



AGENDA

Ordinary Council Meeting Tuesday, 17 March 2020

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

Date: Tuesday, 17 March 2020

Time: 5:30pm

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

**Scott Waters
Chief Executive Officer**

ORDINARY COUNCIL MEMBERS

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

Alderman Paul Arnold

Alderman Andrew Arthur

Alderman Jimmy Bouhoris

Alderman Justine Glover

Alderman Gary Haslett

Alderman Robin Knox

Alderman George Lambrinidis

Alderman Simon Niblock

Alderman Mick Palmer

Alderman Peter Pangquee

Alderman Rebecca Want de Rowe

Alderman Emma Young

OFFICERS

Chief Executive Officer, Scott Waters

General Manager Innovation Growth & Development Services, Joshua Sattler

General Manager Community & Regulatory Services, Polly Banks

Acting General Manager Government Relations & External Affairs, Vanessa Green

General Manager Engineering & City Services, Ron Grinsell

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1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

Nil

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

5 ELECTRONIC MEETING ATTENDANCE

5.1 Electronic Meeting Attendance Granted

Nil

5.2 Electronic Meeting Attendance Requested

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF PREVIOUS MINUTES

Ordinary Ordinary Council Meeting - 25 February 2020

8 MOVING OF CONFIDENTIAL ITEMS

Nil

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 OFFICERS REPORTS

14.1 ANIMAL REGISTRATIONS

Common No.: 3035896

Author: Executive Manager Leisure and Regulatory Services

Authoriser: Acting General Manager Government Relations & External Affairs

Attachments: 1. Draft Correspondence

SUMMARY

The purpose of this report is to advise Council of the recommendations from the Top End Regional Organisation of Councils (TOPROC) Animal Management Reference Group (AMRG) regarding animal registrations.

RECOMMENDATIONS

1. THAT the report entitled Animal Registrations be received and noted.
2. THAT Council endorse the annual registration period for dogs and cats be amended from 1 July-30 June to 1 September-31 August.
3. THAT Council endorse the correspondence to the Office of Parliamentary Counsel at **Attachment 1** to report entitled Animal Registrations to request an amendment to Darwin City Council By-Laws, Part 1, Division 3, By-Law 15 (3) to change the annual registration period for animals.
4. THAT Council withdraw five-year and lifetime registration options for dogs and cats from 1 July 2020 for new animal registrations.
5. THAT Council endorse reciprocal registration administration for animals registered in TOPROC Councils from 1 September 2020.

KEY ISSUES

- The TOPROC AMRG meets quarterly with an action plan to work towards a consistency of service delivery in regards to animal management across Councils.
- The TOPROC AMRG has developed an implementation plan that considers common annual registration dates, reciprocal registrations and alignment of registration categories.
- TOPROC AMRG recommends adopting 1 September-31 August annually for the registration period for animals.
- City of Darwin would be required to amend its by-laws to alter the registration period.
- TOPROC AMRG recommends City of Darwin withdraw lifetime and five-year animal registration options.
- TOPROC AMRG recommends City of Darwin establish reciprocal registration practices for animals registered by TOPROC Councils.

BACKGROUND

Previous Decision

DECISION NO.22\0671 (24/04/18)

Draft Dog And Cat Management Strategy

Report No. 18CL0039 AM:kl (24/04/18) Common No. 3035896

- C. THAT Council endorse annual, five year and lifetime registration options for dogs and cats at **Attachment B**, as amended to remove the discounted registration fee for Concession holders who want to register an entire dog for all newly registered dogs, to Report Number 18CL0039 AM:kl entitled Draft Dog and Cat Management Strategy for inclusion in the 2018/2019 City of Darwin Fees and Charges.

