed over to City of Darwin for ownership and ongoing maintenance, following completion of the subdivision.

DISCUSSION

The Place Names unit of the Department of Infrastructure, Planning and Logistics (DIPL), on behalf of the developer and landowner Intrapac Darwin Pty Ltd, seeks Council's views with respect to the naming of two roads and one park in a new subdivision at 1 Boulter Road, Berrimah.

The subject site is situated on 7.44 hectares of land and received subdivision approval in 2021.



Subject site

The proposed naming theme for the subdivision is based on 'Women in Aviation' due to the close proximity of roads named after the aviatrixes including; Amy Johnson ([Amy Johnson Avenue](#)), Jean Batten ([Batten Road](#)) and Amelia Earhart ([Earhart Court](#)).

The proposed place names for 'Mirawood', Berrimah are:

- **Road 1** – Meyering Road - main road for the subdivision
- **Road 2** – Beinhorn Court - cul-de-sac off Meyering Road
- **Park** – Kathryn Flynn Park

A plan showing the location and layout of the proposed place names and road types and the history of the proposed names is provided at **Attachment 1**.

The [Place Names Committee Guidelines for NT place naming](#) state that:

Names should not, in general, duplicate or nearly duplicate either in sound or spelling an existing name in the same local government area or an adjacent locality or suburb in an adjoining local government area.

A search of the [NT Place Names database](#) shows that the proposed road and park names are unique and do not occur elsewhere in the Northern Territory.

The place naming proposal based on 'Women in Aviation' was developed for the 'Mirawood' Berrimah development at the request of the Place Names Committee, and in conjunction with the Darwin Aviation Museum and the Fannie Bay History and Heritage Society.

Following Council's consideration of the proposed place names, the Place Names Committee will consider the final proposal prior to making a recommendation to the Minister for Infrastructure, Planning and Logistics for approval.	
PREVIOUS COUNCIL RESOLUTION	
N/A	
STRATEGIC PLAN ALIGNMENT	<p>5 A Vibrant and Creative City</p> <p>5.2 By 2030, Darwin will be a more connected community and have pride in our cultural identity</p>
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	<p>Budget/Funding: N/A</p> <p>Is Funding identified: N/A</p>
LEGISLATION / POLICY CONTROLS OR IMPACTS	<p>Legislation: Place Names Act</p> <p>Policy: Policy 041-Land Use Planning</p>
CONSULTATION, ENGAGEMENT & COMMUNICATION	<p>Engagement Level: Inform</p> <p>Tactics: The Place Names Committee of the Northern Territory is responsible for consultation regarding place names applications</p>
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>

Place Names

'Mirawood' Berrimah

Theme

The place naming theme for the 'Mirawood' Berrimah residential development celebrates women from the history of aviation in the Northern Territory. This theme is inspired by the proximity of the development to the roads commemorating pioneering aviatrixes [Amy Johnson](#), [Jean Batten](#) and [Amelia Earhart](#).

Meyering Road

Proposed to commemorate **Jeanne Kathleen (Kath) Meyering** (1929-2017)

Kath Meyering arrived in Darwin, a young girl, in the 1930s and, aside from a period south during World War II, remained. Post WWII, Kath worked in cafes, drove trucks, and with her husband Ralph Meyering, worked hard to raise her young family. In the 1970s, aged in her forties and acting on a long held desire, Kath took up flying. Quickly captivated, Kath went on to own and operate her own charter air service; build and manage the region's second busiest airfield - Emkaytee Airfield, and become the patron of the Top End Flying Club and esteemed matriarch of ultralight aviation in the NT.

Beinhorn Road

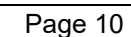
Proposed to commemorate **Elly Maria Frieda Beinhorn** (1907-2007)

Elly Beinhorn was born in Hannover, Germany and took up flying in 1928 after attending a lecture by famed aviator Herman Köhl, who had recently completed his historic Atlantic crossing. Initially working as an aerobatics pilot in German air shows, Elly Beinhorn quickly made a name for herself through her daring solo international flights. She visited Darwin in March 1932 on her widely celebrated solo around the world flight and was the second woman after Amy Johnson to fly from Europe to Australia. Arriving in Darwin to a crowd of hearty cheers, Elly Beinhorn delighted the local media with her intrepid spirit, mechanical capability, dress sense and appreciative impressions of her visit.

Kathryn Flynn Park

Proposed to commemorate **Kathryn Anne Flynn** (1941-2007)

Kathryn Flynn was raised in Adelaide, South Australia. In the early 1960s, Kathryn was a pioneer of the sport of parachuting and the first woman to represent Australia at the World Parachute Jumping Championships. She obtained her commercial pilot's licence in 1968 and flew all over Australia, settling in the Northern Territory in 1973 when she married Territory local, John Flynn. Kathryn quickly embraced the Territory's famous lifestyle and is noted to have had a particularly close affinity for its remote communities. She was a trained nurse, research assistant and pilot at the Menzies School of Health Research; served on the boards of several community organisations; and was the Australian president of the International Organization of Women Pilots.



14.2 REVIEW OF EMPLOYMENT POLICIES STATEMENT 0072.100.E.R.

Author: Executive Manager Human Resources and Safety

Authoriser: Acting General Manager Corporate

Attachments:

1. Revised Policy - Clean Version [↓](#)
2. Revised Policy - Marked up Version [↓](#)
3. Current Policy [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Employment Policies Statement be received and noted.
2. THAT Council adopt the revised Employment Policies Statement at **Attachment 1**.

PURPOSE

The purpose of this report is to adopt the revised Employment Policies Statement as required by the *Local Government Act*.

KEY ISSUES

- City of Darwin is required by the *Local Government Act 2019* (the Act) to adopt policies on human resources management that are consistent with the principles of human resource management set out in the Act.
- The Chief Executive Officer must maintain up to date employment policies.
- An administrative review of the existing policy which is a statement of principles has been undertaken to align with the new *Local Government Act 2019*.

DISCUSSION

The *Local Government Act 2019 (the Act)* and associated Regulations came into effect on 1 July 2021.

Section 172 requires City of Darwin to have policies on human resources management and ensure that those policies give effect to the human resource management principals set out in the Act. Section 173 sets out the areas of human resource management for which policies must be implemented.

It is noted that under the new Act there is no longer a requirement for the Chief Executive Officer to maintain an up to date statement of employment policies which was the case under the previous Act (2008). However, it is recommended to maintain the policy to ensure the requirement under the Act is clearly stipulated for those responsible for the development of policies pertaining to Human Resources Management.

The following key changes have been made as part of the administrative review:

- Reference to the Act changed to *Local Government Act 2019 (previously Local Government Act 2008)*
- Update of the areas of human resource management for which employment policies must be in place, which now includes 'access to training and development'
- The responsible officer has been changed from Chief Financial Officer to Chief Executive Officer who has overarching responsibility for compliance with the Act.
- Implementation is now responsibility of the Executive Manager HR & Safety
- Inclusion of the Human Resource Management Principles as set out in the Act in the policy document.

PREVIOUS COUNCIL RESOLUTION

Ordinary Council Meeting 24 November 2020

Policy 72 - Statement of Employment Policies

RESOLUTION ORD104/20

Moved: Alderman Gary Haslett

Seconded: Alderman Peter Pangquee

1. THAT the report entitled Council Human Resources Policies be received and noted.
2. THAT Council adopt the revised Policy No. 072 – Statement of Employment Policies.

CARRIED 11/0

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.2 Roles and Relationships
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	N/A

CONSULTATION, ENGAGEMENT & COMMUNICATION	N/A
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>



EMPLOYMENT POLICIES STATEMENT

No. 0072.100.E.R

GOVERNANCE

1 PURPOSE

The purpose of this policy is to ensure compliance with Section 172 and 173 of the *Local Government Act 2019 (NT)* (the Act), which stipulates that City of Darwin must adopt policies of human resource management that give effect to the principles of human resource management as set out in the Act and that the Chief Executive Officer (CEO) must maintain up-to-date employment policies.

2 SCOPE

This policy applies to all employees of City of Darwin responsible for policy development relating to employment at City of Darwin as defined in the Act. It operates in conjunction with other legislation and relevant policies and procedures.

3 POLICY STATEMENT

3.1 City of Darwin will maintain sound principals of human resource management and ensure that its policies on human resource management give effect to the principles as outlined in Section 172 of the Act:

3.1.1 selection processes for appointment or promotion:

- i. must be based on merit, and
- ii. must be fair and equitable.

3.1.2 the council's staff must have reasonable access to training and development and opportunities for advancement and promotion

3.1.3 the council's staff must be treated fairly and consistently and must not be subjected to arbitrary or capricious decisions

3.1.4 there must be suitable processes for dealing with employment-related grievances

3.1.5 working conditions must be safe and healthy

3.1.6 there must be:

- i. no unlawful discrimination against a member, or potential member of the council's staff on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground, and
- ii. no other form of unreasonable or otherwise unjustifiable discrimination against a member or potential member of the council's staff.

3.2 City of Darwin will have policies and/or procedures in place, ensuring that:

3.2.1 recruitment processes are conducted in a fair and equitable manner, based on the merit principle

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Employment Policies Statement 0072.100.E.R		Page 1 of 2
Version: 2	Decision Number:	Adoption Date:
Responsible Officer: Chief Executive Officer		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.

Employment Policies Statement 0072.100.E.R

GOVERNANCE

- 3.2.2 all employees are provided a fair and reasonable probation period as applicable and as clearly demonstrated in the employment letter
- 3.2.3 all employees are provided with feedback on their performance throughout their probation period and as part of an annual performance development review
- 3.2.4 promotions will be based on identified business needs that result in significant change to position requirements and a change in classification or through a merit-based recruitment process
- 3.2.5 staff are provided with fair and equitable access to employment-related benefits as well as training and development
- 3.2.6 where employment related grievances occur City of Darwin aims to resolve matters in a timely manner in accordance with existing processes
- 3.2.7 other employment related policies or procedures are developed, reviewed and updated as required or appropriate.

4 LEGISLATIVE REFERENCES

Local Government Act 2019 (NT)

5 RELATED DOCUMENTS

- 5.1 All human resource management policies and procedures are maintained in City of Darwin's electronic document storage system for corporate documentation and are made available to employees on the City of Darwin Intranet.

6 RESPONSIBILITY AND ACCOUNTABILITY

- 6.1 The CEO is responsible for ensuring the Employment Policies Statement is current and in accordance with the relevant legislation.
- 6.2 The implementation, maintenance and compliance with this policy is the responsibility of the Executive Manager HR & Safety.

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Employment Policies Statement 0072.100.E.R		Page 2 of 2
Version: 2	Decision Number:	Adoption Date:
Responsible Officer: Chief Executive Officer		Next Review Date:

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EMPLOYMENT POLICIES STATEMENT POLICY
0072.100.E.R



EMPLOYMENT POLICIES STATEMENT

No. 0072.100.E.R

GOVERNANCE

1 PURPOSE

The purpose of this policy is to ensure compliance with Section 172 and 173 of the Local Government Act 2019 (NT) (the Act), which stipulates that outline City of Darwin must adopt its principles policies of human resource management that give effect to the principles of human resource management as set out in the Act and that the Chief Executive Officer (CEO) must maintain up-to-date statement of Council's employment policies in accordance with Sections 104 and 105 of the Local Government Act 2008 (NT) employment policies.

2 SCOPE

This policy applies to all Elected Members to ensure that the Chief Executive Officer adheres to the principles of this policy and all employees of the City of Darwin responsible for leading and implementing policy developments relating to employment at City of Darwin as defined in the Act. It operates in conjunction with other legislation and relevant policies and procedures.

3 POLICY STATEMENT

3.1 City of Darwin will maintain sound principals of human resource management and ensure that its policies on human resource management give effect to the principles as outlined in Section 172~~04~~ of the Act-Local Government Act 2008 (NT);:

3.1.1 selection processes for appointment or promotion:

- i. must be based on merit, and
- ii. must be fair and equitable.

3.1.2 the council's staff must have reasonable access to training and development and opportunities for advancement and promotion

3.1.3 the council's staff must be treated fairly and consistently and must not be subjected to arbitrary or capricious decisions

3.1.4 there must be suitable processes for dealing with employment-related grievances

3.1.5 working conditions must be safe and healthy

3.1.6 there must be:

- i. no unlawful discrimination against a member, or potential member of the council's staff on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground, and
- ii. no other form of unreasonable or otherwise unjustifiable discrimination against a member or potential member of the council's staff.

3.2 City of Darwin will have policies and/or procedures in place, ensuring that:

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Employment Policies Statement Policy 0072.100.E.R		Page 1 of 2
Version: 2	Decision Number:	Adoption Date:
Responsible Officer: Chief Executive Officer		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.

Employment Policies Statement 0072.100.E.R

GOVERNANCE

- 3.2.1 recruitment processes are conducted in a fair and equitable manner, based on the merit principle
- 3.2.2 all employees are provided a fair and reasonable probation period as applicable and as clearly demonstrated in the employment letter
- 3.2.3 all employees are provided with feedback on their performance throughout their probation period and as part of an annual performance development review
- 3.2.4 promotions will be based on identified business needs that result in significant change to position requirements and a change in classification or through a merit-based recruitment process
- 3.2.5 staff are provided with fair and equitable access to employment-related benefits as well as training and development
- 3.2.6 where employment related grievances occur City of Darwin aims to resolve matters in a timely manner in accordance with existing processes
- 3.2.7 other employment related policies or procedures are developed, reviewed and updated as required or appropriate.

4 LEGISLATIVE REFERENCES

Local Government Act ~~2008~~ 2019 (NT)

5 RELATED DOCUMENTS

- 5.1. All ~~h~~Human ~~r~~Resource ~~m~~Management policies and procedures are maintained in City of Darwin's electronic document storage system for corporate documentation and are made available to employees on the City of Darwin Intranet.

~~5.2. A full listing and copy of Human Resource Management policies and procedures is maintained in the City of Darwin Records Management Systems under Governance Policies.~~

6 RESPONSIBILITY AND ACCOUNTABILITY

- 6.1 The CEO is responsible for ensuring the Employment Policies Statement is current and in accordance with the relevant legislation.
- 6.2 The implementation, maintenance and compliance with this policy is the responsibility of the ~~Chief Financial Officer~~ Executive Manager HR & Safety.

CITY FOR PEOPLE. CITY OF COLOUR.

Employment Policies Statement Policy 0072.100.E.R		Page 2 of 2
Version: 2	Decision Number:	Adoption Date:
Responsible Officer: Chief Executive Officer		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.





EMPLOYMENT POLICIES STATEMENT

No. 0072.100.E.R

GOVERNANCE

1 PURPOSE

The purpose of this policy is to outline City of Darwin's principles of human resource management and statement of Council's employment policies in accordance with Sections 104 and 105 of the *Local Government Act 2008 (NT)*.

2 SCOPE

This policy applies to all Elected Members to ensure that the Chief Executive Officer adheres to the principles of this policy and all employees of the City of Darwin responsible for leading and implementing policies relating to employment at City of Darwin.

3 POLICY STATEMENT

- 3.1 City of Darwin will maintain sound principals of human resource management and ensure that its policies on human resource management give effect to the principles as outlined in Section 104 of the *Local Government Act 2008 (NT)*.
- 3.2 City of Darwin will apply the following principles to developing policies and/or procedures for employment, ensuring that:
- 3.2.1. recruitment processes are conducted in a fair and equitable manner, based on the merit principle
 - 3.2.2. all employees are provided a fair and reasonable probation period as applicable and as clearly demonstrated in the employment letter
 - 3.2.3. all employees are provided with feedback on their performance throughout their probation period and as part of an annual performance development review
 - 3.2.4. promotions will be based on identified business needs that result in significant change to position requirements and a change in classification or through a merit-based recruitment process
 - 3.2.5. staff are provided with fair and equitable access to employment-related benefits
 - 3.2.6. where employment related grievances occur City of Darwin aims to resolve matters in a timely manner in accordance with existing processes
 - 3.2.7. other employment related policies or procedures are developed, reviewed and updated as required or appropriate.

4 LEGISLATIVE REFERENCES

Local Government Act 2008 (NT)

CITY FOR PEOPLE. CITY OF COLOUR.



Employment Policies Statement 0072.100.E.R		Page 1 of 2
Version: 1	Decision Number: ORD104/20	Adoption Date: 24/11/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 24/11/2024

Electronic version current. Uncontrolled copy valid only at time of printing.

Employment Policies Statement 0072.100.E.R

GOVERNANCE

5 RELATED DOCUMENTS

- 5.1. All Human Resource Management policies and procedures are made available to employees on the City of Darwin Intranet.
- 5.2. A full listing and copy of Human Resource Management policies and procedures is maintained in the City of Darwin Records Management Systems under Governance Policies.

6 RESPONSIBILITY AND ACCOUNTABILITY

- 6.1. The CEO is responsible for ensuring the Employment Policies Statement is current and in accordance with the relevant legislation.
- 6.2. The implementation, maintenance and compliance with this policy is the responsibility of the Chief Financial Officer.

CITY FOR PEOPLE. CITY OF COLOUR.

Employment Policies Statement 0072.100.E.R		Page 2 of 2
Version: 1	Decision Number: ORD104/20	Adoption Date: 24/11/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 24/11/2024

Electronic version current. Uncontrolled copy valid only at time of printing.

14.3 NOMINATION TO THE PRESCRIBED CORPORATION PANEL

Author: Governance Business Partner

Authoriser: Interim Chief Executive Officer

Attachments: 1. Prescribed Corporation Code of Conduct Charter [↓](#)
2. Prescribed Corporation Panel Nomination Form [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Nomination to the Prescribed Corporation Panel be received and noted.
2. THAT Council endorse the nomination of Councillor _____ to the Prescribed Corporation Panel Pool.

PURPOSE

The purpose of this report is to put forward a nomination to Local Government Association of the Northern Territory (LGANT) for a representative on the Prescribed Corporation Panel (PCP).

KEY ISSUES

- Council received correspondence from (LGANT) requesting nominations for pool members on the PCP.
- Requests for nominations must be approved by a resolution of Council.
- Nominations are to be sent to LGANT by Sunday, 31 July 2022.

DISCUSSION

Nominations are now being called for pool members for inclusion in the Prescribed Corporation Panel (PCP), which is responsible for dealing with specific complaints (under the *Local Government Act 2019*) regarding alleged code of conduct contraventions by elected council members. LGANT provides secretarial support to this body.

Nominations

LGANT is seeking that all NT local government councils nominate at least one suitable elected member to serve a two (2) year term on the PCP pool. When nominating elected members to serve on the PCP pool, councils are requested to consider desirable attributes of perspective pool members, including:

- ability to judge an issue on its merits;
- ability to analyse situations; and
- effective communication skills.

As a prerequisite, nominees must have served as an elected member for at least two (2) years in the Northern Territory.

All nominations must also be approved by a resolution of Council.

Operation of the PCP

LGANT provides secretariat support to the sitting panel, which is comprised of three members, two of which are elected members selected from the pool, and the third is a representative from the Department of Chief Minister and Cabinet (DCMC). The PCP will be required to meet to determine the complaint, either in person or online, depending on the geographic locations of the members. In its deliberations, the PCP may hear submissions from the various parties and seek additional information from witnesses before making a decision. The PCP receives general administrative support from the secretariat, providing information and seeking direction in dealing with the complaint.

The Prescribed Corporation Code of Conduct Charter at **Attachment 1** provides further detail on the pathways for referral of a complaint and the selection of sitting panel members, decision choices, subsequent referrals and other process matters.

Commitment

Before nominating, prospective PCP pool members should be aware of the potentially significant time commitment required of a PCP. Final decisions by the PCP may require months to work through complaint content, regulatory context and deliberations. Complaints may also involve particularly complex and sensitive issues. Some complaints may be relatively simple, and some determinations can be made quickly, and elected members (understanding the context of a complaint) can determine complaints regarding their peers fairly and equitably. Inclusion in a complaint body is also an interesting and valuable experience, and this act of service benefits the sector greatly.

Deadline for Submission

The deadline for receipt of PCP pool nominations from councils to the Secretariat is Sunday, 31 July 2022. The nomination form is attached at **Attachment 2**.

Further training on code of conduct requirements and PCP processes has been planned.

PREVIOUS COUNCIL RESOLUTION

Nil

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.2 Roles and Relationships
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Budget/Funding: N/A Is Funding identified: N/A Existing Position No: N/A Contractor: N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: <i>Local Government Act 2019</i> Policy: 0093 Advisory and Other Committees Policy
CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Inform Tactics: N/A Internal: N/A External: N/A
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>



Prescribed Corporation

LGANT Administered Code of Conduct Panel Charter

Last updated: 24 May 2022(V4)



Contents

1.	Role and responsibilities	1
2.	Complaint made to Council CEO	1
3.	Referral process	1
3.1	Pathway A – Referral before the council has considered the complaint	2
3.1.1	Complainant initiated referral	2
3.1.2	Respondent initiated referral.....	2
3.1.3	Council CEO contacts LGANT	2
3.2	Pathway B – Referral after the council has made a decision on the complaint or the 90 days for making a decision have expired	3
3.2.1	Council CEO's role	3
3.3	Withdrawal of a complaint	3
4.	The Sitting Panel	3
4.1	Composition	3
4.2	Why have a panel pool?.....	4
4.3	Creation of the panel pool	4
4.4	Pool member eligibility	4
4.5	Desirable attributes	4
4.6	Service contribution.....	4
5.	Selection of Sitting Panel Members	4
5.1	Council member nominees	4
5.1.1	Conflicts of interest.....	5
5.1.2	Ineligible pool members	5
5.2	Department nominee	5
5.3	Related issues.....	5
5.3.1	Sitting panel chair	5
5.3.2	Legal background	5
5.3.3	Subsequent conflict of interest.....	5
5.3.4	Sitting member availability	6
6.	Decision Choices	6
6.1	The options	6
6.2	Summarily reject the complaint.....	6
6.3	No action to be taken.....	6
6.4	Panel considers the complaint.....	6
6.4.1	Options if a contravention determined	6

6.5	NTCAT and ICAC	7
7.0	Meeting Procedures.....	7
7.1	Notice of sitting panel deliberations.....	7
7.2	Quorum	7
7.3	Meeting technology and place.....	7
7.4	Opportunity to make representations.....	7
7.4.1	Oral or written representations.....	7
7.5	Council decision notice	8
7.6	Obtaining information	8
7.7	Natural justice.....	8
7.8	Protection for panel members.....	8
7.9	Confidentiality.....	8
8.0	Decision making	8
8.1	Consensus decision making	8
8.2	Voting.....	9
9.	Decision Notices.....	9
9.1	Requirement	9
9.1.1	90-day rule	9
9.2	Decision notice contents.....	9
9.3	The summary decision	10
10.	Referral or application of complaint to NTCAT.....	10
10.1	Circumstances	10
10.2	Monitoring of panel recommendations.....	10
11.	Panel Secretariat.....	11
11.1	Duties	11
11.2	Register of panel decisions	11
Figure 1.	Pathways for referral of a complaint to the Code of Conduct Panel.....	12
Attachment A.	Example of email to potential Panel members.....	13
Attachment B.	Sample of a Summary Decision.....	14

1. Role and responsibilities

The NT *Local Government Act 2019* (LG Act 2019) provides that under certain circumstances complaints of alleged council member contraventions of the Code of Conduct can be referred to a prescribed corporation panel.

In this charter, the name given to the prescribed corporation panel is the Code of Conduct Panel (CCP).

The CCP is administratively supported by a Panel Secretariat provided by the Local Government Association of the Northern Territory (LGANT).