DISCUSSION

The Top End Regional Organisation of Councils (TOPROC) established an Animal Management Reference Group (AMRG) to develop strategies and actions for consistency of service delivery in regards to animal management across Councils. City of Darwin is a member of the AMRG and Council officers attend quarterly meetings to discuss and progress matters relating to animal management. The AMRG has developed an action plan that considers the following items:

- Common annual registration dates
- Reciprocal registration
- Lifetime and five year registrations
- Alignment of registration categories (excluding lifetime and five-year registration options)
- Shared animal education marketing campaigns
- Shared online registration systems
- Shared dangerous dogs register

The management of animals by City of Darwin is in accordance with the legislation framework (by-laws) and the adopted Council policies and strategies. While City of Darwin has a thorough framework for animal management, it differs from other TOPROC Councils in regard to animal registrations and administrative functions which affect the consistency of service delivery across TOPROC Councils. Recommendations from the AMRG for consideration by Council include:

Common Annual Registration Dates

AMRG is recommending all TOPROC Councils align to an annual registration period of 1 September to 31 August. Other Councils have already adopted this registration period. Moving the registration due date from the financial year period alleviates the current issue of adopting fees and charges while issuing renewal notices. Aligning the registration period allows other initiatives such as reciprocal registration and shared marketing to occur. In order to align the registration periods, it is proposed that City of Darwin extend current registrations due to expire on 30 June until 31 August 2020. This is the most efficient mechanism to align the registration period, it results in only a timing difference for annual registration fees and is consistent with how the period was aligned in other TOPROC jurisdictions.

It is recommended City of Darwin alter the registration period from 1 July–30 June to 1 September–31 August, this will require a change to Darwin City Council By-Laws, Part 1, Division 3, By-Law 15 (3). Draft correspondence to the Office of Parliamentary Counsel is at **Attachment 1** for consideration by Council.

Lifetime and Five-year Registrations

City of Darwin is the only TOPROC Council to offer lifetime and five-year animal registrations. AMRG is recommending that City of Darwin withdraw these registration options. These options were introduced in 2018/19 as part of the Dog & Cat Management Strategy 2018 – 2022 as an incentive to increase low registration numbers. The efficacy of lifetime and five-year registration periods is low. When South Australia introduced an online registration system, Dogs and Cats Online (DACO) the system developers identified that registration periods greater than one year significantly reduce the integrity of the database, and as such DACO operates on an annual registration period. Withdrawing these registration options would also allow for reciprocal registration to occur between TOPROC Councils. This would assist residents who relocate

between municipalities and reduce the administration burden regarding part payments and refunds.

It is recommended that City of Darwin withdraw lifetime and five-year registration options and that the current lifetime (748 dogs, 178 cats) and five-year (1226 dogs, 223 cats) registration licences be grandfathered out.

Reciprocal Registration

AMRG is recommending that City of Darwin allow reciprocal registration; that is, animals registered in other TOPROC Councils that are relocated to the Darwin municipality would be registered by City of Darwin at no further cost for the remainder of the registration period/year. The same would apply for registered animals that were relocated from City of Darwin to other TOPROC Councils, with those Councils providing registration within their municipalities. Reciprocal registration however, would not be available for lifetime and five-year registrations as they are not included in the fee structure for other TOPROC Councils. Reciprocal registration is already underway and working across TOPROC Councils with the exclusion of City of Darwin.

It is recommended that City of Darwin allow reciprocal registration administration for animals registered in TOPROC Councils; this would require Council to align registration periods and withdraw lifetime and five-year registration options for new animal registrations.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

6 Governance Framework

Outcome

6.2 Roles and Relationships

LEGISLATIVE/POLICY

The management and control of dogs and cats by City of Darwin is in accordance with the legislation framework and adopted policies and strategies:

- Darwin City Council By-Laws, Part 3, Animal Management
- Council Policy 001 Animal Management – General
- Dog & Cat Management Strategy 2018 – 2022

CONSULTATION

Internal

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

- Regulatory Supervisor Animal Management
- Animal Education and Policy Officer
- Financial Accountant
- IT Networks & System Officer
- IT Consultant

External

- TOPROC Animal Management Reference Group
- RSPCA

BUDGET/RESOURCE IMPLICATIONS

The proposed mechanism to amend the registration period would result in a timing difference for the receipt of revenue; however, the annual fees received should not be affected.

RISK

Nil

LEGAL

Darwin City Council By-Laws, Part 1, Division 3, By-Law 15 (3) states that the registration of a dog expires on 30 June each year or, if the council determines, on the anniversary of the registration of the dog. In order to change to the registration period recommended by the TOPROC AMRG, Council would need to amend its By-Laws.