The Code of Conduct Panel (CCP) is a pool-based peer review panel. For each complaint referred to the CCP, a three person sitting panel would be established to consider and rule on the complaint.

The Code of Conduct for council members is set out in Schedule 1 of the *LG Act 2019* (LG Act)

Although all council “members” covered are subject to the Code of Conduct (including elected council members, audit committee members, council committee members and local authority members (see section 119(1) LG Act)) Code of Conduct complaints can only be made against elected members.

2. Complaint made to Council CEO

If a person (i.e., the complainant) believes that a council member has contravened the Code of Conduct, the first step is for that person to contact the Council CEO and lodge a complaint using the D’s approved form¹ [section 120(1) LG Act].

The complaint must include:

- The name of the council member alleged to have committed the contravention (i.e., the respondent).
- A statutory declaration of the particulars of the alleged contravention.

The complaint must be made within 3 months after the date of the alleged contravention.

The Council CEO must, within 5 days of receiving the complaint, give the respondent written notice of the complaint and a copy of the complaint [regulation 73(2) LG (General) Regulations 2021].

They must also notify the respondent that they may, as an option, refer the complaint to the CCP rather than proceed through the Council’s code of conduct process.

The respondent may provide a written response in a statutory declaration to the CEO in relation to the complaint within 14 days of the respondent receiving the notice.

3. Referral process

A complaint can be referred to the Code of Conduct Panel (CCP) via two pathways:

¹ The approved form for a complaint that a council member has contravened the council's code of conduct must be published on the council's website [regulation 72 LG (General) Regulations 2021]

- Pathway A: Before the Council has considered the complaint (referred by the respondent or a complainant who is a council member of the relevant council).
- Pathway B: After the Council has made a decision on the complaint or the 90 days for making a decision have expired.

The pathways are illustrated in Figure 1.

3.1 Pathway A – Referral before the council has considered the complaint

As soon as practicable after receiving a complaint, the Council CEO sends the complaint to the Council's code of conduct process [section 122(1) LG Act] unless, before the Council has taken up the complaint,:

- A. The complainant is a council member and asks at the time of making the complaint that the complaint be referred to the Code of Conduct Panel; OR
- B. The respondent asks that the complaint be referred to the Code of Conduct Panel.

In either A or B above, the Council CEO must accept the referral request.

3.1.1 Complainant initiated referral

If the complainant refers the complaint to the CCP, the CEO must, within 5 days of receiving the complaint, give the respondent:

- (a) written notice of the complaint; and
- (b) a copy of the complaint; and
- (c) written notice specifying:
 - (i) that the complainant has referred the complaint to the CCP under section 124(3)(a) of the Act; and
 - (ii) that the respondent may provide a written response in a statutory declaration to the CEO in relation to the complaint within 14 days of the respondent receiving the notice.

3.1.2 Respondent initiated referral

If the referral request came from the respondent, the Council CEO must as soon as practicable give the complainant written notice of the referral and provide any written response by the respondent [regulation 75(2) LG General Regulations 2021].

3.1.3 Council CEO contacts LGANT

If either the complainant (who is a council member) or respondent asks that the complaint be referred to the CCP, as soon as practicable, the Council CEO must contact LGANT as the Panel Secretariat and refer the complaint. The CEO must also provide documentation in relation to the complaint, including:

- (a) written notice that the complainant / respondent has referred the complaint to the CCP.
- (b) a copy of the complaint.
- (c) the respondent's written response in a statutory declaration.

3.2 Pathway B – Referral after the council has made a decision on the complaint or the 90 days for making a decision have expired

The complainant (if they are a council or a council member) or respondent can have the matter sent to the Code of Conduct Panel under the following two scenarios:

Scenario A: The Council fails to issue a decision notice within 90 days of the CEO receiving the complaint [section 131(1) LG Act]; OR

Scenario B: Within 28 days of receiving the council's (or council panel's) decision notice, the complainant or respondent applies to the CCP for consideration of the complaint [section 126(3) LG Act].

In either scenario A or B, the complainant or respondent would contact LGANT via email to refer the complaint to the Code of Conduct Panel.

3.2.1 Council CEO's role

LGANT would contact the relevant Council CEO informing them that the complaint had been referred. The Council CEO would provide all associated information such as a copy of the complaint, the response from the respondent, witness statements, recommendations by a third party (if any) and the Council's decision notice.

The Council CEO is not to provide Council Minutes or any other documents which shows or indicates the deliberations on the complaint by the Council or Council panel. This is because section 128(4) provides that the Panel must decide the complaint as if the Council or the Council panel had not made a decision in relation to the complaint.

3.3 Withdrawal of a complaint

A complainant may, in writing to the Panel Secretariat, withdraw a complaint at any time before the sitting panel has given a decision notice to the complainant and the respondent in relation to the complaint [regulation 77 LG General Regulations 2021].

Having received the complaint withdrawal, the Secretariat will inform the sitting panel, the respondent, and the council CEO where the complaint originated.

When a complaint has been withdrawn, the sitting panel will cease deliberations and no decision notice will be issued. The Panel Secretariat will advise the relevant Council CEO of the withdrawal of the complaint and that no decision will be issued.

4. The Sitting Panel

4.1 Composition

Upon receipt of a referred complaint, LGANT must in a timely fashion establish a sitting Panel to hear the complaint.

The sitting Panel must consist of two persons nominated by LGANT and one person nominated by the Department of Chief Minister and Cabinet (i.e., the Agency) [section 127(2) LG Act].

The two persons nominated to a sitting panel by LGANT will be elected council members drawn from the Code of Conduct Panel pool.

4.2 Why have a panel pool?

A pool approach was chosen rather than establishing a single three person panel that would hear all complaints referred to the CCP.

The pool approach offers the following advantages:

- It distributes the burden and responsibility of serving on the CCP;
- It is easier to avoid conflicts of interest on a sitting Panel when there is a greater choice of members; and
- It provides greater flexibility to consider the contextual factors associated with a complaint (e.g., cultural sensitivities, gender, geography).

4.3 Creation of the panel pool

LGANT will create the panel pool by requesting that each NT local government council nominate at least one suitable elected council member to serve a 2 year term² on the CCP pool³.

LGANT will from time to time call for additional council nominations to maintain adequate numbers of pool members and to refresh the pool membership.

4.4 Pool member eligibility

Given LGANT's role as the Panel Secretariat, a LGANT Executive member cannot serve as a member of the Code of Conduct Panel pool.

Any council member nominated to the Panel pool must have at least 2 years of experience as a Local Government elected council member in the Northern Territory.

4.5 Desirable attributes

When nominating elected council members to serve on the Panel pool, councils should consider the following desirable attributes of a Panel pool member:

- Ability to judge an issue on its merits;
- Ability to analyse situations; and
- Effective communication skills.

4.6 Service contribution

Council members who are members of a sitting Panel may receive modest reimbursement of their direct costs and effort on the Panel.

5. Selection of Sitting Panel Members


When a complaint is referred to LGANT, the Panel Secretariat will in a timely manner, establish the sitting panel using the process described below.

5.1 Council member nominees

The Panel Secretariat Chair (i.e. LGANT CEO or delegate) will select two members from the Panel pool to serve on the sitting panel and decide the complaint. In selecting members, the Secretariat

² A Council may nominate the same elected council member multiple times (i.e., to multiple 2-year terms).

³ At the discretion of the Panel Secretariat Chair, an individual pool member may serve on zero, one or multiple sitting panels.



will consider the nature of the matter, the potential for conflicts of interest, and the expertise and experience of the available pool members.

5.1.1 Conflicts of interest

Having chosen two council members from the Panel pool as prospective sitting panel members, the Panel Secretariat would seek confirmation that the members are available and do not have a conflict of interest. This would be done by informing the prospective sitting panel members via an email of the identities of the respondent and complainant but not the substance of the complaint and asking if they (the pool members) have a real or perceived conflict of interest. An example of such an email is provided as Attachment A.

If a prospective sitting panel member indicated they could have a conflict of interest, then the Panel Secretariat would not consider that member further for their participation on that sitting panel. They would however remain a member of the Panel pool. Another member from the Panel pool would be selected and the conflict of interest process would be repeated. The process would be repeated until two available and unconflicted members are identified to be members of the sitting panel for the complaint.

5.1.2 Ineligible pool members

To avoid potential conflicts of interest, a Panel pool member would not be eligible to serve on the sitting panel for a complaint if they belonged to the same council as either the respondent or the complainant (if a council member).

5.2 Department nominee

A sitting panel must include one member that is nominated by the Department of the Chief Minister and Cabinet (i.e., the Agency) [section 127(2) LG Act].

The Panel Secretariat would send an email to the Department (LGRDexecutive.CMC@nt.gov.au) requesting that it identify a suitable available person without a conflict of interest to join the sitting panel.

It is preferred that the person nominated by the Department to a sitting panel have a legal background.

5.3 Related issues

5.3.1 Sitting panel chair

The Panel Secretariat Chair (LGANT CEO) would determine which sitting panel member is to be chairperson.

5.3.2 Legal background

In establishing the membership of a sitting panel, the Panel Secretariat will, to the extent reasonable, seek to include at least one person with a legal background.

5.3.3 Subsequent conflict of interest

If a sitting panel member during deliberations on a complaint determines that they have a conflict of interest, they must immediately disclose the conflict of interest. They would be replaced on the sitting panel using the process described above.

5.3.4 Sitting member availability

If after accepting a position on a sitting panel, the member becomes unable to continue as a member (e.g., illness) they must notify the chair and the Panel Secretariat which will replace them on the sitting panel through the process identified above.

6. Decision Choices

6.1 The options

When a sitting panel considers a referred complaint, it can make one of three decisions [section 127(3) LG Act]:

- a) summarily reject the complaint or
- b) that no action is to be taken; or
- c) that the respondent did not contravene the code of conduct; or
- d) that the respondent contravened the code of conduct.

Regardless of the decision (a, b c or d) made by the sitting panel, a decision notice must be issued to the complainant and the respondent as soon as practicable.

6.2 Summarily reject the complaint

Under section 128(1) of the LG Act, the sitting panel may summarily reject a complaint or an application to consider a complaint if the Panel is satisfied that:

- (a) the complaint would more appropriately form the subject matter of a criminal charge; or
- (b) the complaint is frivolous, vexatious or lacking in substance.

6.3 No action to be taken

The sitting panel can decide that no action is to be taken with regards to the complaint.

In this instance, the sitting panel is not required to decide whether the respondent contravened the Code of Conduct [section 127(4) LG Act].

6.4 Panel considers the complaint


If the sitting panel decides to consider the complaint (i.e., does not summarily reject), under section 128(2) LG Act, it can decide either:

- (a) that the respondent did not contravene the code of conduct; or
- (b) that the respondent contravened the code of conduct.

6.4.1 Options if a contravention determined

If the sitting panel determines that a contravention occurred, under section 127 (5) LG Act, it must decide the following:

- (a) to take no action;
- (b) any or a combination of the following:
 - (i) to issue a reprimand to the respondent;



(ii) to recommend that the complainant, respondent or any other person attend training, mediation or counselling by a specified date;

(iii) any other recommendation the Panel considers appropriate.

The intention of category (iii) 'any other recommendation' is to provide a sitting panel with the opportunity to address issues not captured under (i) or (ii). An example would be a recommendation that a council modify a policy or procedure to address an issue identified during consideration of the complaint by the sitting panel.

6.5 NTCAT and ICAC

A sitting panel does not have the power to issue fines. It also cannot determine if a person is unfit for office. Those are powers of the Northern Territory Civil and Administrative Tribunal (NTCAT).

If the complaint pertains to a matter that the sitting panel believes could potentially satisfy the definition of 'improper conduct' under the *Independent Commissioner Against Corruption Act 2017* (ICAC Act), the sitting panel should continue to deliberate the complaint but also inform the Independent Commissioner Against Corruption NT (ICAC) of the complaint <https://icac.nt.gov.au>.

7.0 Meeting Procedures

7.1 Notice of sitting panel deliberations

Once the sitting panel has been established, the Panel Secretariat will send out, via email, a notice to the complainant and respondent of the sitting panel's establishment. The notice will set out:

- The date of the sitting panel's first meeting;
- The names and affiliations of the sitting panel members.

7.2 Quorum

The quorum for a sitting panel meeting is the attendance of all three panel members.

7.3 Meeting technology and place

Meetings of a sitting panel may be held face-to-face or through video technological (e.g. zoom).

Under section 128(6), proceedings of the prescribed corporation panel are to be held in a place open to the public unless the sitting panel considers it desirable, in the public interest, to hold the proceedings in private.


If meetings are to be held in private, the sitting panel is to record the public interest reasons why the meeting is held in private.

7.4 Opportunity to make representations

If the sitting panel decides to proceed to consider the complaint (i.e., it has not summarily rejected the complaint), it must give the complainant and the respondent an opportunity to make representations to the sitting panel [section 128(3) LG Act].

7.4.1 Oral or written representations

Representations can be made in writing or orally depending on the circumstances. The representations are not limited to information already raised in relation to the complaint and can include additional information pertinent to the complaint.



A sitting panel must consider any oral or written response by the respondent before making a decision in relation to the complaint.

7.5 Council decision notice

If the complaint was referred to LGANT after a decision notice was issued by the Council, the sitting panel must consider the complaint as if the council (or the council panel) had not made a decision in relation to the complaint [section 128(4) LG Act].

7.6 Obtaining information

Section 128(5) of the LG Act gives a sitting panel the power to obtain information in any way it considers appropriate. It is not bound by the rules of evidence (such as, the rule against hearsay evidence or establishing the competency of the witness). However, the rules of natural justice apply.

7.7 Natural justice

Natural justice is the right to be made aware of and information which will be used in the course of a decision that will negatively affect a person and being given the opportunity to respond to that information. The opportunity to respond must be sufficient and the response must be taken into account before the decision is made.

7.8 Protection for panel members

A Panel must deliberate and make decisions about a complaint in a way that is fair, reasonable and in the public interest. There are legal protections, such as under the *Defamation Act 2006*, for Panel members when providing a fair report of proceedings of public concern.

7.9 Confidentiality

Information in relation to a complaint of a contravention of the code of conduct is prescribed as confidential information and must be suppressed from publicly available material by the Council CEO during the complaint process [regulation 51 LG General Regulations 2021].

However, after the complaint has been decided, the following information is no longer confidential:

- (a) a decision notice in relation to the complaint;
- (b) a report of proceedings or findings of the complaint including a summary of decision provided to the Council CEO.


8.0 Decision making

In the first instance, sitting panel members should make a concerted effort to agree on decisions through consensus. Only if consensus decision making efforts fail should the sitting panel use voting to make decisions.

8.1 Consensus decision making

Consensus does not mean that everyone agrees at the same level. The goal is to come to an agreement which considers all individual viewpoints and achieves a mutually-acceptable level of agreement necessary to move forward.

Sitting panel members arrive at decisions through deliberate discussion in which:

- 
- All member viewpoints are considered.
 - Each member must honestly state their opinion in a complete manner.
 - Members must listen carefully and respectfully to the viewpoints of other members.
 - Each opinion must be clearly understood by the other member.
 - Members should not support an agreement to which they have an objection.
 - Individual members should not be pressured to agree with a proposed decision simply to speed up the process or to avoid conflict.
 - Each member explains why they agree or disagree with a proposed decision.
 - Those with the greatest concern or disagreement are asked how the proposed decision could be modified to better meet their concerns.
 - The final decision is agreeable to all involved: the decision is unanimous even though the actual level of agreement may not be the same for all.

8.2 Voting

In most instances, a sitting panel will be able to reach a consensus decision. However, if this fails, decisions are to be made through majority voting. Each sitting panel member, including the chair, shall have one vote.

9. Decision Notices

9.1 Requirement

A decision notice is a written document setting out a sitting panel's decision and the reasons for the decision.

As soon as practicable after the sitting panel makes its decision, a decision notice should be prepared.

All three members of the sitting panel must sign the final version of the decision notice.

The decision notice is issued to the complainant and respondent by the CCP Secretariat.

The Panel Secretariat is to provide a summary decision of the Panel's decision to the CEO of the relevant council to be tabled at the next ordinary meeting of the council.

9.1.1 90-day rule


The parties to a complaint must receive the decision notice within 90 days of the date when LGANT received the complaint [section 129 LG Act].

If this does not occur within the 90 days, the complainant or respondent may refer the complaint to NTCAT [section 132(1) LG Act].

9.2 Decision notice contents

A decision notice provides the following information:

- a) the names of the complainant and respondent;
- b) the names of the panel members, including the chairperson;
- c) a description of the alleged contravention;
- d) identification of the clauses of the code of conduct that were alleged to have been contravened;

- 
- e) how the complaint was referred to LGANT (e.g., complainant or respondent; before or after Council decision);
 - f) discussion of the key points of the investigation and deliberations;
 - g) the decision made including any action taken and/or recommendations and any associated timelines for the actions and/or recommendations;
 - h) the date of the decision; and
 - i) the conditions under which the complainant or respondent could refer the complaint to NTCAT (i.e., any appeal mechanism).

9.3 The summary decision

Regulation 81 of the Local Government (General) Regulations 2021 requires that the summary decision provided to the council CEO include the following information:

- a. the names of the complainant and respondent;
- b. the names of the panel members, including the chairperson;
- c. a description of the alleged contravention;
- d. identification of the clauses of the code of conduct that were alleged to have been contravened;
- e. the decision made (including any action taken and/or recommendations and any associated timelines for the actions and/or recommendations); and
- f. the date of the decision.

An example of a summary decision is provided as Attachment B.

10. Referral or application of complaint to NTCAT

10.1 Circumstances

There are two circumstances under which a complaint can be referred or an application made (appealed) to NTCAT.

1. If the sitting panel does not provide the complainant or respondent with a Decision Notice within 90 days of LGANT having received the complaint, the complainant or respondent may refer the complaint to NTCAT [section 132(1) LG Act].
2. If a person is subject to a recommendation of the Panel and does not comply with the recommendation (see 8.2), the complainant or the respondent may apply to NTCAT to deal with the failure [section 130(1) LG Act].

10.2 Monitoring of panel recommendations

The Panel Secretariat provides a summary decision of the sitting panel's decision to the CEO of the relevant council. The CEO is to table the summary decision at the next ordinary meeting of the council. The summary decision includes any recommendations for action and any dates by which the actions should be completed.

If the Panel has made recommendations to a person and the person does not comply with those recommendations, the complainant or the respondent may apply to the NT Civil and Administrative Tribunal (NTCAT) to deal with the failure. The CEO of the council where the complaint was made will monitor if recommendations in a decision notice have been fulfilled.

11. Panel Secretariat

LGANT will fulfil the role of Secretary to the Code of Conduct Panel and its sitting panels.

11.1 Duties

For each code of conduct complaint referred to the CCP, the Panel Secretariat would provide the following support:

- i. organise the establishment of a sitting panel, including the selection of 2 council members from the panel pool;
- ii. obtain the complaint and any supporting documentation (e.g., respondent statement) from the relevant Council CEO if not provided;
- iii. issue a sitting panel notice to the complainant and respondent;
- iv. receive and forward any correspondence between the parties and the sitting panel including on making representations to the sitting panel;
- v. organise meetings for the sitting panel to deliberate on the complaint;
- vi. keep minutes on the deliberations of the sitting panel;
- vii. give the decision notice for the complaint to the complainant and the respondent;
- viii. provide a summary decision of the sitting panel to the CEO of the relevant council; and
- ix. maintain a CCP outcomes register (see 11.2).

The Panel Secretariat encourages all written material to be provided to it electronically.

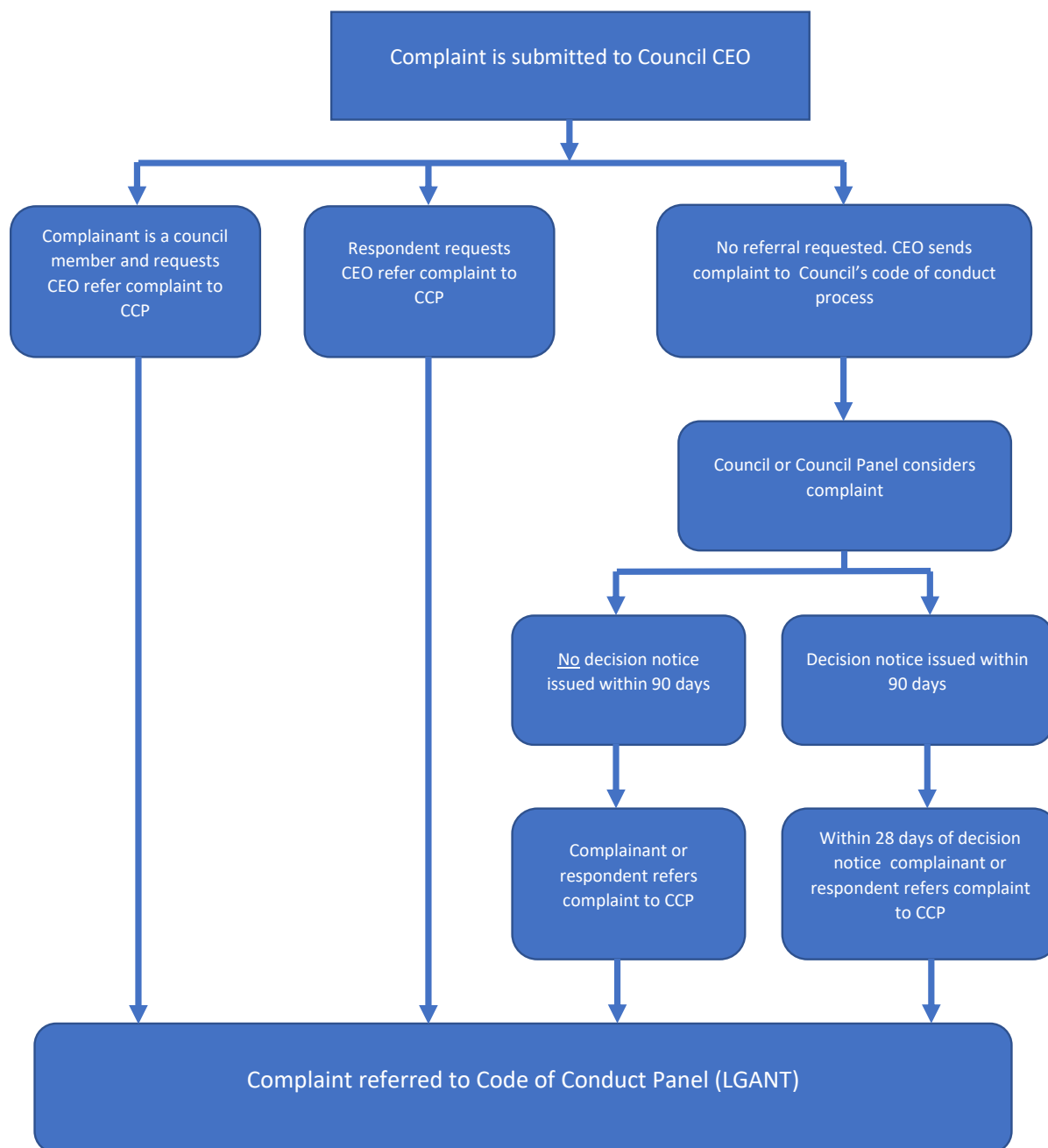
11.2 Register of panel decisions

The Panel Secretariat will report annually to the LGANT Executive a summary of all complaints and outcomes from the preceding 12 months.

The register will not publish decision notices in full but will provide a table of the summary decisions. The table will be published on LGANT's website.