ARTS, CULTURE & ENVIRONMENT

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



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17 March 2020

Please quote: 3035896 PB:mg

Deputy Executive Director
Office of Parliamentary Counsel
Northern Territory Government

Dear Deputy Executive Director,

Subject: Darwin City Council By-Laws, Part 1, Division 3, By-Law 15 (3)

City of Darwin is a member of the Top End Regional Organisation of Councils (TOPROC). TOPROC established an Animal Management Reference Group to develop strategies and actions for consistency of service delivery in regards to animal management across the respective municipalities.

At the 1st Ordinary meeting on 17 March 2020 Council endorsed the recommendation from the Animal Management Reference Group to amend the annual registration period for animals from 1 July - 30 June to 1 September – 31 August., **Resolution xx\xxxx.**

The amended period has already been adopted by other TOPROC Councils and City of Darwin is seeking to align its registration period for consistency across TOPROC Councils.

As such Council is seeking an amendment to Darwin City Council By-Laws, Part 1, Division 3, By-Law 15 (3).

From: 15 (3) Registration of a dog expires on 30 June each year or, if the council determines, on the anniversary of the first registration of the dog.

To: 15 (3) Registration for dogs and cats expires on 31 August each year or, if the council determines, on the anniversary of the first registration of the dog or cat.

If you have any further queries please contact Fiona Van Der Weide on 8930 0670 or Fiona.VanderWeide@darwin.nt.gov.au.

Yours sincerely

VANESSA GREEN
A/GENERAL MANAGER GOVERNMENT RELATIONS & EXTERNAL AFFAIRS



14.2 UNIFORM COMPANION ANIMAL LEGISLATION IN THE NORTHERN TERRITORY

Common No.: 4169900

Author: Regulatory Operations Supervisor
Executive Manager Leisure and Regulatory Services

Authoriser: Acting General Manager Government Relations & External Affairs

Attachments: 1. Uniform Companion Animal Legislation in the Northern Territory - Discussion Paper
2. City of Darwin Draft Submission

SUMMARY

The purpose of this report is to provide Council with a draft response regarding the Discussion Paper for Uniform Companion Animal Legislation in the Northern Territory.

RECOMMENDATIONS

1. THAT the report entitled Uniform Companion Animal Legislation in the Northern Territory be received and noted.
2. THAT Council endorse the draft submission for the Uniform Companion Animal Legislation in the Northern Territory - Discussion Paper at **Attachment 2** to the report entitled Uniform Companion Animal Legislation in the Northern Territory.

KEY ISSUES

- The Department of Local Government, Housing and Community Development has released a discussion paper for Uniform Companion Animal Legislation in the Northern Territory.
- The discussion paper calls for submissions with responses to a number of questions regarding issues and models for uniform legislation.
- Submissions close on 28 March 2020.
- A draft submission has been prepared for Council's endorsement at **Attachment 2**.

BACKGROUND

The management and control of dogs was formerly regulated in the Northern Territory by the Dog Act 1980, this legislation was repealed in 1991 and since that time Councils have been able to make their own by-laws and rules regarding animal management.

DISCUSSION

During the November 2018 Local Government Association of the Northern Territory (LGANT) general meeting, a resolution was passed that LGANT lobby the Northern Territory Government to introduce uniform domestic animal management legislation in the Northern Territory.

The Department of Local Government, Housing and Community Development has released a discussion paper for Uniform Companion Animal Legislation in the Northern Territory, **Attachment 1**. Stakeholders are invited to provide a response submission by 28 March 2020 to address nine questions designed to generate discussion.

A draft submission has been prepared for consideration by Council at **Attachment 2**. The draft submission was informed through Council's policy and strategy for animal management.

The discussion paper suggests four models that could be adopted if Territory-wide companion animal legislation was to be introduced. The draft submission identifies Model 3 as Council's preferred model of the four suggested:

Model 3

Shared responsibilities between the Northern Territory Government and local government councils, with councils having the administrative functions relating to identification, registration and control (in general) of dogs and cats and a sharing of enforcement responsibility in relation to declaring dangerous dogs, dog attacks, nuisance dogs and cats and registering or restricting breeds of dogs.