Records, data, evidence and manuscripts relating to complaints that are referred to the CCP will be held for seven years from the date of the decision notice and then destroyed.

Figure 1. Pathways for referral of a complaint to the Code of Conduct Panel





Attachment A

Example of email to potential Panel members

Dear Jane,

A complaint has been referred to the Code of Conduct Panel via LGANT. Flossy Smith has alleged that Councillor Joe Bloggs of XYZ Council has contravened the Council's Code of Code.

LGANT intends to form a sitting panel soon to deliberate on the complaint. As a member of the Code of Conduct Panel pool, we would like you to be a member of that sitting panel. The sitting panel has 90 days from today to make a decision on the matter.

Could you advise whether:

- (1) you are willing and available to be a member of the sitting panel that deliberates on the complaint by Flossy Smith against Councillor Joe Bloggs; and
- (2) you do not have a conflict of interest to deliberate on the complaint.

It would be greatly appreciated if you could respond by COB this **[add date]**.

Yours kindly,

LGANT CEO

Attachment B

Sample of a Summary Decision

SUMMARY DECISION CODE OF CONDUCT PANEL

Details

Date of decision:	22 September 2021
Complainant:	Flossy Smith
Respondent:	Councillor Joe Bloggs
Local Government Council:	XYZ Council
Code of Conduct:	Schedule 1 of the <i>Local Government Act 2019</i>
Sitting Panel Members:	Susan Boyle – Chair Mark Wahlberg – Member Jane Jones – Member

Panel Determinations

	Summary of Complaint	Breaches established	Action taken
1	Standing in a threatening manner		Summarily rejected
2	Using disrespectful language	Clause 3	1. Administer a reprimand; 2. Recommend that training in anger management be completed by 22 December 2021.



PRESCRIBED CORPORATION PANEL NOMINATION FORM

COUNCIL NAME:

Click or tap here to enter text.

1. Agreement to be Nominated

I, Click or tap here to enter text. agree to be nominated as a member of the ***Prescribed Corporation Panel.***

Signature: _____ Date: Click or tap to enter a date.

2. Council Confirmation of Nomination

I, Click or tap here to enter text. the Chief Executive Officer hereby confirm that Click or tap here to enter text. was approved by resolution of Council to be nominated as a member of the ***Prescribed Corporation Panel at a meeting held on*** Click or tap to enter a date..

Signature: _____ Date: Click or tap to enter a date.

3. Nominee's Contact Details

Email address: Click or tap here to enter text.

Phone No: Click or tap here to enter text.

4. Code of Conduct Panel Charter

The application details below are to ensure observance to the Code of Conduct Panel Charter and to ensure nominees are making an informed decision regarding their nomination.

LGANT Executive members are not eligible to nominate for a position on the Panel.

Nominees must have served as a council elected member for at least two (2) years in the Northern Territory.

In nominating a representative, Councils should consider the desirable attributes of a panel pool member, including:

- Ability to judge an issue on its merits;
- Ability to analyse situations; and
- Effective communication skills.

Council members will not be paid by LGANT for their membership in the panel pool. Sitting panel members may receive modest reimbursement of their direct costs and effort on the Panel.

5. Nominee Information

The following information will enable the LGANT Executive to make an informed decision regarding the selection of panel pool members. If you want to submit further information, please attach it as a separate document to this form.

5.1 How many years have you served as an elected council member? [Click or tap here to enter text.](#) Years

5.2 Please indicate any educational and professional qualifications: (please tick all that apply)

Secondary Level ☐: [Click or tap here to enter text.](#)

Certificate I-IV ☐: [Click or tap here to enter text.](#)

Diploma, Advanced Diploma, Associate Degree ☐: [Click or tap here to enter text.](#)

Batchelor Degree and Honours ☐: [Click or tap here to enter text.](#)

Graduate Certificate and Graduate Diploma ☐: [Click or tap here to enter text.](#)

Masters Degree ☐: [Click or tap here to enter text.](#)

Doctorate Degree ☐: [Click or tap here to enter text.](#)

Professional Associations ☐: [Click or tap here to enter text.](#)

Other ☐: [Click or tap here to enter text.](#)

5.3 What other life experiences do you have that is relevant to this Panel?

[Click or tap here to enter text.](#)

6. Nominee Declaration	<u>Yes</u>	<u>No</u>
6.1 I have read and agree to the Code of Conduct Panel Charter.	<input type="checkbox"/>	<input type="checkbox"/>
6.2 I understand that serving on a panel may be time-consuming.	<input type="checkbox"/>	<input type="checkbox"/>
6.3 I agree to act in professional and respectful manner in carrying out these responsibilities and attend meetings when required.	<input type="checkbox"/>	<input type="checkbox"/>
6.4 I agree to maintain the confidentiality of panel deliberations and not disclose personal or sensitive information to third parties.	<input type="checkbox"/>	<input type="checkbox"/>
6.5 I confirm that the information in this form is true and correct and has been completed to the best of my ability.	<input type="checkbox"/>	<input type="checkbox"/>

Nominee Name: Click or tap here to enter text._

Signature: _____ Date: Click or tap to enter a date.

14.4 TREE ADVISORY COMMITTEE - TERMS OF REFERENCE

Author: Acting Executive Assistant Community

Authoriser: General Manager Community

Attachments: 1. Draft Terms of Reference [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Tree Advisory Committee - Terms of Reference be received and noted.
2. THAT Council, pursuant to Section 82 of the *Local Government Act 2019*, establish the Tree Advisory Committee and adopts the Terms of Reference at **Attachment 1**.

PURPOSE

The purpose of this report is for Council to establish the Tree Advisory Committee and adopt the Terms of Reference.

KEY ISSUES

- At the 1 February 2022 meeting, Council resolved to re-establish the Tree Advisory Committee.
- The proposed Terms of Reference for the Committee are at **Attachment 1**.

DISCUSSION

At the 1 February 2022 meeting, Council resolved to re-establish the Tree Advisory Committee. The Committee will provide recommendations to Council to enable an informed decision to be made on the management of the Greening Darwin Strategy.

The functions of the Tree Advisory Committee will be to:

- Review the Greening Darwin Strategy
- Review the report Establishing a Resilient Urban Forest for Darwin
- Review the document Preferred Trees for Darwin
- Review the document Trees Not Recommended to be Planted
- Investigate and make recommendations on Species that are Colourful, Tropical and Flowering

The draft Terms of Reference provide for up to two (2) community members, and six (6) organisational memberships consisting of representation from:

1. Charles Darwin University
2. Greening Australia NT
3. Australian Institute of Landscape Architects
4. Northern Territory Arboriculture Association
5. Nursery and Garden Industry Northern Territory
6. Larrakia Nation

Organisational committee members from the previous Tree Re-establishment Advisory Committee have been forwarded an invitation letter, to seek if they or another representative from their organisation are available to represent as members of the new committee.

In addition, an expression of interest has been published on the City of Darwin website page and Facebook page, seeking nominations for the (2) community member places on the Tree Advisory Committee. Nominations are open for a two (2) week period.

The *Local Government Act 2019* requires Council to adopt terms of references to guide the operation of committees. The Terms of Reference are provided for consideration at **Attachment 1**.

PREVIOUS COUNCIL RESOLUTION

At the 1 February 2022 meeting Council resolved:

RESOLUTION ORD001/22

1. THAT the report entitled Lord Mayor – Tree Advisory Committee Re-establishment be received and noted.
2. THAT Council re-establish the Tree Advisory Committee to review the 2018 Tree Advisory Committee report and ensure alignment to the City of Darwin Greening Strategy 2021.
3. THAT Council invites an open expression of interest for suitable candidates, that can include previous members and that all vacancies are filled via an expression of interest for representatives from the specific industries that were in the last committee and terms of reference for this committee be resolved upon by the Council.
4. THAT the Lord Mayor is appointed Chair of the re-established committee
5. THAT Council Officer secretariat and management support of the committee is shared between the Community and Innovation Hubs.

STRATEGIC PLAN ALIGNMENT	3 A Cool, Clean and Green City 3.1 By 2030, Darwin will be recognised as a clean and environmentally responsible city
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Nil
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: Local Government Act 2019 Policy: Greening Darwin Strategy
CONSULTATION, ENGAGEMENT & COMMUNICATION	External: Expression of Interest webpage has been published seeking suitably qualified individuals to be members of the Committee based on their expertise, experience, dedication, and commitment to the purpose of the group.
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).



1 PURPOSE

The Tree Advisory Committee is an Advisory Committee to Council. Its purpose is to provide advice to Council on matters outlined in the Committee's roles and functions. The Committee will provide recommendations to Council to enable an informed decision to be made on the management of the Greening Strategy 2021.

2 SCOPE

The Tree Advisory Committee operates to advocate, advise, and support Council and deliver recommendations for the Greening Strategy 2021.

3 AUTHORITY / DELEGATION

The Tree Advisory Committee has the power only to recommend a course of action to Council and does not have any delegation to make decisions. The Committee is responsible for implementing the decisions of Council in accordance with the role and functions of the Committee.

4 FUNCTIONS

The functions of the Tree Advisory Committee are to:

- a) Review the City of Darwin Greening Strategy
- b) Review the report Establishing a Resilient Urban Forest for Darwin
- c) Review the document Preferred Trees for Darwin
- d) Review the document Trees Not Recommended to be Planted
- e) Investigate and make recommendations on Species that are Colourful, Tropical and Flowering

5 MEMBERSHIP

In accordance with the *Local Government Act 2019* (NT), City of Darwin shall appoint suitably qualified individuals to be members of the Committee based on selection criteria related to their expertise, experience, dedication, and commitment to the purpose of the group.

Tree Advisory Committee Terms of Reference 1240.001.E.R		Page 1 of 4
Version: 1	Decision Number: XXXXX	Adoption Date: XX/XX/XXXX
Responsible Officer: Chief Executive Officer		Next Review Date: XX/XX/XXXX

Electronic version current. Uncontrolled copy valid only at time of printing.



TREE ADVISORY COMMITTEE
TERMS OF REFERENCE 1240.001.E.R

GOVERNANCE

Membership Provisions

- a) Up to two (2) community members, and
- b) Up to six (6) organisational memberships consisting of representation from:
 - i. Charles Darwin University
 - ii. Greening Australia NT
 - iii. Australian Institute of Landscape Architects
 - iv. Northern Territory Arboriculture Association
 - v. Nursery and Garden Industry Northern Territory
 - vi. Larrakia Nation
- c) Two (2) Council Members on the Committee, the Lord Mayor, and one Council Member. There may also be an alternate Council Member.

Observers with specialist skills and experience may also attend by invitation of the Committee and/or Council.

5.1 CHAIR

The Lord Mayor is the chair of the Committee.

The Committee Chair is responsible for:

- Ensuring the good conduct of meetings in accordance with the role and functions of the Committee; and
- Ensuring that the Committee's recommendations and actions are in line with the Terms of Reference.

The Committee Chair may be called upon to represent the Committee to Council.

The committee may appoint a Deputy Chair for the purposes of chairing a meeting if the Chair is not present or at a meeting as required.

5.2 MEMBERS

Members are appointed to represent the interests and needs of the community relevant to the committee purpose.

Organisational members are appointed to represent the interests and views of their member organisation relevant to the committee purpose.

CITY FOR PEOPLE. CITY OF COLOUR.

Tree Advisory Committee Terms of Reference 1240.001.E.R		Page 2 of 4
Version: 1	Decision Number: XXXXX	Adoption Date: XX/XX/XXXX
Responsible Officer: Chief Executive Officer		Next Review Date: XX/XX/XXXX

Electronic version current. Uncontrolled copy valid only at time of printing.



TREE ADVISORY COMMITTEE
TERMS OF REFERENCE 1240.001.E.R

GOVERNANCE

6 MEETINGS

6.1 FREQUENCY AND LOCATION

Subject to direction by Council, the Committee will set its meeting schedule the calendar year prior.

The Committee will meet at least four (4) times per year and no more than eight (8) times annually, between February and November.

Time and location of meetings is to be determined by the Committee.

Special meetings can be convened by the Chief Executive Officer on the request of the Chair, or a majority of committee members. The Chief Executive Officer will then issue a Notice of Meeting with the time, date and location of the meeting, and the items to be discussed at the special meeting.

6.2 VOTING

A resolution of the committee will be passed by a majority vote. A majority vote is half plus 1 of the members present at the meeting.

The Chair must exercise, in the event of an equality of votes, a second or casting vote.

7 CODE OF CONDUCT

All members are accountable to the *Local Government Act 2019* (NT) Code of Conduct, Schedule 1. This includes the requirement to declare gifts and/or benefits.

8 CONFLICT OF INTEREST

On appointment to a Committee, all members must identify if there are any conflicts of interest in performing their role on the committee.

Conflicts of Interest must also be identified at any meeting in which a member has a conflict of interest on a matter.

9 REVIEW AND PERFORMANCE EVALUATION

9.1 TERMS OF REFERENCE

The Terms of Reference will be reviewed annually by the Committee and any changes will be put to Council for endorsement.

9.2 PERFORMANCE EVALUATION

Commencing November 2022, at the end of each calendar year, the Committee will conduct an annual review of the Committee to assess outcomes against these terms of reference.

The review and any amendments to the Terms of Reference will be provided to Council at the commencement of each calendar year.

CITY FOR PEOPLE. CITY OF COLOUR.

Tree Advisory Committee Terms of Reference 1240.001.E.R		Page 3 of 4
Version: 1	Decision Number: XXXXX	Adoption Date: XX/XX/XXXX
Responsible Officer: Chief Executive Officer		Next Review Date: XX/XX/XXXX

Electronic version current. Uncontrolled copy valid only at time of printing.



**TREE ADVISORY COMMITTEE
TERMS OF REFERENCE 1240.001.E.R**

GOVERNANCE

10 RESPONSIBILITY / APPLICATION

All members of the committee will be asked to sign the Terms of Reference as part of their induction to the committee, to ensure they are aware of their responsibilities under the *Local Government Act 2019* (NT) as member of a Council appointed committee.

These Terms of Reference were adopted by Council on _____.

Name: _____

Signature: _____

CITY FOR PEOPLE. CITY OF COLOUR.

Tree Advisory Committee Terms of Reference 1240.001.E.R		Page 4 of 4
Version: 1	Decision Number: XXXXX	Adoption Date: XX/XX/XXXX
Responsible Officer: Chief Executive Officer		Next Review Date: XX/XX/XXXX

Electronic version current. Uncontrolled copy valid only at time of printing.



14.5 PLAY SPACE STRATEGY

Author: Coordinator Recreation & Leisure
Authoriser: General Manager Community
Attachments: 1. Draft Play Space Strategy 2022-2030 [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Play Space Strategy be received and noted.
2. THAT Council endorse the Draft 2022-2030 Play Space Strategy at **Attachment 1** for the purpose of community and stakeholder engagement.
3. THAT a further report be presented to Council with the outcomes of community consultation on the draft 2022-2030 Play Space Strategy.

PURPOSE

The purpose of this report is to present the draft 2022-2030 Play Space Strategy to Council for endorsement to undertake community and stakeholder consultation.

KEY ISSUES

- City of Darwin is developing a framework for the provision of public play and recreation spaces across the municipality, including playgrounds, adult exercise stations, skate parks and hard-court surfaces
- The draft strategy at **Attachment 1** details actions under the following priority areas:
 1. Quality over Quantity
 2. Diversity of Play
 3. Maximising Use
 4. Access for All Abilities
 5. Shade and Weather Mitigation
 6. Sustainable Asset Management
- A community and stakeholder engagement process is scheduled for August 2022, to seek feedback on the draft Strategy
- A further report on the outcomes of the community and stakeholder engagement will be presented to Council prior to Council's endorsement of the final version

DISCUSSION

Development of the Strategy

Council endorsed a new initiative as part of the 2019/2020 Municipal Plan to develop a Playground and Recreation Asset Strategy. In December 2019, Tender 2019-082 Consultancy Services Playground and Recreation Asset Strategy was awarded to Insight Leisure Planning. The consultancy was to develop a framework for the provision of public play and recreation spaces across the municipality, including playgrounds, adult exercise stations, skate parks and hard-court surfaces.

The objective was to provide a framework to:

- Ensure equitable distribution of play and active recreation spaces throughout the municipality
- Provide a diversity of dynamic, adventurous, and fun play that encourages physical, creative, and inventive play for all abilities, backgrounds, and ages
- Ensure a strategic approach to sustainable asset management

Analysis of Council's asset information and assessment of all City of Darwin's play and active recreation spaces was undertaken to assess their broader appeal, diversity, and appropriateness. Key findings of the audits and assessments were presented to Council in November 2021.

On completion of the audits and assessments, collation and analysis of the data was undertaken by the consultant over several months.

Following collation of the data, the consultants developed key principles and elements for consideration in the Strategy.

A hierarchy identifying Local, District and Regional play spaces was created for use in the Strategy. This hierarchy details the purpose, appropriate distribution, and infrastructure provision to be provided at each category. This proposal aligns with current City of Darwin Parks maintenance hierarchy and is consistent with City of Darwin's hierarchy of ovals detailed in the Sports Field Plan.

The consultants also provided an indicative list of infrastructure and facilities that are recommended as a 'must have' 'might have' or 'should not have' for each hierarchy of play and active recreation space.

Draft 2022-2030 Play Space Strategy

The principles and key elements proposed by the consultant have been refined by City of Darwin Officers to finalise the draft strategy at **Attachment 1**. The strategy details actions under the following priority areas:

1. **Quality over Quantity.** Provide venues with broad appeal over smaller sites with limited play appeal, equitably located across our municipality.
2. **Diversity of Play.** Provide venues with inspiring and creative play opportunities for a wider range of ages, abilities and backgrounds including opportunity for 'risky' and adventurous play.
3. **Maximising Use.** Provide spaces with opportunities for physical activity and social interaction for an extended time.
4. **Access for All Abilities.** Provide inclusive spaces for people of all abilities to play, be active and socialise together.
5. **Shade and Weather Mitigation.** Provide spaces that incorporate opportunities to reduce weather impacts at play and active recreation spaces to support extended use.
6. **Sustainable Asset Management.** Provide timely repair and sustainable renewal and development of sites.

Community Consultation Plan

A community and stakeholder engagement process to seek feedback on the draft Strategy will be delivered in accordance with City of Darwin's Community Engagement Policy 025.

Internal consultation will ensure that relevant areas of City of Darwin contribute at key milestones and share knowledge in the development of the Strategy. City of Darwin officers will be provided information on how to take part in the engagement process.

Community and stakeholder engagement is scheduled for August 2022.

Engagement is proposed to include:

- City of Darwin's Engage Darwin online platform
- Online survey
- Map of existing play space provision
- Details of hierarchy and distribution
- Social media campaign
- Signage with QR codes at playgrounds and active recreation spaces
- Utilising stakeholder networks to encourage community participation in the engagement process
- One-on-one stakeholder meetings
- Pop up stalls/activations across Darwin (locations tbc)
- Presence at City of Darwin run activities/events
- Presentation to City of Darwin committees

Outcomes of the community and stakeholder engagement will be presented to Council and will inform the development of the final Strategy for presentation to Council for endorsement.

PREVIOUS COUNCIL RESOLUTION

RESOLUTION ORD 466/21

At the 30 November 2021 meeting Council resolved:

THAT the report entitled Play and Active Recreation Space Strategy Update be received and noted.

STRATEGIC PLAN ALIGNMENT	2 A Safe, Liveable and Healthy City 2.3 By 2030, Darwin residents will be more active and healthy
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	<p>Budget/Funding: \$141,900</p> <p>Is Funding identified:</p> <p>\$90,000 2019/2020 new initiative funding</p> <p>\$51,900 2019/2020 operational budget for playground comprehensive audits</p> <p>Allocated funding from the 2019/20 budget has been fully expended.</p> <p>The following operational budget from 2021/22 has been committed for finalisation of the draft document and engagement:</p> <p>Development of Draft Strategy – \$3,960 ex GST</p> <p>Design of document - \$6,100 ex GST</p> <p>Community & Stakeholder Engagement - \$22,490 ex GST</p>

	Contractor: Atria Group have been engaged to undertake the community and stakeholder engagement for the draft Play Space Strategy.
LEGISLATION / POLICY CONTROLS OR IMPACTS	Nil
CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Discuss Tactics: Atria Group have been engaged to undertake community consultation of the draft document. A consultation plan is being developed as outlined above. Communication material will be developed by Atria Group in consultation with City of Darwin Marketing & Communications team.
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).







Contents

Acknowledgement of Country	4
Lord Mayor's Message	5
City of Darwin's Strategic Planning Framework	6
City of Darwin's Role	8
Definitions	9
Our Strategy	10
Our Vision	11
Our Existing Play and Active Recreation Spaces	11
Our investment in 2021/22	12
Our Research	14
Our Community	20
What You've Told Us	22
Our Play Space Hierarchy	24
Our Future Priorities	26
Appendix 1 – Infrastructure Provision Guide	32

Acknowledgement of Country

City of Darwin acknowledges the Larrakia people as the traditional owners of all the land and waters of the Greater Darwin region.

To the Larrakia, Darwin is known as Garramilla. The original language of the Larrakia is Gulumirgin (pronounced Goo-loo-midgin).

Often referred to as “Saltwater People”, the Larrakia lived, loved, birthed, hunted and survived a life on pristine coastal and inland areas. Established songlines connecting Larrakia people to Country penetrate throughout their land and sea, allowing stories and histories to be told and retold for future generations.

The Larrakia culture and identity is rich and vibrant. In the footsteps of the Larrakia people, City of Darwin will continue to foster this culture and identity by creating a vibrant community together.