Both the Northern Territory Government and local government sharing responsibility in relation to dangerous dogs, dog attacks, nuisance dogs and cats and registering or restricting breeds of dogs would increase resources available to undertake this function effectively and bridge the gap between local government administered animal management and Territory government administered animal welfare legislation.

In the draft submission, City of Darwin proposes a model whereby Northern Territory Government and/or an NGO would have responsibility for administrative functions relating to identification, registration and control of animals, whereas local government would undertake education, compliance and enforcement actions. This model is similar to that adopted in South Australia, whereby an NGO, 'Dogs and Cats Online' manages a database of dogs and cats that reside in South Australia. This model would allow Councils the flexibility to develop animal management practices in accordance with available resources and in consideration of local conditions.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

6 Governance Framework

Outcome

6.2 Roles and Relationships

LEGISLATIVE/POLICY

The management and control of dogs and cats by City of Darwin is in accordance with the legislation framework and adopted policies and strategies:

- Darwin City Council By-Laws, Part 3, Animal Management
- Council Policy 001 Animal Management – General
- Dog & Cat Management Strategy 2018 – 2022

CONSULTATION

Internal

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

- Animal Management Supervisor
- Animal Policy & Education Officer

External

- Local Government Association of the Northern Territory (LGANT)

BUDGET/RESOURCE IMPLICATIONS

Nil

RISK

Nil

LEGAL

The Northern Territory does not have Territory-wide Companion Animal legislation. However, section 188 of the Local Government Act 2008 gives Local Government Councils the power to make by-laws.

ARTS, CULTURE & ENVIRONMENT

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

Uniform Companion Animal Legislation in the Northern Territory

Discussion Paper



Please submit written comments to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

Submissions close on 28 March 2020.

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Uniform Companion Animal Legislation in the Northern Territory

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Uniform Companion Animal Legislation in the Northern Territory

1. Introduction

Since 1991, local government councils in the Northern Territory have been able to make their own by-laws and rules about companion animal management without a mandatory scheme applicable to all councils.

The management and control of dogs in the Territory was formerly regulated by the *Dog Act 1980* (the Act). This Act included:

- the requirements to register all dogs and for dogs to wear tags during the period of registration;
- licensing of premises where more than two dogs were to be kept;
- sterilisation of dogs;
- establishment of pounds;
- seizing, impounding and release or destruction of dogs; and
- the appointment of registrars, inspectors and pound managers.

The Act allowed local government councils to make rules (by-laws) in relation to:

- the management of pounds they established;
- the form and type of dog-tag that was to be worn by a registered dog ordinarily kept in their local areas;
- the manner in which sterilised dogs were to be marked; and
- the declaration of any area of vacant Crown land within their council areas as a public place for the purposes of the Act.

Of note, a local government council did not have the power to appoint a registrar unless it had established a pound. In practice, the Act only applied to urbanised areas of the Territory.

The Act was repealed in 1991 by the *Dog Act Repeal Act* (the Repeal Act). In the second reading speech for this legislation, it was noted that an Inter-Governmental Rationalisation of Functions Working Party had made recommendations as to which level of government was best suited to perform certain administrative functions of government to achieve 'maximum public economy and efficiency'. The rationalisation and passing of functions to local government during the 1990s was agreed between the Northern Territory Government and Local Governments and was not confined to divesting physical assets such as roads and parklands. It included resolving the administrative overlap and duplication with regard to dog control and management. According to the second reading speech, the *Dog Act 1980* was repealed because the *Local Government Act 1985*, while empowering councils to make by-laws, required that those by-laws not conflict with Northern Territory legislation. Therefore, there was no need for specific Northern Territory legislation. The Repeal Act removed barriers which prevented councils bringing in the measures they saw as necessary to manage dogs within their boundaries.

The repeal of the *Dog Act 1980* was requested by the then Darwin City Council and Palmerston Town Council. Those councils indicated their preference for stronger controls than those that were available at the time under the Act. Alice Springs Town Council also supported the repeal.

Uniform Companion Animal Legislation in the Northern Territory

After repeal of the *Dog Act 1980*, dog by-laws were enacted in 1992 for the Alice Springs Town Council, Borroloola Community Government Council, Darwin City Council, Jabiru Town Council, Katherine Town Council, Mataranka Community Government Council, Palmerston Town Council, Pine Creek Community Government Council, Tennant Creek Town Council and Timber Creek Community Government Council. The then Litchfield Shire Council, with its then rural constituency, decided not to enact by-laws for dog control. The Litchfield Council Rural Dog Management By-laws commenced in March 2011.

It is worth noting that Part X of the *Law Reform (Miscellaneous Provisions) Act 1956* was introduced as part of the repeal of the *Dog Act 1980*. The Part provides that a dog owner is responsible for any actions of his or her dog which cause loss, damage or injury, that there is a prima facie defence for a person who kills or injures a dog if it is attacking them or another person or an animal or bird in the person's care and that a dog may lawfully be put down if it is so diseased or injured that it is humane to do so.

During the November 2018 Local Government Association of the Northern Territory (LGANT) general meeting, a resolution was passed that LGANT lobby the Northern Territory Government to introduce uniform domestic animal management legislation in the Northern Territory. In February 2019, Mr Damien Ryan, President of LGANT wrote to the Minister for Local Government, Housing and Community Development on this matter.

This paper has been developed to inform and generate feedback about Territory-wide Companion Animal legislation. The issues and questions identified in this discussion paper are provided as a guide. You are invited to address these issues and questions, as well as any other matter related to the management and control of companion animals in the Northern Territory.

Of note, the focus of this paper is the management and control of companion animals. Animal welfare matters are regulated by the *Animal Welfare Act 1999* and are outside the scope of this paper.

Uniform Companion Animal Legislation in the Northern Territory

2. Companion Animal Legislation in the Northern Territory

The Northern Territory does not have Territory-wide Companion Animal legislation. However, section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. Northern Territory local government councils which have dog management by-laws include:

- (i) Alice Springs Town Council;
- (ii) City of Darwin;
- (iii) City of Palmerston;
- (iv) Coomalie Community Government Council;
- (v) Katherine Town Council;
- (vi) Litchfield Council; and
- (vii) Tiwi Islands Regional Council.

The East Arnhem Regional Council, Roper Gulf Regional Council and Wagait Shire Council are in the process of making dog management by-laws for their respective council areas.

Central Desert Regional Council has resolved to develop a policy on dog management and control. The council believes that this will better suit the needs of the council and its communities.

Dog management by-laws for councils are usually similar but are drafted to suit each council's locally specific circumstances.

Cat management by-laws are also in place in the Alice Springs Town Council and City of Darwin council areas. In addition, East Arnhem Regional Council has begun reviewing a proposal to introduce new cat management by-laws.

The current arrangements provide local government councils with flexibility to make by-laws or adopt policies that suit their local areas, circumstances and resource constraints.

Apart from council by-laws, some Territory laws cover aspects of animal management. Section 75A of the *Summary Offences Act 1923* provides that the owner of a dog that attacks or menaces a person or animal is guilty of an offence. Also, a person who entices a dog to attack or menace a person or animal is guilty of an offence.

The same section provides that a member of the police force may seize, impound or destroy a dog that they believe has or may cause serious injury to a person or animal, and can enter any land to do so.

Section 32 of the *Law Reform (Miscellaneous Provisions) Act 1956* provides that the owner of a dog is liable for any loss, damage or injury as a result of the actions of the dog. Section 33 of that Act provides defences for killing or injuring a dog, such as where a person believes on reasonable grounds that they are about to be attacked by a dog.

Uniform Companion Animal Legislation in the Northern Territory

Section 10 of the *Animal Welfare Act 1999* provides for offences of cruelty to animals and section 22 of that Act provides that if a vet is of the opinion that an animal is so severely injured, diseased or in such a poor physical condition that it is cruel to keep it alive, the vet may put it down.