PHOTO COURTESY OF LARRAKIA NATION

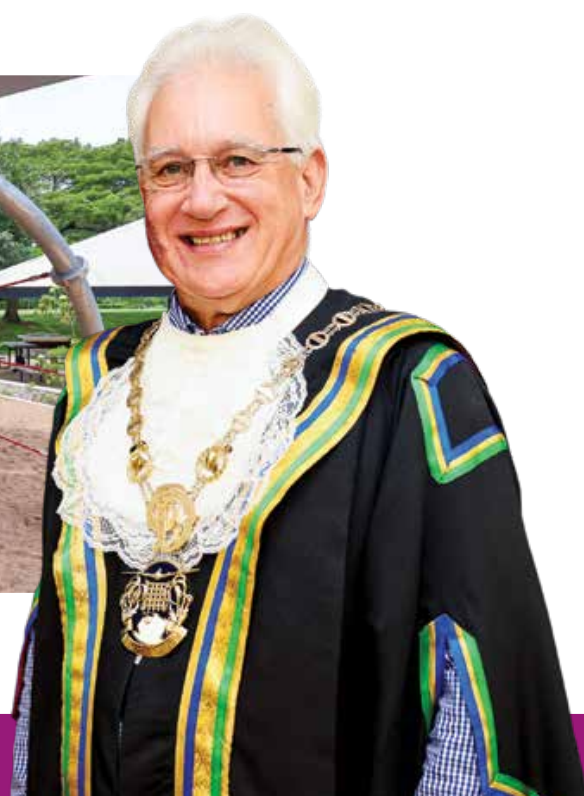




Lord Mayor's Message

TO COME

THE HON. LORD MAYOR KON VATSKALIS

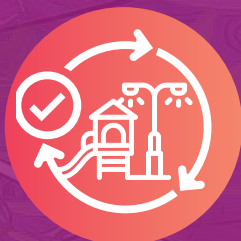


Strategic Planning Framework





Darwin 2030 *City for People. City of Colour.*



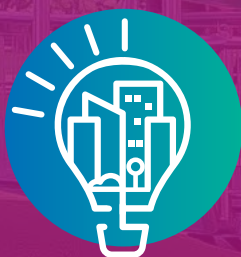
A capital city with best practice and sustainable infrastructure



A safe, liveable and healthy city



A cool, clean and green city



A smart and prosperous city



A vibrant and creative city

Underpinned by City of Darwin's Governance Framework

Vision and Culture

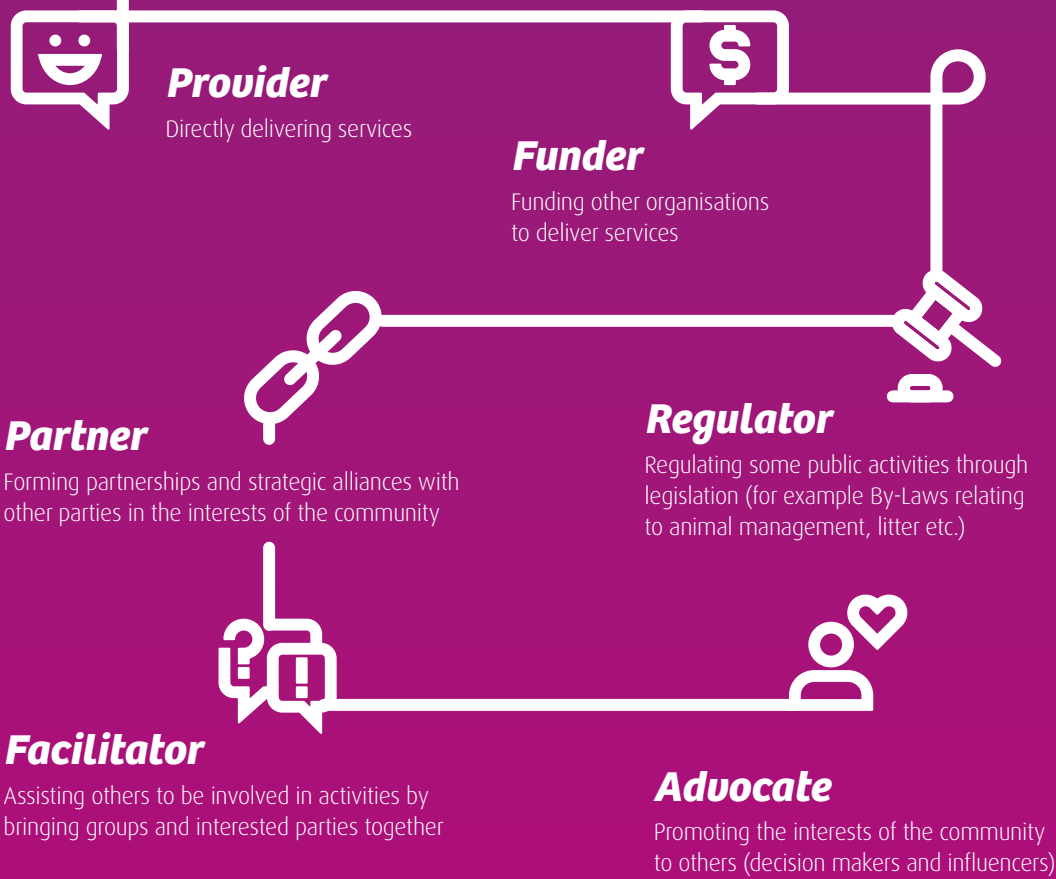
Roles and Relationships

Decision Making and Management

Accountability

City of Darwin's Role

City of Darwin fulfils several important roles in being responsible to the needs, interests and aspirations of the community. For the purposes of this plan, the roles of City of Darwin are defined as:





Definitions

Accessibility	Accessibility refers to the physical ability of people to access a place or thing. Accessible design mainly addresses the movement needs of people with disabilities.
Active Recreation	Physical activity undertaken in leisure time and not part of structured competition sport. Popular activities include walking, running, gym workouts, cycling and swimming. Public facilities or sites that support active recreation may include tennis courts, basketball courts, exercise equipment or skate facilities.
Amenity	Refers to the attractiveness or pleasantness of a space or area.
Inclusive play space	An inclusive play space invites people of all ages, abilities and cultures to come together. An inclusive play space utilises principles of inclusive design and accessibility, creating spaces people of all ages and abilities can enjoy.
Play Space and Playground	Often interchangeable, play space or playground is a purpose-built setting for play. Play Space may include play equipment and accompanying areas of impact-absorbing surfacing, but may also include the surrounding natural features, built environment and landscape available for the purpose of play.
Softfall	Material installed on the ground beneath equipment that absorbs impact from a falling person. Softfall materials typically used in Darwin are sand and rubber.
Universal Design	Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. ¹

¹ Mace, R. 2008. About UD. The Centre for Universal Design. Sourced on 1 October 2014. Retrieved from http://www.ncsu.edu/ncsu/design/cud/about_ud/about_ud.htm

10

Our Strategy

The Play Space Strategy is a framework for the development and management of play spaces and active recreation sites within the City of Darwin. It will assist Council to prioritise works within available resources and inform planning for capital works, whilst setting a long-term vision to address the future needs of the community.

The strategy has a focus on the benefits of inclusive playgrounds and enhancing public parks to attract and retain a wide cross-section of the community. It is recognised that play and recreation equipment is one component of the overall experience; therefore, this strategy adopts a 'whole park' approach to evaluating the appeal, amenity and playground or active recreation opportunities to encourage physical activity, social interaction and community use of the city's existing parks and reserves.

The strategy includes all playgrounds and active recreation sites managed by City of Darwin specifically for informal use, that are always freely accessible to the public. It does not include playgrounds or active recreation spaces located within childcare facilities, schools or private developments.



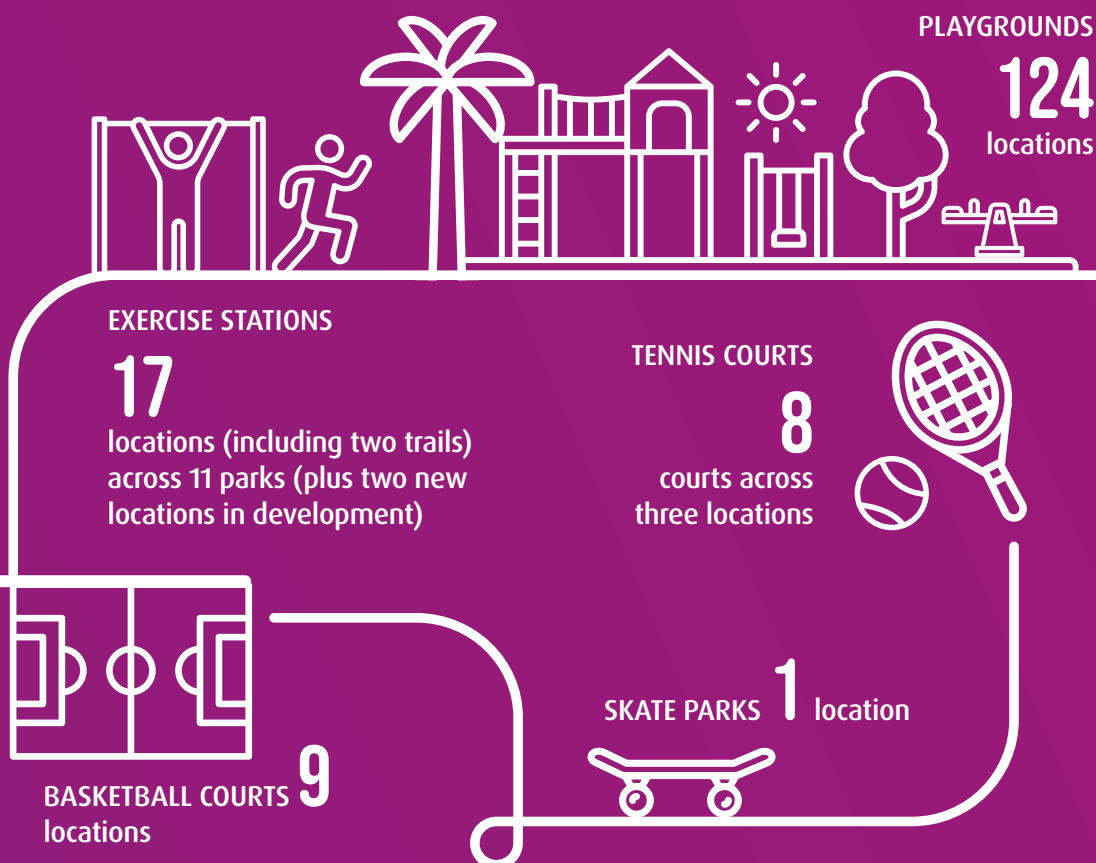


Our Vision

City of Darwin's Strategic Direction 2 'A Safe, Liveable and Healthy City' sets the goal that by 2030 Darwin residents will be more active and healthy.

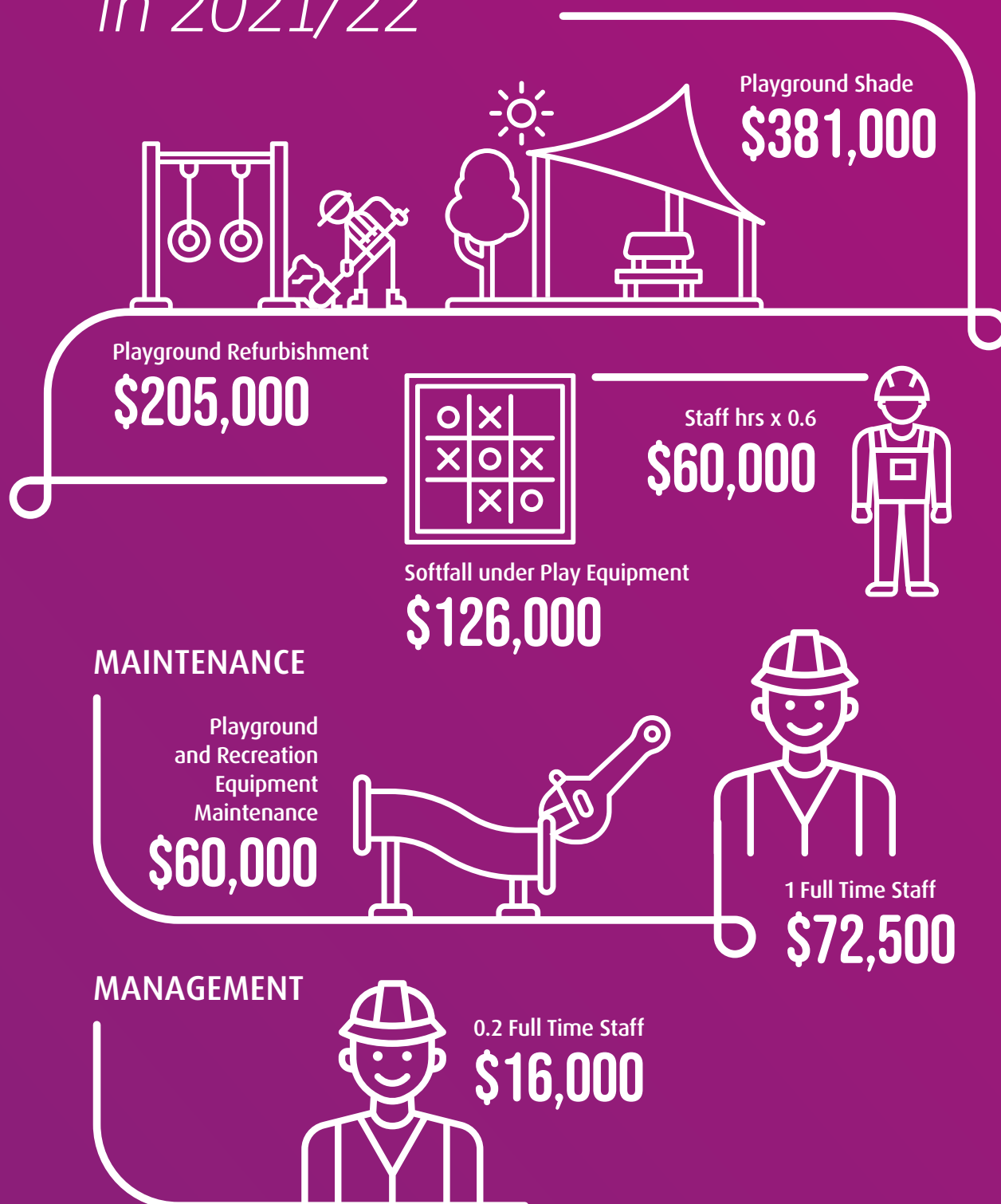
This document will achieve this through the provision of an accessible network of parks and recreation facilities that encourage active living for all ages and abilities. Consideration of other strategic directions, such as the Greening Darwin Strategy, will also inform outcomes.

Our Existing Play and Active Recreation Spaces



12

Our investment in 2021/22





Our Research

In 2020, specialist recreation consultants were engaged to review and assess City of Darwin's existing play and active recreation spaces. This included:

- background research into contemporary industry practice and statistical/population review
- playground Compliance Audit for all play equipment and softfall as per Australian Standard 4685.0:2017
- strategic assessment of all sites to assess the broader appeal, diversity and appropriateness of play and active recreation provision. The Strategic Assessment Tool was also used to guide a 'whole park' assessment that rated a range of criteria and characteristics aligned to: location and accessibility, diversity and appeal, physical conditions and support facilities.
- upload of data to City of Darwin's mapping system to allow data to be assessed, manipulated and managed in 'real time', which ensures ongoing relevance and accuracy

The background research highlighted the following key observations:

- play is essential for physical, social, cognitive and emotional development in children, and is critical for reaching their full potential
- In 2016, the Darwin municipality has a higher proportion of 0-4 years aged children than the rest of Australia
- 21.8% of City of Darwin's population were aged under 18 years compared to 23.6% in Greater Darwin and 22.3% for the rest of Australia
- In 2016, the five suburbs with the highest percentages of population under 18 were:



- In 2016, the highest number of residents in age groups:





- modest forecast population growth suggests limited demand for new play and active recreation spaces
- due to smaller backyards, there is increasing demand in public open space for structured and unstructured physical activity opportunities
- quality play spaces that support extended stays include elements such as seating, shade, water, lighting, cooking/picnic facilities and access to Wi-Fi and electronic charging stations
- playground design should consider enhanced integration with the natural environment
- where appropriate, play spaces should provide opportunity for 'risky' play within a controlled environment to help children build self-confidence and resilience
- Darwin's tropical climate presents unique challenges for play and active recreation space design and use. The number of days over 35 degrees is expected to increase over the next ten years, to an average of 132 days per year by 2030



Our Play Spaces - Assessment

Existing Provision, Hierarchy and Distribution

Based on assessment using the Play Space Hierarchy outlined further in the strategy:

- seven playgrounds are considered Regional (approx. 6%), 22 District (18%) and 95 Local (76%)
- provision is dominated by small 'local' playgrounds
- there is a disparity in playground standards, particularly new suburbs compared to older established residential areas (i.e. new contemporary playgrounds integrated into the landscape compared to older playground equipment often in small pocket parks)





Playground Rating – Strategic Assessment Score

Through the assessment, we found:

- approximately one quarter (22%) of all playgrounds are rated as good (10%) or very good (12%)
- half (50%) of all playgrounds are rated as very poor (17%) or poor (33%), with the majority of these being Local category sites

Levels of Use

- approximately one quarter of all playgrounds (26%) receive a low use (primarily in the Local category). This indicates a community preference for quality venues over smaller sites with limited playground appeal or condition
- there is a concentration of low-use Local playgrounds in the northern suburbs (23 of the 29)
- many playgrounds lack adequate infrastructure to support social gathering and longer stays
- the most popular times for use are early morning and twilight/early evening. There is low use throughout daylight hours, due to excessive heat

Target Age Groups

- the majority of playgrounds (75%) cater for mixed age groups.
- there is a lack of facilities specifically tailored to toddlers (1-3 year olds)
- many play spaces lack appeal for older age groups. Only 5% of sites cater for 8-12 year olds and 2% for 13+ year olds

Shade Provision

- there are 37% of playgrounds without full shade cover
- the condition of existing shade structures is generally very good
- considering the level of investment, constructed shade structures represent low value of return given the low usage rates

Accessibility

- a lack of accessible surfaces and connecting pathways limit accessibility at playgrounds
- accessible equipment is often separated/segregated rather than integrated
- most playgrounds lack appropriate accessible toilet or change facilities

Our Active Recreation Spaces - Assessment

Existing Provision, Hierarchy and Distribution

- there is no consistency in the siting of active recreation spaces; for example, some are located in Local parks and others in District and Regional parks
- the standard of active recreation spaces does not necessarily reflect the hierarchy of the park; for example, exercise stations being placed in Local level parks.
- There is a good spread of exercise stations and basketball courts across the municipality; however, specialist facilities such as (public) tennis courts and skate facilities are not equitably distributed
- there is a mix of single and multi-piece exercise station locations. The majority of sites receive medium-high levels of use; however, there are two sites that have low use and low rating scores – specifically Bailey Street, Muirhead and East Point Foreshore Station #2





Recreation Site Rating – Strategic Assessment Score

- over half (57%) of all sites were rated as good (45%) or very good (12%)
- no sites were rated as very poor; however, four sites (16%) rated as poor. A further seven sites (27%) rated as average
- four of six (67%) existing basketball court locations are rated as either poor or average, which reflects a lack of appropriate support infrastructure and/or poor siting
- five of 14 (36%) exercise station locations are rated as either poor or average
- locations that scored lower reflect a lack of general amenity and supporting infrastructure at each site
- most sites also scored poorly in relation to unique features, shade/landscape integration, lack of public art and limited options for multiple forms of play
- the standard and condition of the public tennis court surfaces was recognised as high, which is reflected by their high levels of use
- Jingili Skate Park is the city's premier skate facility and rated very well. It provides a unique participation opportunity, particularly for older children and teenagers and is highly valued by the community. The appeal is broadened beyond skateboards with bikes, scooters and roller skates being used regularly and regular programming by the Youth Services team of events and clinics. The venue could be enhanced to further support broader use by children and young people

Levels of Use

- slightly under half of all active recreation sites receive high levels of use
- around 50% receive medium levels of use
- many recreation assets lack adequate infrastructure to support social gathering and longer stays
- levels of use are impacted by Darwin's climate i.e. generally there are very low levels of use during the day

Shade Provision

- there is limited shade cover (natural or constructed) supporting active recreation spaces

Accessibility

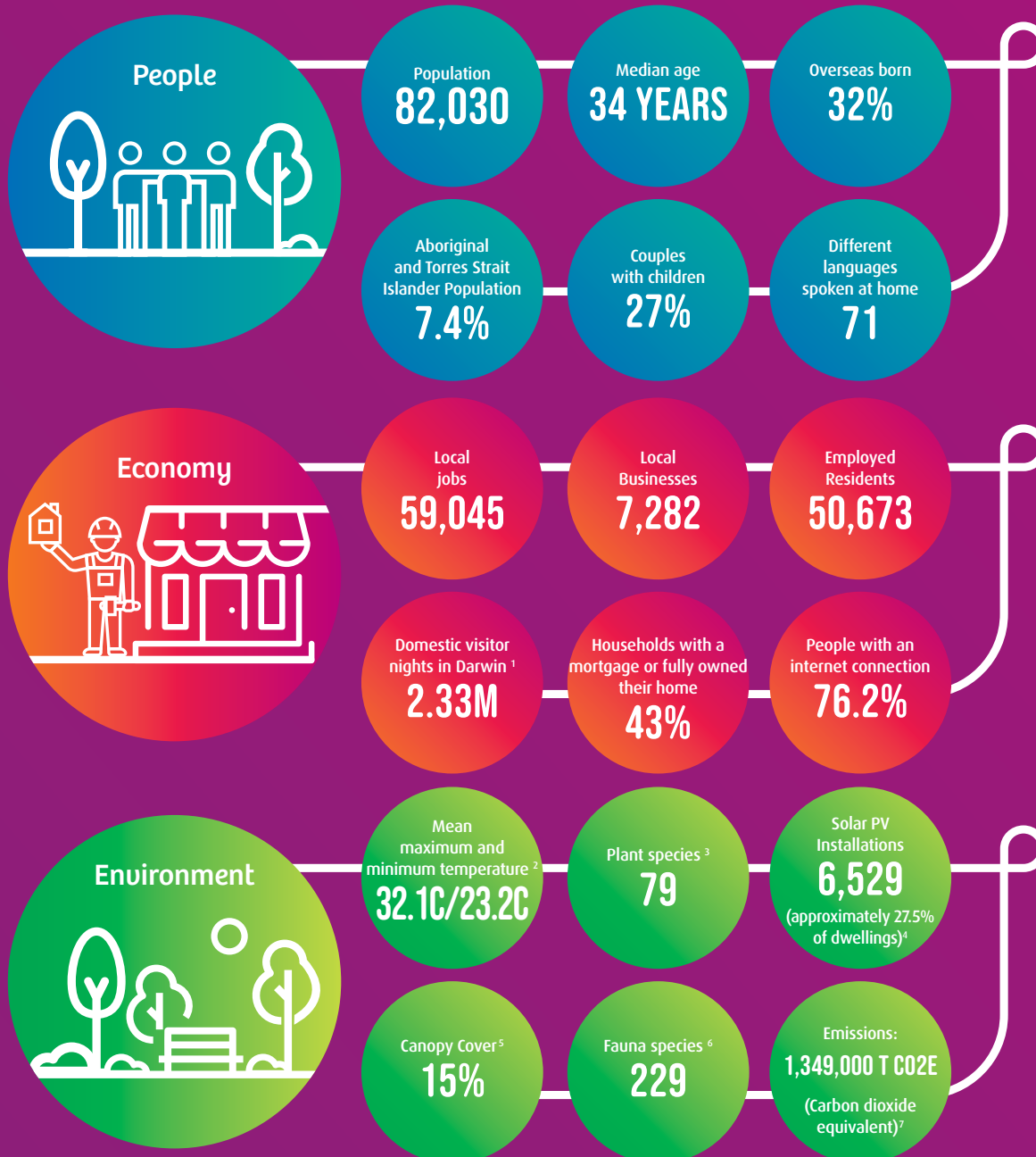
- accessible surfaces at all except one active recreation site.
- good connecting pathways at 57% of basketball courts, 67% of tennis courts and 59% of exercise stations
- most active recreation sites do not have an accessible toilet or change facilities

Footnotes

1. Levels of use stated throughout this document are estimates as City of Darwin does not have an accurate method of collecting usage data at play and active recreation sites.
2. City of Darwin has ongoing maintenance scheduled across our play and recreation spaces and subsequently, some of the above elements have already been addressed.

Our Community

The Play Space Strategy supports our diverse community:



¹ As at 30 June 2021. Source: Tourism Research Australia , National Visitor Survey Results Overnight Trips

² Source: BOM Climate Statistics for Australian Locations, Darwin Airport Long Term 1941-2021

³ Source: East Point Reserve Biodiversity Assessment (2013)

⁴ Source: Australian PV Institute

⁵ Excludes the suburbs of Holmes and Buffalo Creek, undeveloped suburbs in the Richardson Ward, due to insufficient data available

⁶ Source: East Point Reserve Biodiversity Assessment (2013)

⁷ Source: Snapshot



What you've told us

Since 2014, City of Darwin has delivered consultations on all playground upgrades.

Individual consultation plans were designed to suit each project and level of playground. Consultations for the Local and District playgrounds targeted a local audience and the survey questions had a smaller range of options. Regional Playground consultations were promoted to the whole municipality and gathered feedback on a broader range of options and budget.