Across the Territory there are different historical influences that affect the relationship between people and dogs. Aboriginal people have lived alongside dogs as companions for thousands of years. There are many communities in regional areas where dog ownership has never been regulated. It would be rare to see a dog on a leash in an Aboriginal community.

Issues for regional communities include prioritisation of resources, lack of infrastructure such as fences and pounds, lack of familiarity with registration practices and the availability and affordability of veterinary assistance.

Uniform Companion Animal Legislation in the Northern Territory

3. Companion Animal Legislation in other Australian Jurisdictions

All other jurisdictions have state-level companion animal legislation which primarily regulates the management of dogs and cats. In the Australian Capital Territory, New South Wales, Queensland, South Australia and Victoria, the regulations are contained in one piece of legislation while Western Australia and Tasmania have separate pieces of legislation for the management and control of dogs and cats.

Of note, the New South Wales *Companion Animals Act 1998* defines companion animal to include a dog, cat and any other animal prescribed by regulations as a companion animal. Currently, there is no other prescribed animal in the *Companion Animals Regulation 2018* (NSW). In addition, the Victorian *Domestic Animals Act 1994* regulates pet shops as well as the sale of caged birds.

Local government councils in South Australia, Tasmania and Western Australia are primarily responsible for the administration and enforcement of state animal management legislation.

In the more densely populated states of New South Wales, Queensland and Victoria, the administration and enforcement responsibilities are shared between the relevant State departments and councils. In these States, councils have the administrative functions relating to identification, registration and control (in general) of dogs and cats, whereas there is a sharing of enforcement responsibility in relation to declaring and registering dangerous dogs and dogs of restricted breeds as well as seizure of dogs and cats.

In New South Wales, Tasmania and Western Australia, the Minister responsible for local government is responsible for Companion Animal legislation. In Queensland, Companion Animal legislation is the administrative responsibility of the Minister for Agricultural Industry Development and Fisheries; in South Australia, the Minister for Environment and Water; and in Victoria, the Minister for Agriculture. The Australian Capital Territory does not have local government councils and the equivalent legislation is the administrative responsibility of the Minister for City Services.

Uniform Companion Animal Legislation in the Northern Territory

4. Consideration of Territory-wide Companion Animal Legislation

The introduction and implementation of any legislation, including companion animal legislation, usually confers duties, obligations and responsibilities on people and organisations. In these cases, the duties, obligations and responsibilities would mainly fall on local government councils. The Territory Government may also have disciplinary and/or enforcement responsibilities against a council which is not carrying out its duties, obligations or responsibilities under the legislation.

Section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. The by-laws can be on any matter councils may wish to regulate, subject to the by-laws meeting certain principles including avoiding duplication of, or overlap with, other Territory legislation and not imposing unreasonable burdens on the community.

Currently, there are seven local government councils which have dog or cat management by-laws and three other councils are in the process of introducing new dog or cat management by-laws within their respective council areas. The remaining seven councils do not have any companion animal management by-laws.

The Department of Local Government, Housing and Community Development (the Department) currently provides on-going support to councils (free of charge) in the preparation of drafting instructions for the Office of the Parliamentary Counsel. The Department also assists councils through the drafting process. Amongst other things, this helps to promote consistency of by-laws across the Northern Territory.

In April 2018, the Top End Regional Organisation of Councils (TOPROC), wrote to the Minister for Local Government, Housing and Community Development seeking support from the Department to work together to develop common by-laws for all the TOPROC member councils to create consistency throughout the region. TOPROC is a group of six local government councils which surround the Darwin harbour, namely; Belyuen Community Government Council, City of Darwin, City of Palmerston, Coomalie Community Government Council, Litchfield Council and Wagait Shire Council. The Department continues to work with these councils towards harmonising by-laws.

While the local government sector has requested the introduction of Territory-wide companion animal legislation, it is unclear what the problems are with the current arrangements. The *Dog Act Repeal Act* was introduced because it was determined that control of companion animal management sits with local government because it provides greater flexibility to suit local areas, circumstances and resource constraints. In addition, it may be challenging to draft Territory-wide legislation that caters for all the different circumstances, particularly between urban and regional councils.

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Question 2: If not, what are the problems or issues with the current arrangements?

Uniform Companion Animal Legislation in the Northern Territory

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Question 4: How would Territory-wide companion animal legislation solve the problems or issues identified under Question 2?

4.1. Model for Territory-wide Companion Animal Legislation

There are four models that could be adopted in the Northern Territory if companion animal legislation was to be introduced. These are:

- (1) Amendments to existing Territory Government legislation such as the *Local Government Act 2008* to require local government councils to have policies for dog and cat management, policies in relation to dangerous dogs and a requirement to notify other councils if a council is aware of the movement of a dangerous dog outside of its council area to another council area.

This retains the flexibility for councils to administer animal management in a way that suits their local areas, circumstances and resource constraints, while having basic requirements in uniform legislation. However, there may be inconsistencies between councils as different councils will adopt different policies on dangerous dogs and companion animal management.

- (2) Local government councils having primary responsibility for the administration and enforcement of the legislation, similar to Western Australia, South Australia and Tasmania.

This would provide councils with some flexibility to administer the law in a way that suits their local areas, circumstances and resource constraints. However, there may be inconsistencies between councils in regards to enforcement of the legislation depending on the approach adopted by each council.

- (3) Shared responsibilities between the Northern Territory Government and local government councils, with councils having the administrative functions relating to identification, registration and control (in general) of dogs and cats and a sharing of enforcement responsibility in relation to declaring dangerous dogs, dog attacks, nuisance dogs and cats and registering or restricting breeds of dogs.

This approach treats dog and cat management as a shared responsibility between the Territory Government and local government councils. However, there is potential for overlap and duplication of enforcement responsibilities between the two levels of government.

- (4) The Northern Territory Government being responsible for the administration and enforcement of the legislation.

This approach ensures uniformity in dog and cat management and control. However, it removes the flexibility for councils to choose to make by-laws that suit their unique circumstances.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Uniform Companion Animal Legislation in the Northern Territory

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?**4.2. Resourcing of Territory-wide Companion Animal Legislation**

Barkly Regional Council, Belyuen Community Government Council, Central Desert Regional Council, MacDonnell Regional Council, Victoria Daly Regional Council, West Arnhem Regional Council and West Daly Regional Council do not have council wide dog management and control by-laws. For other councils that currently have dog and cat management by-laws and those that are considering introduction of by-laws, their resourcing strengths and abilities differ.

If Territory-wide companion animal legislation is introduced, the model adopted for such legislation will have resource implications. For example, the companion animal legislation may, among other things, require the level of government responsible for administration and enforcement of the legislation to:

- have adequate authorised officers to register animals, license premises and carry out routine inspections;
- establish and maintain pounds as well as administer the procedures for seizing, impounding and releasing or destructing impounded animals; and
- prosecute breaches of the legislation.

4.3. Scope of Territory-wide Companion Animal Legislation

In other Australian jurisdictions, companion animal legislation generally requires that dogs and cats be registered. The registration of dogs and/or cats has resource implications for the public and the local government sector. It is possible to have a system which does not require registration. For example, legislation could simply require that all dogs/cats be microchipped, or require a collar and tag with the owner's contact details.

A microchip is a permanent method of electronic identification. The chip itself is very small (about the size of a grain of rice) and is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animal's neck. Each chip has a unique number that is detected using a microchip scanner. The microchip number is recorded on a microchip database registry with details about the animal and owner. Should an animal wander or become lost, animal shelters and local government councils can scan the animal for a microchip and contact the owner via the database.

Another option would be for the legislation to be at a less prescriptive level, not requiring individual identification of animals. It might provide only for certain offences in relation to ownership of dogs.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?**Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?**

Uniform Companion Animal Legislation in the Northern Territory

The *Dog Act 1980* contained provisions relating to the registration of dogs; the requirement for dogs to wear tags during the period of registration; licensing of premises where more than two dogs were to be kept; sterilisation of dogs; establishment of pounds; seizing, impounding and release or destruction of dogs; and the appointment of registrars, inspectors and pound managers.