There were 28 playground consultations completed between 2014 to 2019 consisting of:

- 3 Regional level
- 2 District level
- 22 Local level

A summary of what the community told us were the most important types of play and supporting infrastructure for playgrounds is as follows:

Local and District Playgrounds

TYPE OF PLAY

- Active play - including swinging, climbing and sliding
- Cultural and social play
- Educational play
- Passive play

SUPPORTING INFRASTRUCTURE

- Shade
- Seating
- Picnic tables
- Water bubblers
- BBQs

Regional Playgrounds

TYPE OF PLAY

- Active play
- Swinging
- Water play
- Climbing
- Imaginative play
- Sliding
- Nature play

SUPPORTING INFRASTRUCTURE

- Shade
- Nearby toilets
- Seating variety
- Social areas / picnic facilities / BBQs
- Water bubblers
- Softfall
- Bike / shared path linkage
- Creative and innovative design

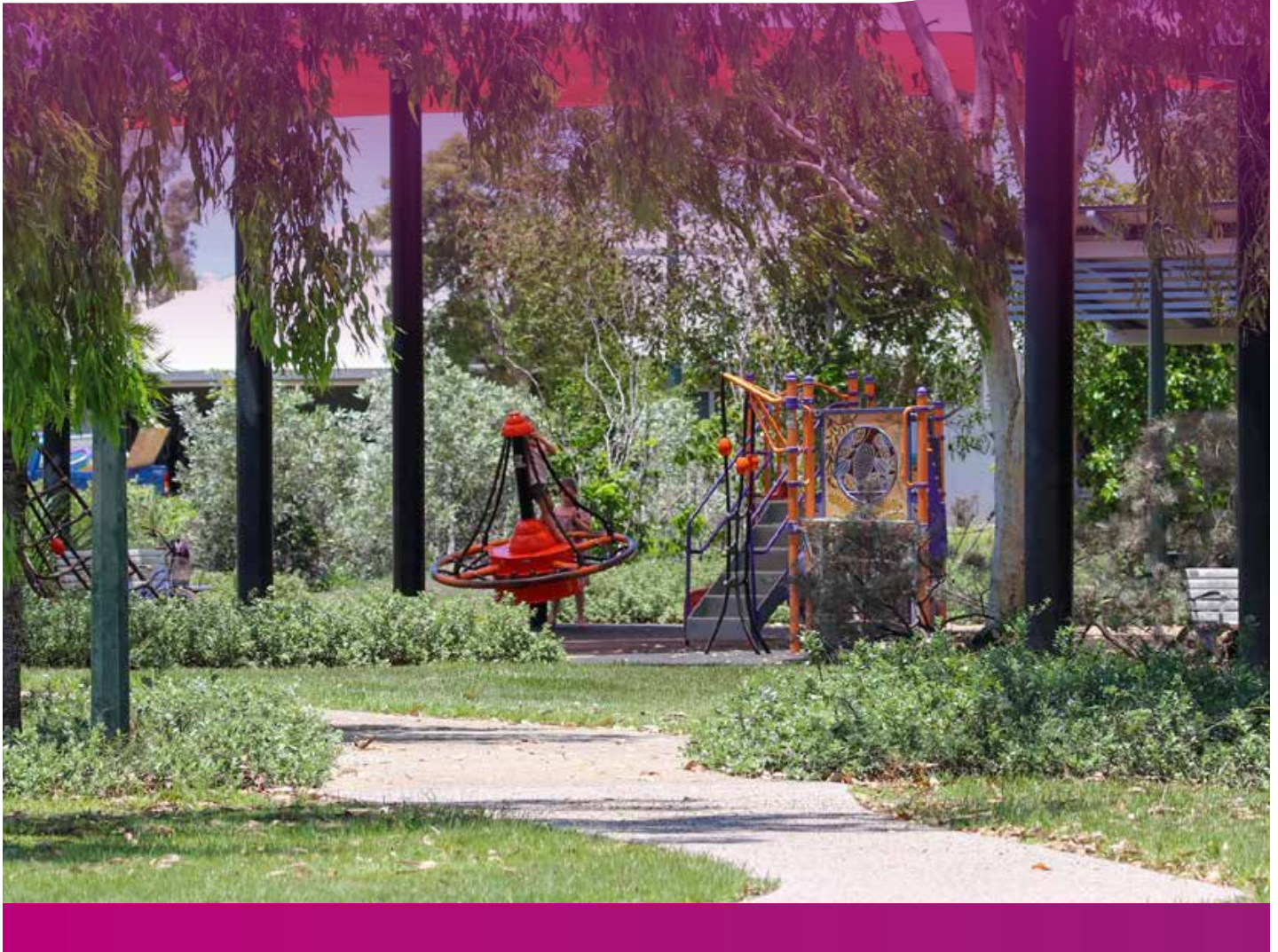


Our Play Space Hierarchy

Consistent with City of Darwin's Asset Management framework and Northern Territory Government Planning Scheme requirements, playgrounds have been classified as:

- Local Playgrounds
- District Playgrounds
- Regional Playgrounds

This hierarchy will be applied within this strategy and describes the purpose, distribution and infrastructure to be provided at each level (see diagram below). This hierarchy aligns with current City of Darwin parks maintenance hierarchy and is consistent with City of Darwin's hierarchy of ovals detailed in the Sports Field Plan.





A recommended list of infrastructure and facilities for each level has also been developed (see attached Infrastructure Provision Guide)



Our Future Priorities

The following priorities will be actioned over the life of this strategy.

1. Quality over Quantity

Provide venues with broad appeal rather than smaller sites with limited play appeal, equitably located across our municipality

Actions	City of Darwin's Role	Measures
Upgrade the standard, appeal and useability of play spaces ahead of creation of new sites, except for new residential areas		Increase in assessment scores
Consolidate playground provision to adjust the hierarchy distribution to Regional 5%, District 25% and Local 70%		Hierarchy of 5/25/70% achieved
Ensure Infrastructure Provision Guide is followed to ensure consistent standard and appeal and useability of sites		All new designs to be compliant with guide



Provider



Funder



Regulator



Partner



Facilitator



Advocate



2. Diversity of Play

Provide venues with inspiring and creative play opportunities for a wider range of ages, abilities and backgrounds including opportunity for 'risky' and adventurous play

Actions	City of Darwin's Role	Measures
Increase provision of play and active recreation opportunities for 13-18yr olds, in key locations, such as CBD and at Regional and District play spaces		Number of new facilities for 13-18 yr olds
Identify opportunities to reflect local characteristics and culture in selected sites through inclusion of public art, unique features or interpretive information	 	Number of partnerships with public art or other programs
Increase integration with the natural environment to improve the appeal of sites, including use of trees and landscaping		Increase in assessment scores



Provider



Funder



Regulator



Partner





Facilitator



Advocate

3. Maximising Use

Provide spaces with opportunities for physical activity and social interaction for an extended time

Actions	City of Darwin's Role	Measures
Co-locate new active recreation sites with District or Regional play spaces to encourage all ages use and interaction		Number of new active rec sites located in District/Regional parks
Incorporate items at selected sites to encourage longer stays such as picnic facilities, lighting, wi-fi, electronic charging stations or other digital trends		Number of partnerships with IT or digital components




Provider


Funder


Regulator


Partner


Facilitator


Advocate



4. Access for All Abilities

Provide inclusive spaces for people of all abilities to play, be active and socialise together

Actions	City of Darwin's Role	Measures
Apply universal design principles, including integrating accessible equipment with other equipment, increasing use of rubber softfall, providing accessible path connections, safe road crossings and appropriate car parking		Increase in assessment scores
Risk assess playspaces to provide secure sites for people with special needs		Number of playspaces fenced
Provide appropriate toilet or change facilities at Regional and District sites		Increase in assessment scores



Provider

Funder

Regulator

Partner






Facilitator

Advocate



5. Shade and Weather Mitigation

Provide spaces that incorporate opportunities to reduce weather impacts at play and active recreation spaces to support extended use

Actions	City of Darwin's Role	Measures
Incorporate heat mitigation strategies including consideration of equipment location, equipment choice, pathway material, water play, landscaping, irrigation of surrounding grass areas, access to cooling water and lighting		Number of heat mitigation measures employed
Identify opportunities to complement constructed shade with additional tree planting at play spaces – including trees that can be incorporated into the play experience		Increase in assessment scores
Maximise use of natural shade at active recreation sites. Identify opportunities for tree planting or complementing with constructed shade		Increase in assessment scores
In design and planning, consider the impacts of predicted increases in rain days		All new designs compliant with guidelines
Advocate to private sector to consider establishment of a climate-controlled public indoor play space to provide year-round play opportunities for residents and visitors		Key stakeholders identified and approached



Provider



Funder



Regulator



Partner



Facilitator



Advocate



6. Sustainable Asset Management

Provide timely repair and sustainable renewal and development of sites

Actions	City of Darwin's Role	Measures
Schedule regular strategic assessment of all sites to inform priorities		Two assessments completed
Use technology to collect usage data at sites, where possible, to inform priorities	 	Number of partnerships with IT or digital components
Planning for renewal or installation of new sites to align with other strategic goals, including those in: <ul style="list-style-type: none"> • Climate Emergency Strategy • Greening Darwin Strategy • Movement Strategy • Youth Strategy • Reconciliation Action Plan 		Council strategic reporting



Appendix 1 – Infrastructure Provision Guide

This table will inform infrastructure provision at each level in the hierarchy of play spaces and active recreation sites, noting that in some circumstances sites may need to be considered on a case-by-case basis, to respond to unique characteristics or needs.

Legend:

✓ = Must have; ● = Might have

Play Space Infrastructure Guide:

	Regional	District	Local
Play equipment / facilities			
2-4 pieces of equipment			✓
4-6 pieces of equipment		✓	
6+ pieces of equipment	✓	●	
Water play	✓	●	
Ancillary facilities			
Constructed shade to play elements	✓	✓	✓
Constructed shelter / rotunda	✓	●	
Park seating (bench)	✓	●	✓
Park seating (with back rest)	✓	✓	●
Picnic table/s and seating	✓	●	
Public Toilets - Unisex (min)	✓	✓	



	Regional	District	Local
Ancillary facilities continued			
Changing Places	✓	●	
Integrated pathways	✓	✓	●
Bicycle rack/parking	✓	✓	●
Public BBQ facilities	✓	●	
Drinking taps	✓	✓	●
Litter bin/s	✓	●	●
Landscape trees	✓	✓	●
Landscape garden beds	✓	✓	●
Fencing	● Only if site specific need	● Only if site specific need	● Only if site specific need
Wet misters (for cooling)	●		
Lighting to play equipment	✓	●	
Other infrastructure			
Irrigation/drainage to surrounding lawn & landscaping	✓	●	
Security/amenity lighting	✓	✓	●
Perimeter fencing	●	●	
Signage and way finding	✓	✓	●
Public art	✓	●	
Wi-fi, electronic charging stations or other digital innovation	●	●	
Indicative car parking provision (within or adjacent to the Playground reserve, pending individual site capacity)	✓ Sealed 20+	✓ Sealed or unsealed approx. 10-20	● Case by case

Active Recreation Infrastructure Guide:

	Regional	District	Local
Active Recreation Spaces			
Exercise / Fitness stations	●	●	
Multi-use court (e.g. basketball, netball)	●	●	
Tennis hit-up wall	●	●	
Public Access Tennis Courts	●		
Skate / BMX / wheeled activities	●	●	
Ancillary facilities			
Constructed shade to exercise stations	✓	●	
Constructed shade to court surfaces	●	●	
Constructed shade to wheeled activity facilities	✓	●	
Constructed shelter / rotunda	✓	●	
Park seating (bench)	✓	✓	●
Park seating (with back rest)	●	●	●
Picnic table/s and seating	✓	●	
Public toilets (including universal access / Changing Places design)	✓	✓	
	Changing Places	Unisex (min)	
Integrated pathways	✓	✓	●
Bicycle rack/parking	✓	✓	●
Public BBQ facilities	✓	●	
Drinking taps	✓	✓	
Litter bin/s	✓	●	●
Landscape trees	✓	✓	●



	Regional	District	Local
Ancillary facilities continued			
Landscape garden beds	✓	✓	●
Informal lawn area/s	✓	✓	●
Wet misters (for cooling)	●		
Lighting for after-hours use	✓	●	
Other infrastructure			
Irrigation/drainage to surrounding lawn & landscaping	✓	●	
Security/amenity lighting	✓	●	●
Perimeter fencing	●	●	
Signage and way finding	✓	✓	●
Public art	✓	●	
Wi-fi, electronic charging stations or other digital innovation	●	●	
Indicative car parking provision (within or adjacent to the reserve, pending individual site capacity)	✓ Sealed 20+	✓ Sealed or unsealed approx. 10-20	●



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14.6 WASTE MANAGEMENT EXEMPTION POLICY

Author: General Manager Innovation

Authoriser: Interim Chief Executive Officer

Attachments: 1. Waste Management Exemption Policy [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Waste Management Policy be received and noted.
2. THAT Council adopts the Waste Management Exemption Policy at **Attachment 1**.

PURPOSE

The purpose of this report is to seek adoption by Council on the revised Waste Management Exemption Policy contained at **Attachment 1**

KEY ISSUES

- Council rescinded Policy 054 – Waste Management, Planning and Development in 2021 prior to the endorsement of the Waste and Resource Recovery Strategy.
- In June 2021, it became apparent that information on the exemption of waste services was no longer available to residents due to the rescinding of the Policy. This information is critical for finalisation of the Declaration of Rates and Charges 2022/23.
- A new Waste Management Exemption Policy has been finalised to provide information to residents and developers regarding exemption of waste services within the Municipality of Darwin - **Attachment 1**.

DISCUSSION

Council rescinded Policy 054 – Waste Management, Planning and Development in 2021 prior to the endorsement of the Waste and Resource Recovery Strategy on the 27 July 2021.

When the Policy was rescinded, Council Officers were no longer able to provide developers with information regarding waste management services, requirements and bin enclosure designs for new developments. To overcome this, Development Waste Management Guidelines were developed and endorsed by CEO. These were made available on the [City of Darwin website](#).

In June 2021, it became apparent that information on the exemption of waste services was also rescinded within the Policy, and this information is critical for finalisation of the Declaration of Rates and Charges 2022/23. A new Waste Management Exemption Policy has been finalised to provide information to residents and developers regarding exemption of waste services within the Municipality of Darwin - **Attachment 1**.

Following endorsement, the Policy will be added to the new City of Darwin policy template prior to uploading to the City of Darwin website before the end of financial year.

The Rates and Charges 2022/23 were declared by Council at the meeting on 14 June 2022 pursuant to Chapter 11 of the Local Government Act 2019 in the financial year ending 30 June 2023.

PREVIOUS COUNCIL RESOLUTION

At the 27 July 2021 meeting Council resolved:

14.12 RESCINDING OF POLICY NO. 054 - WASTE MANAGEMENT**RESOLUTION ORD376/21**

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Justine Glover

1. THAT the report entitled Rescinding of Policy No. 054 - Waste Management be received and noted.
2. THAT Council rescind Policy No. 054 - Waste Management.

CARRIED 11/0

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.3 Decision Making and Management
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Budget/Funding: N/A Is Funding identified: N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: Local Government Act 2019 By-Laws Policy: Waste Management Policy

CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Discuss Tactics: Feedback sought from key staff in Council Internal: Engineering and Design Services Waste Management City Planning Finance Corporate Governance and Compliance External: Legal advice received HWLE
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).



WASTE MANAGEMENT EXEMPTION POLICY

No. 00000

A COOL, CLEAN AND GREEN CITY

CITY FOR PEOPLE. CITY OF COLOUR.

1 PURPOSE

The purpose of this policy is to provide information regarding exemption of waste services within the Municipality of Darwin.

2 POLICY STATEMENT

2.1 RESIDENTIAL PROPERTY EXEMPTIONS

City of Darwin will not provide a residential property with its regular waste collection services if the property meets the specific criteria and approval procedures, as follows:

- The property has sufficient space for the amount or type of receptacles required for an equivalent of the City of Darwin's regular waste and recycling collection services.
- The property must comprise 25 or more individual units.
- The property may provide short-term accommodation such as a motel, hotel, hostel or an apartment.
- The property must have a current (non-City of Darwin) waste collection contract in place to regularly collect garbage and recycling materials in a manner and on terms and conditions to the satisfaction of the City of Darwin.

The alternative service must be of a standard as follows:

- All residential dwellings shall be provided with a minimum waste capacity using approved waste receptacles having a clearance frequency as detailed in the Development Waste Management Guidelines or greater frequency.
- All residential dwelling shall be provided with recycling capacity using approved waste receptacles having a clearance frequency as detailed in the Development Waste Management Guidelines or greater frequency.
- The provider of such an alternative service shall demonstrate a complete recycling process by the transfer of all collected recyclable materials to an approved materials recycling facility or an approved alternative.

The alternative service will be approved on the basis of an agreement between the City of Darwin and the unit owners through the body corporate, that the approved alternative servicing will be maintained to the required standard for an agreed period. If the alternative service is not maintained to the required service level or is cancelled, the property shall be required to immediately recommence a City of Darwin service.

The General Manager Innovation has a delegation to approve alternative services.

Properties with an approved alternative service on the basis of this policy will be charged a waste disposal service fee that covers City of Darwin's costs associated with the provision of a waste disposal and recycling service to the Municipality of Darwin, less the specific costs associated with waste and recycling from the subject property.

Council Policy No. – WASTE MANAGEMENT EXEMPTION POLICY		Page 1 of 4
Version: 1	Decision Number:	Adoption Date:
Responsible Officer: General Manager Innovation		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.





WASTE MANAGEMENT EXEMPTION POLICY

No. 00000

A COOL, CLEAN AND GREEN CITY

Information required by City of Darwin to consider an exemption is set out in the Appendix A.

2.2 WEIGHBRIDGE CHARGE EXEMPTIONS FOR NOT-FOR-PROFITS

City of Darwin does not provide waste collection services for 'not-for-profit' organisations. 'Not-for-profit' organisations can apply to City of Darwin for exemption from weighbridge charges at the Shoal Bay Waste Disposal Site. City of Darwin also supports 'not-for-profit' projects including community and environmental programs. Exemptions are granted subject to the following conditions:

- A copy of the Taxation Statement confirming Taxation Exemption status must be provided.
- An application must be provided including description of works undertaken that generated the waste, the type and quantity of waste and the haulers.

This procedure applies for once-off applicants as well as ongoing exemptions. Delegated approval is held by the General Manager Innovation.

3 DEFINITIONS

Waste refers to everyday 'rubbish' or 'garbage' generated by domestic, commercial or industrial premises that cannot be recycled and would normally be collected by a Council staff member or waste contractor. The term waste does not refer to any hazardous or toxic waste generated by industry.

Waste that is defined as 'recyclable' by City of Darwin consists of the following:

- Glass
- Aluminium and steel cans
- PET and HDPE plastic containers
- Paper and clean cardboard
- Clean milk and juice cartons

4 LEGISLATIVE REFERENCES

Local Government Act 2019
City of Darwin By Laws

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Council Policy No. – WASTE MANAGEMENT EXEMPTION POLICY		Page 2 of 4
Version: 1	Decision Number:	Adoption Date:
Responsible Officer: General Manager Innovation		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.





WASTE MANAGEMENT EXEMPTION POLICY

No. 00000

5 PROCEDURES / RELATED DOCUMENTS

2030 Waste and Resource Recovery Strategy
Development Waste Management Guidelines

6 RESPONSIBILITY / APPLICATION

This policy will be reviewed once in the term of each Council or more often as required.

All City of Darwin staff are responsible for ensuring that they understand and adhere to this policy.

The General Manager Innovation is responsible for ensuring the Policy is current and in accordance with the relevant legislation.

The implementation, maintenance and ensuring compliance with this policy is the responsibility of the Executive Manager Environment, Climate and Waste Services.

APPENDIX A - WASTE MANAGEMENT EXEMPTION INFORMATION REQUIREMENTS

City of Darwin will require any plans submitted to the Development Consent Authority to demonstrate compliance with City of Darwin's manual collection service, in addition to any alternative service proposed.

Residents or body corporates of residential properties wanting to apply for City of Darwin's waste and recycling service exemption during occupancy shall be required to submit the following minimum details for City of Darwin's consideration:

- Number, size and type of waste receptables proposed.
- Number, size and type of recycling receptables proposed.
- Details of the proposed bin storage enclosure/s including location, layout and dimensions, demonstrating compliance with the objectives of the Development Waste Management Guidelines.
- Written evidence of consultation with a waste service provider demonstrating their ability to provide the required service.

The intention of the Development Waste Management Guidelines is for the developer to provide waste and recycling services that are adequate for the development and in accordance with City of Darwin's Development Waste Management Guidelines. City of Darwin's Development Waste Management Guidelines outline City of Darwin's minimum requirements for waste management services for multi-unit residential and high-density developments

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Council Policy No. – WASTE MANAGEMENT EXEMPTION POLICY		Page 3 of 4
Version: 1	Decision Number:	Adoption Date:
Responsible Officer: General Manager Innovation		Next Review Date:

Electronic version current. Uncontrolled copy valid only at time of printing.



15 RECEIVE & NOTE REPORTS**15.1 STREET FOOD PROGRAM 2022/2023 UPDATE**

Author: Project Officer
Authoriser: General Manager Innovation
Attachments: Nil

RECOMMENDATIONS

THAT the report entitled Street Food Program 2022/2023 Update be received and noted.

PURPOSE

The purpose of this report is to provide Council with an update of the Street Food Program and the results of an evaluation report.

KEY ISSUES

- The Street Food Program is in its eighth year of operation.
- There are currently 26 businesses participating in the Program.
- There are two new power bollards installed at East Point Reserve.
- A third site has been activated at the Nightcliff Pool car park.
- The Street Food Program has both economic and community benefits.

DISCUSSION

The Street Food Program is braced for a season of strong trading after two years of COVID related disruption. Now in the 8th year of formal operation, the Street Food Program has settled into a regular pattern of operation with majority of traders (92%) seeking opportunities along the Nightcliff Foreshore.

The Street Food Program is an annual activity. Each year in February, applications are sought from interested parties to apply for a permit to trade for the coming year. The opportunity is promoted through City of Darwin digital channels and existing traders are contacted directly through email. This year 32 applications were received, 29 were successfully processed with 12 of these being new traders. Of the 29 vendors, four have business registrations from outside the Darwin municipality.

Policy 0079.100.E.R and Street Food Guidelines can be found on the City of Darwin website

Application Assessment Process

The assessment of vendor applications for trading sites is establish with consideration to the following factors:

- New or long-term vendor
- Site availability
- Site suitability
- Proposed trading months per year
- Proposed trading days per week
- Type of products
- Compatibility of products

Established vendors are rolled-over into the new schedule at their regular trading situation. New vendors are assessed against the above criteria and plotted into a weekly schedule. The proposed schedule is assessed by a panel and adjustments made based on consensus until deemed satisfactory.

An offer to trade is made with individual vendors commencing with established vendors and continuing to each applicant. Upon acceptance of an offer to trade, vendors are invoiced and provided with a permit to conduct business.

Current Program Overview

In 2021, Nightcliff Jetty saw the introduction of a third trading site that included upgrades to power supply in the form of new metal bollards for all 3 sites. The Jetty trading sites are the most highly sought after by traders but are also home to long-term traders Harry's Kitchen and Jay's Coffee Bar. These two businesses have served the community from these sites for 28 years and 15 years respectively and have control of the site during peak trading times.

Three trading sites are available near the Nightcliff Pool. The two original sites are located directly in front of the Pool entrance and a new site was introduced to the Nightcliff Pool car park late in 2021. This site covers 7 car parking bays on the northern edge of the car park. It is a powered site with a new power bollard installed as part of the 2021 works. The site has only recently been activated and accommodates two Street Food traders covering 7 days a week. This year we have seen the return of the pizza business Cucina sotto le Stelle to the Chapman Road car park. This popular trader operates 3 nights a week in a secluded location without power and creates a unique ambience and dining experience through inclusion of decorative lighting, tables and chairs.

A new and enthusiastic trader is operating from the Windsurfer's Corner site 7 days a week this year. Initial feedback from the operator highlights the lack of lighting and power at the site. Council officers will consider whether a power bollard can be installed in the 2022/23 financial year.

Trading sites at East Point Reserve have received two new power bollards that will improve safety and convenience for the traders. The new service was completed in April 2022 and replace an older, outdated power source.

This year new operators have commenced trading at Tamarind Park. One trader, Hotboxed, trades late on Friday, Saturday and Sunday nights. It is hoped that their presence activates the Park to deter anti-social behaviour that has disrupted traders in the past.

An assessment of the Street Food Program was conducted prior to the commencement of the 2022/2023 trading season. Research was conducted via an online survey with Street Food vendors. The community were surveyed on site through a mix of quantitative and qualitative research methods.

The intent of the research was to establish baseline information for the Street Food Program on key objectives including activation, safety, economic benefit, and community benefit. The research initiative was also utilised to obtain suggestions for improvement of the Street Food Program more generally.

Activation

Respondents weren't convinced that Street Food vans contributed to 'activation' of spaces. The majority pointed out that the food vans operated in locations that were already busy areas and that the food vans were drawn to the people, not the other way around. The one exception was the vendors operating from Chapman Road carpark.

Safety

When questioned about safety, 77% of respondents stated that they believed the presence of food vans contributed to a feeling of safety in the area.

Eighty seven percent of vendors advised that they had experienced anti-social behaviour while trading. A mixed response was obtained when further questioned whether the situation had improved, worsened or stayed the same. Some vendors said worse, others said no change and others claimed there had been an improvement.

Economic Benefit

Most Street Food vendors (83%) indicated a monthly turnover exceeds \$5,000. Annual revenue generated by operators of Street Food Program could exceed \$900,000. Cost of a trading permit equates to \$61.50 per week. This is a return of investment of 18:1 if operating throughout the year.

Vendors can nominate how often they trade with 3-4 periods or approximately 18-24 hours per week being the average. Most vendors trade between 4pm to 10pm with 16% providing a breakfast or lunch service on weekdays.

Weather has a significant impact on turnover with many vendors ceasing trading at the commencement of the Wet Season.

On average 75% of vendors employ two staff to assist in the business. Several are family run businesses and obtain assistance from relatives.

Vendors advised that purchase of an operating van was their largest capital outlay with the average cost being \$58,000.

These figures show a small but valuable contribution to the local economy. Ongoing cost of supplies including fuel and food, maintenance and repairs, further contributes to economic stimulation.

General Perception of Street Food vans

Twenty nine people participated in the survey. All respondents indicated satisfaction with the Street Food vans. The vendors at Chapman Road carpark and East Point Reserve, were thought to activate spaces by creating an atmosphere and a reason for people to enjoy the park. Responses revealed a different appeal at different trading locations. Customers of food vans at the Nightcliff Pool sites tended to be local residents that live nearby and found the food vans a convenient way to purchase 'take-away'. These vendors enjoyed loyal supporters that sought consistent trading days for the vendor.

Motivation of crowds at Nightcliff Jetty were mixed but largely a result of the shady coastal aspect, the Jetty and convenient parking. Some interviewees advised that food vans were inconsequential and very rarely utilised. Others attended the site knowing food was available.

Financial Budget

Current year to date revenue received from the street food permits is \$61,791, this is an increase of \$18,056 in comparison to the previous financial year and \$702 over the initial revenue budgeted.

City of Darwin expenses for the Street Food Program totalled \$38,000 for the 2021/22 financial year. This was for the installation of power bollards in the East Point Reserve and is a capital expense.

Overall, the Street Food Program has generated a profit of \$23,791 for City of Darwin in addition to the other economic benefits mentioned previously in this report.

Conclusion

Food trucks are providing a convenient service to residents and visitors. As mobile vans, they can trade in areas that might need activation although results suggest food vans favour crowded areas. Food vans have proven that their presence promotes a feeling of safety within their environment, which in turn benefits all residents and visitors alike.

PREVIOUS COUNCIL RESOLUTION

The Street Food Policy and Street Food Business Permit Application Guide were reviewed and the following decision was made at the 30 March 2021 meeting Council resolved:

Review of Policy No.079 - Street Food

RESOLUTION ORD130/21

- 1. THAT the report entitled Review of Policy No. 079 – Street Food be received and noted.***
- 2. THAT Council approve the amendments to Policy No. 079 – Street Food.***

A report was put to Council for upgrades to the East Point site and the following decision was made at the 13 October 2020 meeting Council resolved:

Street Food Program Improvements**RESOLUTION ORD332/20**

1. THAT the report Street Food Program Improvements be received and noted.
2. THAT Council endorse a budget variation in the fourth quarter of 2020/21 financial year of \$50,000 for street food site upgrades including power, line marking and signage.

Upgrades to the Nightcliff Jetty and Nightcliff Pool sites were included in the Chan Ward 2020-2021 COVID-19 Stimulus Initiatives by the elected members and the following decision was made at the Council Meeting held on Tuesday 29 September 2020:

Council's Municipal Wards Covid-19 Stimulus Program**RESOLUTION ORD301/20**

1. THAT the report entitled COVID-19 Stimulus Program for 2020/21 be received and noted.
2. That Council endorse the sites identified for the 2020/21 COVID-19 Stimulus Program as detailed in the report entitled COVID-19 Stimulus Program for 2020/21.
3. That Council endorse the allocation of \$750,000 per ward for the 2020/21 COVID-19 Stimulus Program.

STRATEGIC PLAN ALIGNMENT	2 A Safe, Liveable and Healthy City 2.2 By 2030, Darwin will be increasingly recognised as a liveable city
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Budget/Funding: N/A Is Funding identified: N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: N/A Policy: Street Food Policy No. 079
CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Consult Tactics: Questionnaire issued through email and in person External: Street Food Vendors; Community Members
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).

15.2 MONTHLY FINANCIAL REPORT - MAY 2022

Author: Senior Accountant
Financial Controller
Acting General Manager Corporate

Authoriser: Acting General Manager Corporate

Attachments: 1. Monthly Financial Report - May 2022 [↓](#)

RECOMMENDATIONS

THAT the report entitled Monthly Financial Report – May 2022 be received and noted.

PURPOSE

The purpose of this report is to provide a summary of the financial position of Council for the period ended 31 May 2022.

Further, this report and the contents are required to be presented to Council in compliance with the Local Government (Accounting) Regulations 2019.

KEY ISSUES

The Monthly Financial Reporting pack includes:

- Income Statement, which compares actual income and expenditure year to date (YTD), against the approved revised annual budget.
- Statement of Cash Flows, which groups transactions into the categories of Operating, Investing, and Financing. The statement eliminates non-cash items (such as depreciation) and discloses totals for asset sales and purchases, as well as loan drawdowns and repayments. Finally, it discloses transfers to & from cash backed Reserves.
- Statement of Financial Position, which outlines what Council owns (assets) and what it owes (liabilities) at a point in time.
- Investments, which provides details of Treasury activities, Investments
- Rates and Receivables Report which provides a summary of outstanding Rates and Debtors.
- Creditors Report, which reports a summary of creditor payments for the month.
- Procurement Reporting, which is a summary of contract variations and exempt procurement.

DISCUSSION**May 2022 – Year to Date Result**

The operating result for May 2022 YTD is a **deficit of (\$3.68M). Budget (\$14.03M).**

After including capital income received, the Net Surplus is **\$1.49M** against a YTD revised budgeted **deficit of (\$7.52M)**. This has resulted in a favourable **\$9.02M** variance overall.

	YTD Actual \$'000	YTD Revised Budget \$'000	Variance \$'000
Net Surplus/ (Deficit)	1,491	(7,524)	9,016

Commentary

The net operating result of (\$3,681K) deficit is better than our expected results by \$10,352K. This is mainly due to Materials & Contractors, being lower than anticipated by \$2,353K and Operating Grants and Subsidies, being higher than anticipated by \$3,256K. Also of note is the Capital Grants & Contributions income being below budget by \$1,336K. Additional commentary for category lines follows:

Income

Total Operating Income is tracking ahead of the YTD revised budget by \$3.92M.

Rates Revenue

Rates & Annual Charges is on forecast YTD.

Statutory Charges

This includes fines and animal management income. This category is on track with a minor variance to the revised budget.

User Fees & Charges

This is on forecast YTD.

Operating Grants & Subsidies

This is over budget and relates to the early release of the FAA grant payment for 2022/23 early. This has been adjusted in the 3rd budget review and transferred to the Carry Forward Reserve to offset the 2022/23 budget.

Interest & Investment Income

This is above forecast YTD with a positive variance of \$148K.

Other Income

Includes lease income, reimbursements (e.g. insurance recovery, fuel tax credits), sale of small plant proceeds and other miscellaneous income. This category is on track with a minor variance.

Capital Grants & Contributions

Capital grants are under budget mainly due to the timing of recognising the grants for Local Roads and Community Infrastructure Programs, which are yet to be complete. The 3rd budget review includes an adjustment for \$2.1M LRCI Phase 2 grant income for Lee Point Rd due to the project spanning into the 2022/23 financial year.

Expenditure

Total Expenses are tracking below YTD budget by \$6.44M, broken down by Materials & Services \$2.35M, Depreciation \$1.96M and Employee Costs \$1.51M.

Employee Expenses

Employee costs report a positive variance of \$1.51M, this is mainly due to vacancies however adjustments for supplemental labour and contractors need to be offset against this amount. There is an adjustment of \$770K in the 3rd budget review adjusting provision estimates and final year end adjustments to be recognised at 30 June 2022.

Materials, Contracts & Other Expenses

Materials, Contracts and Other expenses has a 2nd revised annual budget of \$58.01M and this line incorporates various expenditure types. Combined, this budget line is under budget (with a YTD variance of \$2.35M). We note there are committed funds for all areas and it is anticipated that there will be an increase in expenditure for year end in June. Projects that are span over the end of the financial year will be addressed as a carry forward where required.

Depreciation and Amortisation

The depreciation is under budget due to several significant assets that have not yet been completed and/or capitalised. In the 3rd budget review, there has been a \$700K reduction of depreciation budget due to the pending capitalisation of programs to be progressed into 22/23. We also note that due to the asset revaluations there will likely be an adjustment to the depreciation expense for the financial year ending 30th June 2022. The City of Darwin forecast that most of the capital program will be completed by the 30th of June 2022 however some carry forwards are anticipated. This forecast has been based on the commitments outstanding to various capital contracts and discussions with key stakeholders.

Interest Expenses

The variation relates to savings in Waste external loan interest. This has been adjusted in the 3rd budget review, with \$469k of savings mainly due to the Waste external loan interest payments. The savings will be transferred to the Shoal Bay Waste Management capital program for storage tanks & infrastructure.

Treasury Comment

The RBA met on the 7th of June and increased the cash rate target by 50 basis points. The Australian outlook for economic growth remains positive however there are ongoing uncertainties in supply chains and inflation has increased significantly. In their statement the RBA indicated that they will take further steps in the process of normalising monetary conditions in Australia over the months ahead. The RBA stressed that there is a need to closely monitor both the national and global economic conditions and balance the evolving risks prior to determining any interest rate increases. Any increases by the RBA will increase City of Darwin's interest (borrowing) expenses and increase interest income.

City of Darwin has achieved 0.95% on weighted average interest rate on its May investment portfolio of \$128.67M. There have been no investment policy breaches in this month.

Accounts Receivable (Debtors)

This section considers the receipt timing of Rates collection and any general Debtors outstanding. The performance on Rates recovery is compared to the prior year. The report also includes information on, aged debtors including general debtors, infringements, and Rates arrears.

Accounts Payable (Creditors)

The Accounts Payable owing at the 31st May 2022 was \$2.35M. This amount forms part of the Trade and Other Payables line on the Statement of Financial Position. City of Darwin recognises the liability of invoices once entered and approved. The Aged Trial Balance of Accounts Payable invoices was; \$33K being over 90 days, \$711K being between 30 & 90 days,

with all other trade payables being aged less than 30 days.

Other notes to the financial reports

The Council has met its payment and reporting obligations for GST, Fringe Benefits Tax, PAYG withholding tax, superannuation, and insurance for the month of May 2022.

Our internal accounting conventions for monthly reporting currently recognise the Council Rates that attributable to that month and for YTD and then progressively throughout the year.

Please note that these reports are unaudited management financial reports. Information contained in the reports were current as at the date of the reports and may not reflect any event or circumstances which occurred after the date the reports were completed.

Procurement Reporting

Under the Local Government (General) Regulations, Council is required to disclose at the next Council meeting and on the City of Darwin website:

- contract variations:
 - where a tender was not required, however the total cost exceeds \$100,000, or
 - where a contract requiring a tender is varied by 10%.
- exempt procurement greater than \$100,000

Contract Variations

In the month ending 31 May 2022, there were no reportable variations.

Exempt Procurement

In the month ending 31 May 2022, there was no reportable exempt procurement that occurred.

PREVIOUS COUNCIL RESOLUTION

N/A

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.3 Decision Making and Management
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	<p>Part 2 Division 7 the <i>Local Government (General) Regulations 2021</i> require that a monthly financial report is presented to Council each month setting out:</p> <p>(a) the actual income and expenditure of the council for the period from the commencement of the financial year up to the end of the previous month; and</p> <p>(b) the most recently adopted annual budget; and</p> <p>(c) details of any material variances between the most recent actual income and expenditure of the council and the most recently adopted annual budget.</p> <p>This report remains in compliance with the requirements of the <i>Local Government Act 2008 and Regulations</i> and is being transitioned to the</p>

	<p>new requirements of the <i>Local Government Act 2019</i>.</p> <p>This report is considered to be of a higher level of statutory compliance as outlined above.</p>
CONSULTATION, ENGAGEMENT & COMMUNICATION	N/A
DECLARATION OF INTEREST	<p>The report authors do not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>

Income Statement For the Period Ended 31 May 2022	2021/22								2020/21	
	YTD May 2022 Actual		YTD May 2022 2nd Revised Budget		YTD Variance	YTD Act v 2nd Revised Budget	FY 2nd Revised Budget	FY Original Budget	LY Actuals (Audited)	
	\$'000		\$'000		\$'000	%	\$'000	\$'000	\$'000	
Operating Income										
Rates & Annual Charges	70,440	65%	70,276	67%	164	100%	On Forecast	76,666	76,666	74,428
Statutory Charges	2,245	2%	2,088	2%	157	108%	Above Forecast	2,358	2,358	2,110
User Fees & Charges	25,834	24%	25,709	25%	124	100%	On Forecast	27,449	21,769	24,994
Operating Grants & Subsidies	7,259	7%	4,003	4%	3,256	181%	Above Forecast	4,003	5,578	6,356
Interest / Investment Income	1,169	1%	1,020	1%	148	115%	Above Forecast	1,113	1,113	1,536
Other Income	1,788	2%	1,722	2%	66	104%	On Forecast	1,797	1,780	1,151
Total Income	108,735		104,819		3,916	104%	On Forecast	113,387	109,264	110,575
Operating Expenses										
Employee Expenses	32,568	29%	34,079	29%	1,511	96%	On Forecast	37,210	37,504	35,567
Materials & Contracts & Other Expenses	50,778	45%	53,131	45%	2,353	96%	On Forecast	58,012	49,941	53,188
Elected Member Allowances	609	1%	661	1%	51	92%	Below Forecast	733	733	649
Elected Member Expenses	40	0%	61	0%	22	65%	Below Forecast	64	64	378
Depreciation, Amortisation & Impairment	28,036	25%	29,994	25%	1,957	93%	Below Forecast	32,720	32,720	30,939
Interest Expenses	384	0%	926	1%	542	41%	Below Forecast	1,830	2,350	1,215
Total Expenses	112,415		118,851		6,436	95%	On Forecast	130,568	123,312	121,937
Budgeted Operating Surplus/ (Deficit)	(3,680)		(14,033)		10,352	26%		(17,181)	(14,048)	(11,362)
Capital Grants & Contributions Income	5,171		6,507		(1,336)	79%	Below Forecast	6,813	12,173	6,140
Asset Disposal (Loss) & FV Adjustments	-		-		-	0%		-	-	(5,652)
Net Surplus/(Deficit)	1,491		(7,524)		9,016	-20%		(10,369)	(1,875)	(10,874)

Statement of Financial Position as at 31 May 2022	2021/22			2020/21
	YTD May 2022	FY	FY	Audited
	Actual \$'000	Revised Budget \$'000	Original Budget \$'000	Actual \$'000
Current Assets				
Cash at Bank & Investments	50,989	20,359	20,359	24,491
Cash at Bank & Investments - externally restricted	44,603	38,918	24,561	40,654
Cash at Bank & Investments - internally restricted	33,413	32,229	11,403	40,301
Trade & Other Receivables	9,076	9,749	9,749	10,125
Inventories	315	420	420	358
Total Current Assets	138,396	101,675	66,492	115,929
Non-Current Assets				
Infrastructure, Property, Plant and Equipment	1,195,039	991,827	1,024,356	1,193,623
Lease Right of Use Assets	4,524	4,752	4,752	4,524
Total Non Current Assets	1,199,563	996,579	1,029,108	1,198,147
Total Assets	1,337,959	1,098,254	1,095,600	1,314,076
Current Liabilities				
Trade & Other Payables	20,882	21,421	21,421	23,698
Rates Revenue struck (in advance)	6,405	0	0	0
Borrowings	3,244	2,525	3,194	1,423
Provisions	7,908	7,307	7,307	21,376
Lease Liabilities	829	806	806	813
Total Current Liabilities	39,267	32,059	32,728	47,310
Non-Current Liabilities				
Trade & Other Payables	0	0	0	16
Borrowings	32,244	32,624	48,805	8,604
Provisions	33,200	25,315	25,315	26,392
Lease Liabilities	3,841	4,652	4,652	3,841
Total Non Current Liabilities	69,285	62,591	78,772	38,853
Total Liabilities	108,552	94,650	111,500	86,163
NET ASSETS	1,229,407	1,003,604	984,100	1,227,913
Equity				
Accumulated Surplus	324,523	315,622	331,300	323,029
Asset Revaluation Reserve	823,928	616,836	616,836	823,929
Other Reserves	80,956	71,146	35,964	80,955
TOTAL EQUITY	1,229,407	1,003,604	984,100	1,227,913

Statement of Cash Flows For the Period Ended 31 May 2022	2021/22			
	YTD May 2022 Actual \$'000	FY 2nd Revised Budget \$'000	YTD v Amend Budget %	FY Original Budget \$'000
<u>Funds From Operating Activities</u>				
Net Operating Result From Above	1,491	(10,369)		(1,875)
Add back depreciation (not cash)	28,036	32,720		32,720
Add back Other Non Cash Items	-	629		629
Net Funds Provided (or used in) Operating Activities	29,527	22,981		31,474
<u>Funds From Investing activities</u>				
Sale of Infrastructure, Property, Plant & Equipment	243	1,040	23%	1,040
Purchase of Infrastructure, Property, Plant & Equipment	(29,706)	(58,939)	50%	(91,466)
Net Funds Provided (or used in) Investing Activities	(29,462)	(57,899)		(90,426)
<u>Funds From Financing Activities</u>				
Proceeds from borrowings & advances	27,530	27,560	100%	29,500
Repayment of borrowings & advances	(2,065)	(2,435)	85%	(3,085)
Net Funds Provided (or used in) Financing Activities	25,465	25,125		26,415
Net Increase (-Decrease) in Funds Before Transfers	25,529	(9,793)		(32,537)
Transfers from (-to) Reserves	2,939	9,794		32,537
Net Increase (-Decrease) in Funds After Transfers	28,468	0		0

**INVESTMENTS REPORT TO COUNCIL
AS AT
31 May 2022**

Investment Distribution by Term to Maturity

Term to Maturity Policy Limits

There have been no breaches in Term to Maturity Policy limits for the month of May 2022

Term to Maturity Category	% of Total Portfolio	Term to Maturity (Policy Max.)	Term to Maturity (Policy Min.)
Less than 1 Year			
Term Deposits	68%		
Business Online Saver Accounts	19%		
Floating Rate Notes	0%		
Bonds	2%		
Less than 1 Year Total	89%	100%	30%
Greater than 1 Year less than 3 Years			
Term Deposits	6%		
Business Online Saver Accounts	0%		
Floating Rate Notes	3%		
Bonds	2%		
Greater than 1 Year less than 3 Years Total	11%	70%	0%
Greater than 3 Years			
Term Deposits	0%		
Business Online Saver Accounts	0%		
Floating Rate Notes	0%		
Bonds	0%		
Greater than 3 Years Total	0%	30%	0%
Greater than 5 Years			
Term Deposits	0%		
Business Online Saver Accounts	0%		
Floating Rate Notes	0%		
Greater than 5 Years	0.00%	10%	0%
Total	100.00%		

Investment Distribution by Portfolio Credit Rating

Portfolio Distribution Credit Rating Limits

There have been no breaches in Portfolio Credit Rating Limits for the month of May 2022

Credit Rating - Maximum Individual Limit	ADI	Counterparty	% of Total Portfolio	Individual Counterparty Limits of Total Investments
AA-	Commonwealth Bank of Australia Ltd	Commonwealth Bank of Australia Ltd	38.10%	50.00%
	National Australia Bank Ltd	National Australia Bank Ltd	22.66%	50.00%
	Westpac Banking Corporation Ltd	BankSA	5.75%	50.00%
	Westpac Banking Corporation Ltd	Westpac Banking Corporation Ltd	11.44%	50.00%
	Northern Territory Treasury Corporation	Northern Territory Treasury Corporation	3.81%	50.00%
A+	Macquarie Bank	Macquarie Bank	0.95%	30.00%
	Suncorp Metway Limited	Suncorp Bank	2.38%	30.00%
BBB+	Bank of Queensland Ltd	Bank of Queensland Ltd	5.79%	10.00%
	Bendigo & Adelaide Bank Ltd	Bendigo & Adelaide Bank Ltd	5.77%	10.00%
BBB	AMP Bank Ltd	AMP Bank Ltd	3.34%	10.00%
Grand Total			100.00%	

Credit Rating - Maximum Portfolio Limit	% of Total	Policy Limit
AAA to AA-	82%	100.00%
A+ to A-	3%	45.00%
BBB+ to BBB	15%	30.00%
BBB-	0%	0.00%
Total	100.00%	

**INVESTMENT REPORT TO COUNCIL
AS AT
31 May 2022**

Institution Category	Counterparty	Maturity Date	Interest Rate	Credit Rating (LT)	Credit Rating (ST)	Inv Type	FRN ONLY (Maturity Date -last pmt)	Principal \$	% Portfolio
MAJOR BANK	BankSA	14 June 2022	0.37%	AA-	A1+	TD		\$1,524,041	1.45%
		23 August 2022	0.37%	AA-	A1+	TD		\$3,003,423	2.86%
		30 August 2022	0.37%	AA-	A1+	TD		\$1,503,826	1.43%
		BankSA Total						\$6,031,291	5.75%
	Commonwealth Bank of Australia Ltd	23 August 2022	0.43%	AA-	A1+	TD		\$1,503,717	1.43%
		26 July 2022	0.42%	AA-	A1+	TD		\$1,500,000	1.43%
		25 October 2022	0.54%	AA-	A1+	TD		\$1,504,373	1.43%
		9 August 2022	0.50%	AA-	A1+	TD		\$1,504,833	1.43%
		14 February 2023	0.80%	AA-	A1+	TD		\$1,502,934	1.43%
		14 February 2023	1.90%	AA-	A1+	TD		\$1,500,000	1.43%
		21 March 2023	2.03%	AA-	A1+	TD		\$2,000,000	1.91%
		11 July 2022	1.44%	AA-	A1+	FRN	11 January 2024	\$1,000,000	0.95%
		2 May 2023	2.14%	AA-	A1+	TD		\$1,500,000	1.43%
		2 May 2023	2.50%	AA-	A1+	TD		\$1,500,000	1.43%
		28 March 2023	2.38%	AA-	A1+	TD		\$1,500,000	1.43%
		8 November 2022	1.93%	AA-	A1+	TD		\$1,000,000	0.95%
		13 December 2022	2.11%	AA-	A1+	TD		\$1,000,000	0.95%
		23 May 2023	2.79%	AA-	A1+	TD		\$1,000,000	0.95%
		3 June 2022	0.45%	AA-	A1+	BOS		\$20,453,660	19.50%
		Commonwealth Bank of Australia Ltd Total						\$39,969,516	38.10%
	National Australia Bank Ltd	14 June 2022	0.35%	AA-	A1+	TD		\$1,513,912	1.44%
		30 August 2022	0.37%	AA-	A1+	TD		\$1,009,352	0.96%
		4 October 2022	0.39%	AA-	A1+	TD		\$3,013,233	2.87%
		25 October 2022	0.39%	AA-	A1+	TD		\$1,538,375	1.47%
		12 July 2022	0.43%	AA-	A1+	TD		\$1,507,336	1.44%
		13 September 2022	0.58%	AA-	A1+	TD		\$1,540,647	1.47%
		9 August 2022	0.46%	AA-	A1+	TD		\$1,507,048	1.44%
		9 August 2022	1.25%	AA-	A1+	TD		\$3,053,791	2.91%
		29 November 2022	0.63%	AA-	A1+	TD		\$1,500,000	1.43%
		29 November 2022	2.14%	AA-	A1+	TD		\$3,066,871	2.99%
		24 January 2023	1.05%	AA-	A1+	TD		\$1,504,695	1.43%
		2 May 2023	2.02%	AA-	A1+	TD		\$1,518,333	1.45%
		28 March 2023	1.91%	AA-	A1+	TD		\$1,504,652	1.43%
		National Australia Bank Ltd Total						\$23,778,243	22.73%
	Westpac Banking Corporation Ltd	6 December 2022	0.57%	AA-	A1+	TD		\$2,000,000	1.91%
		5 December 2023	1.22%	AA-	A1+	TD		\$2,000,000	1.91%
		3 December 2024	1.62%	AA-	A1+	TD		\$2,000,000	1.91%
		24 January 2023	0.78%	AA-	A1+	TD		\$1,500,000	1.43%
		23 January 2024	1.40%	AA-	A1+	TD		\$1,500,000	1.43%
		21 February 2023	0.98%	AA-	A1+	TD		\$2,000,000	1.91%
		25 July 2022	1.67%	AA-	A1+	FRN	24 April 2024	\$1,000,000	0.95%
	Westpac Banking Corporation Ltd Total							\$12,000,000	11.44%
	Northern Territory Treasury Corporation (NTTC)	15 December 2022	0.50%	AA-	A1+	BOND		\$2,000,000	1.91%
		15 December 2024	1.30%	AA-	A1+	BOND		\$2,000,000	1.91%
	Northern Territory Treasury Corporation (NTTC) Total							\$4,000,000	3.81%
MAJOR BANK Total								\$85,779,050	82%
OTHER	AMP Bank Ltd	1 November 2022	1.00%	BBB	A2	TD		\$1,505,984	1.44%
		19 July 2022	1.00%	BBB	A2	TD		\$1,000,000	0.95%
		3 October 2023	2.30%	BBB	A2	TD		\$1,000,000	0.95%
	AMP Bank Ltd Total							\$3,505,984	3.34%
	Bank of Queensland Ltd	23 August 2022	0.39%	BBB+	A2	TD		\$1,506,133	1.44%
		13 September 2022	0.54%	BBB+	A2	TD		\$1,528,383	1.46%
		1 November 2022	0.57%	BBB+	A2	TD		\$1,533,695	1.46%
		29 November 2022	0.62%	BBB+	A2	TD		\$1,506,393	1.44%
	Bank of Queensland Ltd Total							\$6,074,605	5.79%
	Bendigo & Adelaide Bank Ltd	14 February 2023	0.85%	BBB+	A2	TD		\$1,503,826	1.43%
		21 February 2023	0.85%	BBB+	A2	TD		\$1,504,027	1.43%
		21 February 2023	1.25%	BBB+	A2	TD		\$1,504,430	1.43%
		21 March 2023	1.25%	BBB+	A2	TD		\$1,542,296	1.47%
	Bendigo & Adelaide Bank Ltd Total							\$6,054,580	5.77%
	Macquarie Bank	12 August 2022	1.82%	A+	A1	FRN	12 February 2025	\$1,000,000	0.95%
	Macquarie Bank Total							\$1,000,000	0.95%
	Suncorp Bank	7 June 2022	0.32%	A+	A1	TD		\$1,500,000	1.43%
		22 November 2022	1.02%	A+	A1	TD		\$1,000,000	0.95%
	Suncorp Bank Total							\$2,500,000	2.38%
OTHER Total								\$19,135,168	18%
Grand Total								\$104,914,218	100%

N.B.

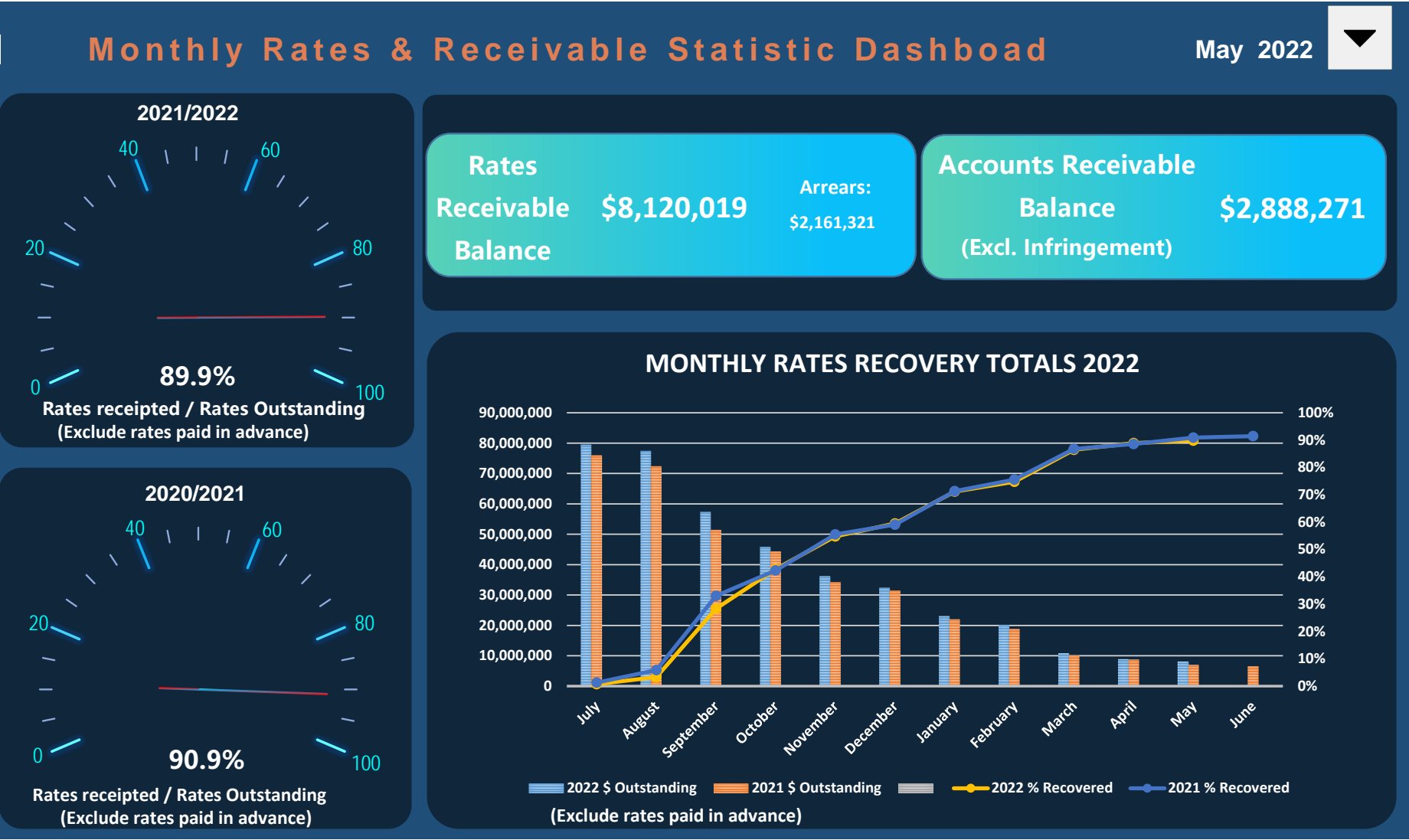
*INV TYPE - FRN = interest rate is the 'Coupon Margin' established on issue date, this plus 3M BBSW provides the yield for the current coupon period.

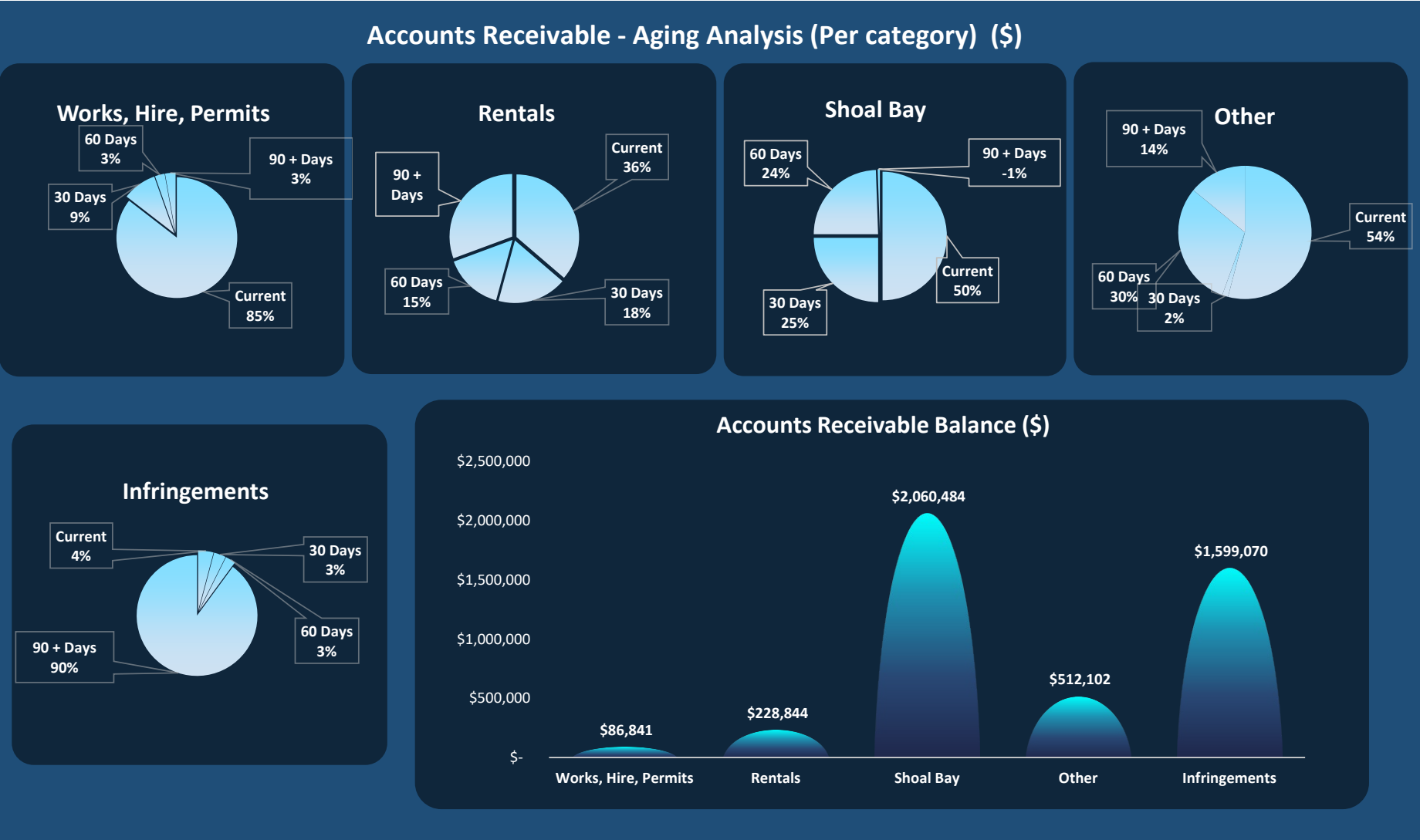
*MATURITY DATE - FRN = the interest coupon payment date not actual FRN maturity date (paid every 91 days).

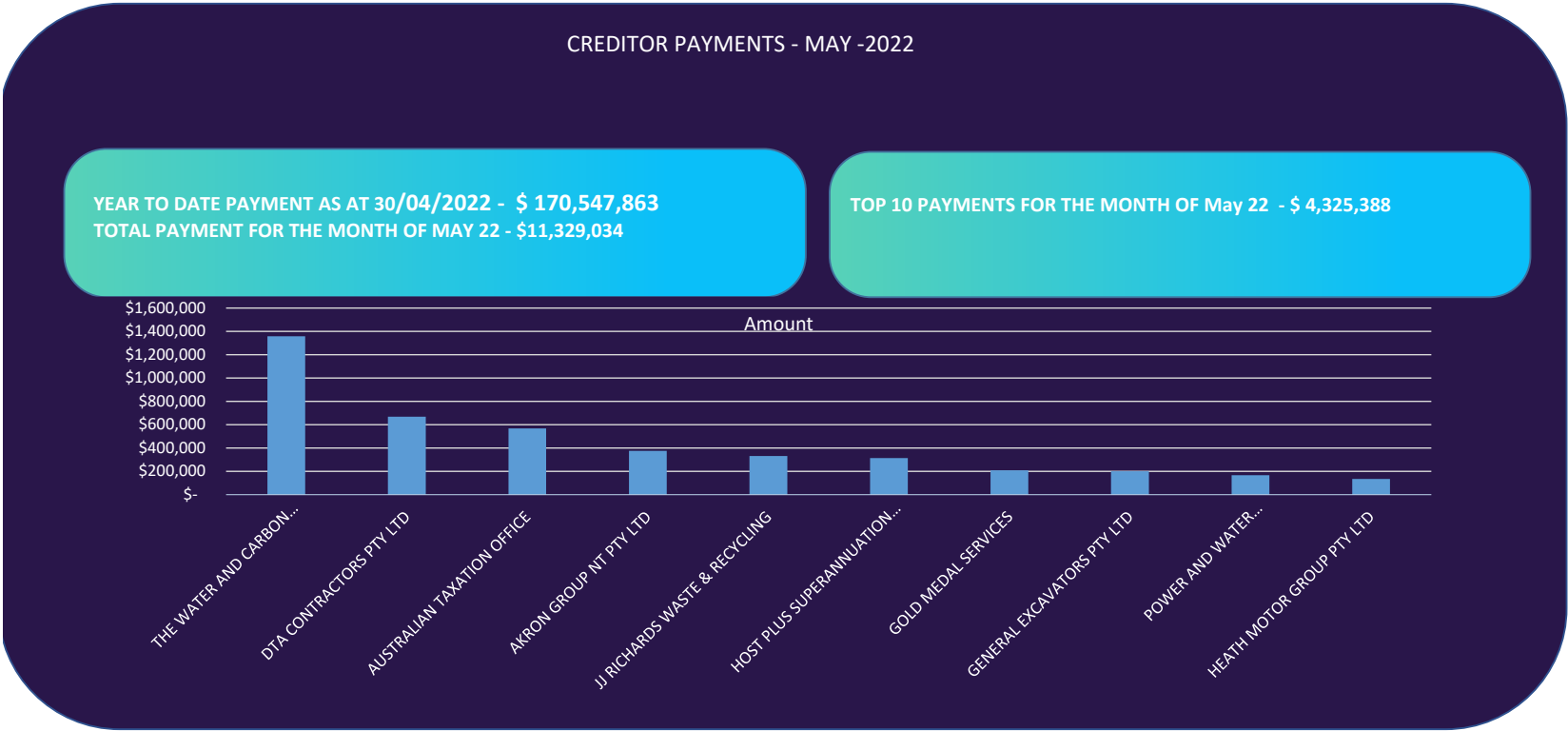
General Bank Funds	\$3,973,449
NAB Funds	\$19,785,617
Total Funds	\$128,673,284
 Total Budgeted Investment Earnings	 \$812,937
 Year to Date Investment Earnings	 \$465,856
 Weighted Ave Rate	 0.95%
BBSW 90 Day Rate	1.18%
Bloomberg AusBond (Bank Bill Index)	0.40%

Council has an arrangement with its financial institution the Commonwealth Bank of Australia to offset Council's overdraft facility against pooled funds held in Council's Trust Account and General Account

Trust Bank Account	\$456,989
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16 REPORTS OF REPRESENTATIVES

17 QUESTIONS BY MEMBERS

18 GENERAL BUSINESS

Nil

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 12 July 2022, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 New Leachate Pond Construction

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.2 Arts and Cultural Development Advisory Committee - Appointment of Community Members

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.1 Off Street Reserved Carparking

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

27.2 NT Electoral Commissioner Discretion to Set Voting Period

This matter is considered to be confidential under Section 99(2) - 51(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information subject to an obligation of confidentiality at law, or in equity.

27.3 Corporate Services Report - May 2022

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON



MINUTES

**Ordinary Council Meeting
Tuesday, 14 June 2022**

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 the Committee Administrator on (08) 8930 0670.

**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON TUESDAY, 14 JUNE 2022 AT 5:30PM**

- PRESENT:** Deputy Lord Mayor Amye Un, Councillor Paul Arnold, Councillor Jimmy Bouhoris, Councillor Sylvia Klonaris, Councillor Brian O'Gallagher, Councillor Mick Palmer, Councillor Vim Sharma, Councillor Ed Smelt, Councillor Rebecca Want de Rowe
- OFFICERS:** Simone Saunders (Interim Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Matt Grassmayr (General Manager Community), Drosso Lelekis (Executive Manager Technical Services)
- Gemma Perkins (Coordinator Councillor Governance and Support), Edith Heiberg (Governance Projects Officer), Nik Kleine (Executive Manager Infrastructure), Irene Frazis (Acting Executive Manager Finance), Cindy Robson (Manager City Planning)
- APOLOGY:** Lord Mayor Kon Vatskalis, Councillor Peter Pangquee, Councillor Morgan Rickard, Alice Percy (General Manager Innovation)
- GUESTS:** Nil

WEBCASTING DISCLAIMER

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

Order of Business

1	Acknowledgement of Country	5
2	The Lord's Prayer	5
3	Meeting Declared Open	5
4	Apologies and Leave of Absence	5
5	Electronic Meeting Attendance.....	6
6	Declaration of Interest of Members and Staff	7
7	Confirmation of Previous Minutes.....	7
8	Moving of Items	7
9	Matters of Public Importance / Lord Mayoral Minute	9
	Nil	
10	Public Question Time	9
11	Petitions	9
12	Deputations and Briefings	9
13	Notices of Motion.....	10
	Nil	
14	Action Reports	10
14.1	Adoption of 2022/23 Municipal Plan	10
14.2	2022/23 Declaration of Rates and Charges.....	10
14.3	3rd Budget Review 2021/2022	17
14.4	Nominated Projects for Local Roads and Community Infrastructure Phase 3 Funding	17
14.5	Engagement Framework for Place Naming in the NT.....	18
14.6	Subdivision to Create 63 Lots - Sections 4279 4278 & 4882 (38, 32, 25) Bowerlee Road, Berrimah - Stage 1	18
14.7	Reconciliation Advisory Committee Terms of Reference	19
14.8	Liquor Licence Framework 2022	19
14.9	Weekend Public Places Patrols.....	19
14.10	Adoption of Confidential Information and Business Policy	19
15	Receive & Note Reports	20
15.1	Senior Programs	20
15.2	Community Advisory Committee Minutes	20
16	Reports of Representatives	20
17	Questions by Members	21
17.1	Playford Street Parap	22
17.2	Update on Buffalo Creek	22
17.3	Signage at Castlereagh Drive Leanyer	22
17.4	Update on Bradshaw Terrace Casuarina.....	23
17.5	Footpath Repairs on Bennett Street	23

17.6	Update on Pergrine Street Wulagi	23
18	General Business.....	24
18.1	Speed Limits on all City of Darwin Managed Roads	24
19	Date, time and place of next Ordinary Council Meeting.....	24
20	Closure of Meeting to the Public	24
21	Adjournment of Meeting and Media Liaison	26

Unconfirmed

1 Acknowledgement of Country

We the members of City of Darwin acknowledge that we are meeting on Larrakia Country.

We recognise and pay our respects to all Larrakia people, Traditional Owners and Custodian Elders of the past and present.

We support emerging Larrakia leaders now and into the future.

We are committed to working together with all Larrakia to care for this land and sea for our shared future.

2 THE LORD'S PRAYER

Our Father, who art in heaven, hallowed be thy name; thy kingdom come; thy will be done; on earth as it is in heaven.

Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil.

For thine is the kingdom, the power, and the glory for ever and ever.

Amen.

3 MEETING DECLARED OPEN

RESOLUTION ORD272/22

Moved: Councillor Ed Smelt

Seconded: Councillor Sylvia Klonaris

The Chair declared the meeting open at 5.32 pm.

CARRIED 8/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD273/22

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Vim Sharma

A. THAT the apology from Councillor Peter Pangquee, be received.

B. THAT the apology from Councillor Morgan Rickard, be received.

C. THAT the apology from Councillor Rebecca Want de Rowe, be received however if circumstances permit may be in attendance.

CARRIED 8/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD274/22

Moved: Councillor Brian O'Gallagher
Seconded: Councillor Vim Sharma

THAT it be noted Lord Mayor Kon Vatskalis is an apology due to a Leave of Absence previously granted.

.CARRIED 8/0

4.3 LEAVE OF ABSENCE REQUESTED**RESOLUTION ORD275/22**

Moved: Councillor Ed Smelt
Seconded: Councillor Brian O'Gallagher

THAT a Leave of Absence be granted for Councillor Jimmy Bouhoris for the period 24 June to 6 July 2022.

CARRIED 8/0

Councillor Jimmy Bouhoris later advised that the correct leave details are as follows:

THAT a Leave of Absence be granted for Councillor Jimmy Bouhoris for 28 June 2022.

5 ELECTRONIC MEETING ATTENDANCE**5.1 ELECTRONIC MEETING ATTENDANCE GRANTED****RECOMMENDATIONS**

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following member(s) was granted permission for Electronic Meeting Attendance at this Ordinary Council Meeting held on Tuesday, 14 June 2022:

- Councillor Vim Sharma
- Councillor Brian O'Gallagher
- Councillor Rebecca Want De Rowe

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED**RESOLUTION ORD276/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

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

- A. Councillor Sylvia Klonaris to attend the Briefing Sessions on 21 June 2022.
- B. Councillor Jimmy Bouhoris to attend the Council Meeting and Briefing Session on the 21 and 28 June 2022.

CARRIED 8/0

Councillor Jimmy Bouhoris later advised that the correct electronic meeting attendance details are as follows:

Councillor Jimmy Bouhoris to attend the Briefing Sessions on the 21 June 2022 and 5 July 2022.

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF**6.1 DECLARATION OF INTEREST BY MEMBERS**

Nil

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES**RESOLUTION ORD277/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Brian O'Gallagher

That the minutes of the Ordinary Council Meeting held on 31 May 2022 be confirmed.

CARRIED 8/0

8 MOVING OF ITEMS**8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL**

Nil

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING**26.1 SPONSORSHIP UPDATE****RESOLUTION ORD301/22**

Moved: Councillor Paul Arnold

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled 'Sponsorship Update' be received and noted.
2. THAT Council approve a variation transfer of funding from the 'Develop Taste Darwin Project' to an additional \$30,000 for the 'Visitor Information Centre'.
3. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
4. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**27.1 SHOAL BAY WASTE MANAGEMENT FACILITY - UPDATE JUNE 2022****RESOLUTION ORD303/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

1. THAT the report entitled Shoal Bay Waste Management Facility - Update June 2022 be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**27.2 DISCOVER DARWIN UPDATE****RESOLUTION ORD304/22**

Moved: Councillor Paul Arnold

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Discover Darwin Update be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open following the launch of Discover Darwin on the 23rd June 2022.

CARRIED 9/0

27.3 MUNICIPAL PLAN CONSULTATION REPORT**RESOLUTION ORD305/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Municipal Plan Consultation Report be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**28.1 INCOMING CORRESPONDENCE - DEPARTMENT OF THE CHIEF MINISTER AND CABINET - ABORIGINAL ECONOMIC PARTICIPATION FRAMEWORK****RESOLUTION ORD306/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Brian O'Gallagher

1. THAT the Incoming Correspondence - Department of The Chief Minister and Cabinet - Aboriginal Economic Participation Framework be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

The Interim Chief Executive Officer, Simone Saunders tabled the Certificate of Assessment Record and the Record of Rates in accordance with Regulation 29 at 5.41 pm.

The Deputy Lord Mayor, Amye Un accepted the document at 5.42 pm.

Councillor Rebecca Want de Rowe joined the meeting at 5:42 pm.

Councillor Vim Sharma departed the meeting at 5:42 pm.

Councillor Vim Sharma re-joined the meeting at 5:43 pm.

Councillor Rebecca Want de Rowe departed the meeting at 5:46 pm.

Councillor Rebecca Want de Rowe re-joined the meeting at 5:47 pm.

14.1 ADOPTION OF 2022/23 MUNICIPAL PLAN

RESOLUTION ORD278/22

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled adoption of 2022/23 Municipal Plan be received and noted.
2. THAT the Certificate in terms of regulation 29 of the *Local Government (General) Regulations 2021*, as tabled by the Chief Executive Officer at this Ordinary Council Meeting, Tuesday 14 June 2022, regarding Assessment Record and Record of Rates, be received and noted.
3. THAT Council adopts the 2022/23 City of Darwin Municipal Plan, provided at **Attachment 1**, noting that it includes the:
 - (a) Council's Annual Service Delivery Plan as the basis of deliverables to the Darwin municipality for 2022/23;
 - (b) The 2022/23 Annual Budget to be effective from 1 July 2022 to 30 June 2023
4. THAT Council adopts the 2022/23 Fees and Charges as provided at **Attachment 2** to the Municipal Plan, to be effective from 1 July 2022 to 30 June 2023.

CARRIED 9/0

14.2 2022/23 DECLARATION OF RATES AND CHARGES**RESOLUTION ORD279/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Mick Palmer

1. THAT the report entitled 2022/23 Declaration of Rates and Charges be received and noted.
2. THAT pursuant to Section 227(1) of the Local Government Act 2019 (the **Act**), Council adopts the Unimproved Capital Value (as it appears on the valuation roll prepared and maintained under the Valuation of Land Act 1963) as the basis of the assessed value of allotments within the Darwin Municipality.
3. THAT pursuant to Sections 237 of the Act, Council declares that it intends to raise, for general purposes by way of rates, the amount of \$70,395,584 which will be raised by the application of differential valuation-based charges (**differential rates**) with differential minimum amounts (**minimum amounts**) being payable in application of each of those differential rates.

For the purposes of paragraph 3, “**separate residential parts or units**” means a dwelling house, flat or other substantially self-contained residential unit or building that is adapted for separate occupation or use (pursuant to section 226(5) of the Act).

Council hereby declares the following differential rates and minimum amounts payable in the application of those differential rates for the financial year ending 30 June 2023:

- (a) 0.588492% of the assessed value of all rateable land within those parts of the municipality zoned LR, RR, R or RL under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,240.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (b) 0.588492% of the assessed value of all rateable land within those parts of the municipality zoned LMR, MR or HR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,302.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (c) 0.551464% of the assessed value of all rateable land within those parts of the municipality zoned CV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,240.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (d) 0.735940% of the assessed value of all rateable land within those parts of the municipality zoned CB under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,570.00 multiplied by:

- (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (e) 0.572638% of the assessed value of all rateable land within those parts of the municipality zoned PS or CN under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,293.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (f) 0.533128% of the assessed value of all rateable land within those parts of the municipality zoned OR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$512.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (g) 0.588492% of the assessed value of all rateable land within those parts of the municipality zoned FD, SU, CP, CL, RD or U under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,302.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (h) 0.785083% of the assessed value of all rateable land within those parts of the municipality zoned C, or SC under the *NT Planning Scheme* other than those classes of allotments described in paragraphs (m) and (n) below, with the minimum amount payable in the application of that differential rate being \$1,293.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (i) 0.652313% of the assessed value of all rateable land within those parts of the municipality zoned TC or HT under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,293.00 multiplied by:
 - (i) the number of separate residential parts or units on each allotment of land;
or
 - (ii) the number 1,whichever is the greater.
- (j) 0.570014% of the assessed value of all rateable land within those parts of the municipality zoned LI under the *NT Planning Scheme*, with the minimum amount

- payable in the application of that differential rate being \$1,293.00 multiplied by:
- (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (k) 0.483833% of the assessed value of all rateable land (other than the small allotments identified below) within those parts of the municipality zoned GI or DV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,293.00 multiplied by:
- (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (l) 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 226(3)(b) of the Act and the example given at the foot of that section:
- (i) Units 1 to 3 and Units 5 to 98 comprised in Unit Plan No. 95/95;
 - (ii) Units 101 to 216 in Unit Plan 97/112;
 - (iii) Units 17 to 32 comprised in Unit Plan 98/32;
 - (iv) Lots 6244 to 6285 Hundred of Bagot; and
 - (v) 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 \$322.00, to be payable in respect of each of these small allotments.
- (m) 1.457899% of the assessed value of 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 there is situated a major shopping centre, with the minimum amount payable in the application of that differential being \$1,293.00 multiplied by:
- (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (n) 0.785083% of the assessed value of 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 there is situated a major shopping centre, with the minimum amount payable in the application of that differential rate being \$1,293.00 multiplied by:
- (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (o) 0.588492% of the assessed value of every allotment of rateable land within the municipality not otherwise described above, with the minimum amount payable in the application of that differential rate being \$1,240.00 multiplied by:

- (i) the number of separate residential parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.

4. Pursuant to Section 240 of the Act and Regulation 84 of the *Local Government (General) Regulations 2021* (the **Regulations**) Council imposes the following municipal parking rate for land in Central Darwin as defined in Regulation 83 of the Regulations (the **Parking Rate**):

- (a) The amount to be raised by the imposition of the Parking Rate is \$1,028,376.
- (b) The Parking Rate is to be an amount of \$246.82 per parking space which will be calculated, assessed, levied and payable in accordance with the Regulations.
- (c) The parking usage schedule 2022/2023 has been prepared in accordance with Regulation 86 of the Regulations and will be notified on City of Darwin's Website and in the Northern Territory News on 9 June 2022 in accordance with Regulation 87 of the Regulations. A person may inspect the parking usage schedule free of charge.
- (d) An application for a review in relation to an entry in the parking usage schedule may be made in accordance with regulation 88 of the Regulations. An application for a review must be made no later than 8 July 2022.
- (e) The Parking Rate will be applied by Council to the trading fund established pursuant to Regulation 85 of the Regulations.

5. Pursuant to Section 239 of the Act, Council declares that it intends to raise \$8,790,636 and declares and imposes the following charges for the financial year ending 30 June 2023 for the purpose of enabling or assisting Council to meet the cost of the garbage collection and recycling collection services and the waste disposal services it provides for the benefit of residential land within the municipality and the occupiers of such land:

- (a) A charge of \$311.85 per annum per residential dwelling in respect of kerbside garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality other than a residential dwelling as described in Parts 1, 2 and 3 of the Schedule below and the occupiers of such land.

The services are:

- (i) a kerbside garbage collection service of one visit per week; and
- (ii) a kerbside recycling collection service of one visit per fortnight,

with the collection of waste contained in a maximum of one 240 litre mobile bin per garbage collection or recycling collection visit; and

- (iii) access to the SBWDS, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBWDS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

- (b) A charge of \$290.85 per annum per residential dwelling in respect of non kerbside (communal) garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality where the number of residential dwellings (as the case may be) exceeds three (3).

The services to be provided by Council are as described in Part 1 of the Schedule

below and in Parts 2 & 3 of the Schedule below where the facilities in and about the residential dwellings meet the requirements of the Council for the purposes of providing the services, and Council has not approved of an alternative regular garbage and recycling collection service.

- (c) For the purposes of this paragraph 0:
- (i) “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*;
 - (ii) “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); and
 - (iii) “SBWDS” means the Shoal Bay Waste Disposal Site located at Lot 3952 Town of Sanderson.

SCHEDULE

CITY OF DARWIN

GARBAGE AND RECYCLING COLLECTION SERVICES

PART 1 –

Communal Services for more than 3 residential dwellings

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and recycling collections being as set out in the table below; and

- (c) access to the SBWDS, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBWDS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	GARBAGE BINS 240 LITRE	RECYCLING BINS 240 LITRE	TOTAL NUMBER 240 LTR BINS
4	1	1	2
5-6	2	1	3
7-8	2	2	4
9-12	3	2	5
13-16	4	3	7
17-18	5	3	8
19-20	5	4	9
21-24	6	4	10
25-28	7	5	12
29-30	8	5	13
31-32	8	6	14

33-36	9	7	16
37-40	10	7	17
41-44	11	8	19
45-48	12	8	20

PART 2 –**Communal Services for more than 12 residential dwellings which have facilities that meet the requirements of Council**

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and recycling collections being as set out in the table below; and

- (c) access to the SBWDS, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBWDS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	GARBAGE BINS 1,100 LITRE	RECYCLING BINS 240 LITRE	TOTAL NUMBER MIXED BINS
13-16	1	3	4
17-18	2	3	5
NUMBER OF HOUSEHOLDS	GARBAGE BINS 1,100 LITRE	RECYCLING BINS 1,100 LITRE	TOTAL NUMBER 1,100 LTR BINS
19-24	2	1	3
25-32	2	2	4
33-48	3	2	5
49-64	4	3	7
65-71	5	3	8
72-80	5	4	9
81-96	6	4	10
97-112	7	5	12

PART 3 –**Communal Services for more than 40 residential dwellings which have facilities that meet the requirements of Council**

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and

recycling collections being as set out in the table below; and

- (c) access to the SBWDS, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBWDS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	3 CUBIC METRE GARBAGE BIN	RECYCLING BINS 1,100 LITRE	TOTAL NUMBER MIXED BINS
41-48	1	2	3
49-50	1	3	4
51-71	2	3	5

6. The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 245 of the Act at the rate of 18.0% per annum and is to be calculated on a daily basis.
7. Rates and charges declared under this declaration may be paid by four (4) approximately equal instalments on the following dates, namely:-
- (a) First Instalment: 30 September 2022
 - (b) Second Instalment: 30 November 2022
 - (c) Third Instalment: 31 January 2023
 - (d) Fourth Instalment: 31 March 2023
- Instalments falling due on a weekend or public holiday may be paid by the following business day, without incurring any penalty.
8. Details of due dates and specified amounts will be listed on the relevant Rates Notice.
9. Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.

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. If rates are payable by the owner of the land and are not paid by the due date, they become a charge on the land to which they relate, except within an Aboriginal community living area. In addition, Council may apply to register its charge over the land and sell the land to recover unpaid rates and charges.

CARRIED 9/0

14.3 3RD BUDGET REVIEW 2021/2022**RESOLUTION ORD280/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled 3rd Budget Review 2021/2022 be received and noted.
2. THAT Council amend the 2021/2022 budget in accordance with Part 10.5 of the Local Government Act 2019, as detailed in report entitled 3rd Budget Review 2021/2022 and associated attachments one to six.

CARRIED 9/0

Councillor Brian O'Gallagher departed the meeting at 6:02 pm.

Councillor Brian O'Gallagher re-joined the meeting at 6:03 pm.

Councillor Vim Sharma departed the meeting at 6:05 pm.

Councillor Vim Sharma re-joined the meeting at 6:06 pm.

14.4 NOMINATED PROJECTS FOR LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 3 FUNDING**RESOLUTION ORD281/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled Nominated Projects for Local Roads and Community Infrastructure Phase 3 be received and noted.
2. THAT Council endorse the projects nominated for the use of the Phase 3 Local Roads and Community Infrastructure funding made available to City of Darwin in 2022/23 as identified in the report entitled Nominated Projects for Local Roads and Community Infrastructure Phase 3 Funding.
3. THAT Council notes the projects nominated for the use of the Phase 3 Extension Local Roads and Community Infrastructure funding for 2023/24, as outlined in the report entitled Nominated Projects for Local Roads and Community Infrastructure Phase 3 Funding and that the list of projects is provided.
4. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the authority to enter into the funding agreement to undertake these works.

CARRIED 9/0

14.5 ENGAGEMENT FRAMEWORK FOR PLACE NAMING IN THE NT**RESOLUTION ORD282/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Engagement Framework for Place Naming in the NT be received and noted.
2. THAT Council endorse the draft submission to the report entitled Engagement Framework for Place Naming in the NT, dated 17 June 2022, to the Local Government Association of the Northern Territory within **Attachment 3**.

CARRIED 9/0**14.6 SUBDIVISION TO CREATE 63 LOTS - SECTIONS 4279 4278 & 4882 (38, 32, 25) BOWERLEE ROAD, BERRIMAH - STAGE 1****RESOLUTION ORD283/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

1. THAT the report entitled Subdivision to Create 63 Lots - Parcels 4279 4278 & 4882 (38, 32, 25) Bowerlee Road, Berrimah – Stage 1, be received and noted.
2. THAT Council endorse the draft submission, dated 17 June 2022, to Development Assessment Services within **Attachment 3** to the report entitled Subdivision to Create 63 Lots - Sections 4279 4278 & 4882 (38, 32, 25) Bowerlee Road, Berrimah – Stage 1.

CARRIED 9/0**14.7 RECONCILIATION ADVISORY COMMITTEE TERMS OF REFERENCE****RESOLUTION ORD284/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

1. THAT the report entitled Reconciliation Advisory Committee Terms of Reference be received and noted.
2. THAT Council endorse the revised Terms of Reference for the Reconciliation Advisory Committee.

CARRIED 9/0

14.8 LIQUOR LICENCE FRAMEWORK 2022**RESOLUTION ORD285/22**

Moved: Councillor Mick Palmer

Seconded: Councillor Vim Sharma

1. THAT the report entitled Liquor Licence Framework 2022 be received and noted
2. THAT Council endorse the City of Darwin Liquor Licence Framework 2022

CARRIED 9/0

14.9 WEEKEND PUBLIC PLACES PATROLS**RESOLUTION ORD286/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Weekend Public Places Patrols be received and noted.
2. THAT Council refer an amount of \$140,000 to the 1st Budget Review 2022/23 for consideration of:
 - (i) Expansion of the Public Places Rangers program to provide weekend coverage through a 6-hour, two-person patrol on Saturday and Sundays.
3. THAT a further report be provided to Council in February 2023 providing an evaluation of the weekend patrols and to consider ongoing coverage and requirements.

CARRIED 9/0

14.10 ADOPTION OF CONFIDENTIAL INFORMATION AND BUSINESS POLICY**RESOLUTION ORD287/22**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Adoption of Confidential Information and Business Policy be received and noted.
2. THAT Council adopt the Confidential Information and Business Policy at **Attachment 1**.

CARRIED 9/0

15 RECEIVE & NOTE REPORTS**15.1 SENIOR PROGRAMS****RESOLUTION ORD288/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

THAT the report entitled Senior Programs be received and noted.

CARRIED 9/0

15.2 COMMUNITY ADVISORY COMMITTEE MINUTES**RESOLUTION ORD289/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Mick Palmer

THAT the report entitled Community Advisory Committee Minutes be received and noted.

CARRIED 9/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD290/22**

Moved: Councillor Mick Palmer

Seconded: Councillor Brian O'Gallagher

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Ed Smelt reported that this is the first meeting back since the birth of the twins. Would like to note that he is grateful for the support from his wife, Susannah Ritchie. Thanks to staff and Elected Members for covering especially the CEO Panel, Councillor Bouhoris, Pangquee, Lord Mayor and independent member Keely Quinn and fellow Chan Ward Councillors, Councillor Pangquee and Rickard. Thanks to all and looking forward to getting back to all things Council.

16.2

Councillor Vim Sharma reported on the Harmony Food Festival that he attended with Councillor Klonaris and Councillor O'Gallagher. It was absolutely amazing and going forward would love to see it as a yearly event. Thanks and congratulations to Council for the support.

16.3

Councillor Paul Arnold reported on the refresh of the rainbow crossing media event that he attended with Deputy Lord Mayor Un and Councillor Klonaris. Media was present and it was well received across all platforms. The community appreciate that it is there long term.

16.4

Deputy Lord Mayor Amye Un also reported on the rainbow crossing event.

16.5

Councillor Sylvia Klonaris reported on the Jingili Playground all access launch. A fabulous event that was well attended. Commend staff, the design and a really good launch that was well received. Councillor Sylvia Klonaris also reported on the Harmony Food Festival with Councillor Sharma and Councillor O'Gallagher. The event was funded by the City of Darwin grant program, a great initiative.

16.6

Councillor Brian O'Gallagher also reported on the Harmony Food Festival, which was fantastic. He also attended the Nepalese Festival with Deputy Lord Mayor Un. Another great multicultural event.

16.7

Councillor Paul Arnold also reported that he was in Cairns and met with Cairns Councillor Amy Eden. Toured the Cairns Regional Administration area, very impressed. Was good to establish a relationship and develop further. Councillors could benefit from the visit and will share more in the future.

16.8

Councillor Jimmy Bouhoris reported on cruise for the cause. Raising money for prostate cancer by driving around in your car or motorbike. Thank you to City of Darwin for assisting with road control as the drive was around the entire municipality. Thanks to the Council for the staff who assisted to ensure the event was a success. A fun event and Councillors should attend next year.

16.9

Deputy Lord Mayor Amye Un reported on the Friends of Lee Point walk. 120 people attended to support the birds. The Deputy Lord Mayor also was invited to Karama Community Gardens on the 25 June 2022. She will be doing community cooking. Invite to all Councillors to attend. Thanks to all Councillors and congratulations to Councillor Ed Smelt for the twins.

CARRIED 9/0

17 QUESTIONS BY MEMBERS**17.1 PLAYFORD STREET PARAP****RESOLUTION ORD291/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Ed Smelt requested an update on Playford Street Parap tree planting and activities.

Answer

The General Manager Community, Matt Grassmayr responded and advised that minor maintenance works in the drain have occurred as well as slashing weeds and herbicide treatment is ongoing. Council is planning to meet with residents to discuss future planning options and a brief is out with consultants to provide a review as agreed in the commitment letter.

CARRIED 9/0

17.2 UPDATE ON BUFFALO CREEK**RESOLUTION ORD292/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Jimmy Bouhoris requested an update on Buffalo Creek.

Answer

The Executive Manager Infrastructure, Nik Kleine responded and advised that the asphalt works is complete. Minor line marking is required and then the works will be handed to City of Darwin.

CARRIED 9/0

17.3 SIGNAGE AT CASTLEREAGH DRIVE LEANYER**RESOLUTION ORD293/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Jimmy Bouhoris requested an update on the signage at Castlereagh Drive Leanyer.

Answer

The Executive Manager Technical Services, Drosso Lelekis took the question on notice.

CARRIED 9/0

17.4 UPDATE ON BRADSHAW TERRACE CASUARINA**RESOLUTION ORD294/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Jimmy Bouhoris requested an update on the works at Bradshaw Terrace Casuarina.

Answer

The Executive Manager Infrastructure, Nik Kleine responded and advised that it is still under construction and expecting to be finalised by the end of financial year.

CARRIED 9/0

17.5 FOOTPATH REPAIRS ON BENNETT STREET**RESOLUTION ORD295/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Arnold queried the repairs outside The Postie on Bennett Street following an incident.

Answer

The General Manager Community, Matt Grassmayr took the question on notice.

CARRIED 9/0

17.6 UPDATE ON PERGRINE STREET WULAGI**RESOLUTION ORD296/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Rebecca Want de Rowe

Question

Councillor Sylvia Klonaris requested an update on Peregrine Street Wulagi.

Answer

The Executive Manager Infrastructure, Nik Kleine took the question on notice.

CARRIED 9/0

18 GENERAL BUSINESS**18.1 SPEED LIMITS ON ALL CITY OF DARWIN MANAGED ROADS****RESOLUTION ORD297/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Sylvia Klonaris

THAT a report is provided to Council listing all City of Darwin managed roads/sections of roads with a posted speed limit different to the default limit of 50 km/hr. The list will also highlight any roads/sections of roads with major discrepancies between the adjacent land use and posted speed limit. The report shall be tabled at the first Ordinary Council Meeting in October.

This report supports the 'people first' philosophy of the City of Darwin Movement Strategy to prioritise vulnerable people and will help inform the speed limit review actions of the Strategy.

CARRIED 9/0

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**RECOMMENDATIONS**

THAT the next Ordinary Meeting of Council be held on Tuesday, 28 June 2022, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC**RECOMMENDATIONS**

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

Unconfirmed

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 Sponsorship Update

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

26.2 By-Election Waters Ward

This matter is considered to be confidential under Section 99(2) - 51(c)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.

27.1 Shoal Bay Waste Management Facility - Update June 2022

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.2 Discover Darwin Update

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

27.3 Municipal Plan Consultation Report

This matter is considered to be confidential under Section 99(2) - 51(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the personal circumstances of a resident or ratepayer.

28.1 Incoming Correspondence - Department of The Chief Minister and Cabinet - Aboriginal Economic Participation Framework

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

21 Adjournment of Meeting and Media Liaison

RESOLUTION ORD298/22

Moved: Councillor Ed Smelt

Seconded: Councillor Paul Arnold

THAT the open section of the meeting be adjourned at 6.55pm.

CARRIED 9/0

THAT the open section of the meeting be resumed at 8.20pm.

THAT the chair declared the meeting closed at 8.20pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 June 2022.

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CHAIR