In other Australian jurisdictions, the equivalent companion animal legislations have provisions relating to:

- registration of companion animals;
- licensing of premises where more than two companion animals are to be kept;
- sterilisation of companion animals;
- containment or confinement of companion animals within the property in which they are kept;
- disqualification of a person from owning or being in charge or control of a dog;
- restrictions or prohibition of certain breeds of dogs;
- declaration of restricted/prohibited areas for companion animals;
- exemptions for assistance animals;
- declaration of dangerous dogs (as a result of attacking or menacing a person or another animal);
- liability for injury or death caused by a dog;
- declaration of dog exercise or training areas;
- commercial breeding of companion animals;
- seizure, impounding and release or destruction of companion animals;
- sale and transfer of ownership of companion animals;
- keeping of greyhounds;
- regulation of implanters of microchips;
- boarding of companion animals;
- fostering of companion animals; and
- management fund for companion animals (sourced from a proportion of fees such as registration and licensing fees, received by councils).

While there may be merit in having the above topics included in companion animal laws or by-laws, it may be prudent to consider the applicability of each topic to the unique circumstances of the relevant area of the Territory.

For example, in remote and regional areas, it is not unusual to find properties that do not have any fencing, yet dogs are kept at such properties. In some cases, the occupiers of the properties might rent, rather than own the property, and might not be in a position to fence the property.

Consideration would need to be given as to whether a requirement to contain dogs would adversely affect Territorians who own dogs in remote and regional areas. Another example would be a requirement to contain cats. Cats are usually agile and not easily contained unless significant resources are used to confine the property and space in which the cat is kept.

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

Uniform Companion Animal Legislation in the Northern Territory

5. Call for Submissions

Submissions are invited from the local government sector and the public on the proposal for the introduction of uniform companion animal legislation in the Northern Territory and any related matters.

5.1. Questions for Consideration

Questions included in this Discussion Paper, and listed below for convenience. These questions are designed to generate discussion and consideration of issues. You may also wish to raise matters not canvassed in the Discussion Paper and this would be appreciated.

- Question 1:** Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?
- Question 2:** If not, what are the problems or issues with the current arrangements?
- Question 3:** Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?
- Question 4:** How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?
- Question 5:** Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?
- Question 6:** Can you think of any other models which may be appropriate for the Northern Territory?
- Question 7:** If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?
- Question 8:** If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?
- Question 9:** If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

5.2. How to make a Submission

Written submissions can be sent by post or email to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

5.3. Closing date for Submissions

The closing date for submissions is 28 March 2020.



Civic Centre Harry Chan Avenue, Darwin NT 0800
GPO Box 84 Darwin NT 0801
darwin@darwin.nt.gov.au
P +61 8 8930 0300
F +61 8 8930 0311
TTY +61 8 8930 0577

17 March 2020

Please quote: 4169900 PB:mg

Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

Subject: Uniform Companion Animal Legislation in the Northern Territory

City of Darwin submission to Department of Local Government and Community Development: Uniform Companion Animal Legislation in the Northern Territory Discussion Paper.

Introduction:

City of Darwin commits considerable resources toward animal management within the Darwin municipality with a dedicated animal management team of 14 employees. The management and control of dogs and cats by City of Darwin is in accordance with the legislative framework and adopted policies and strategies:

- Darwin City Council By-Laws, Part 3, Animal Management
- Council Policy 001 Animal Management – General
- Dog & Cat Management Strategy 2018-2022

In April 2018, City of Darwin endorsed the Dog and Cat Management Strategy 2018-2022. The aim of this strategy is to provide clear guidelines to both City of Darwin's Animal Management Unit and the community towards the goal of responsible pet ownership and management by providing a proactive service that provides education, mediation and outcomes for pet owners and non-pet owners alike.

In April 2019, City of Darwin updated Policy No. 001 Animal Management – General to be strategically aligned with the Dog and Cat Management Strategy 2018-2022. The policy's purpose is to provide a proactive, responsive, evolving approach to animal management. The policy relates to the intent behind enforcement of animal management requirements, and ensures that City of Darwin's animal management approach to enforcement practices is lawful, safe, fair, practical, educational and consistent.

City of Darwin's submission was informed through Council's policy and strategy for animal management, and considered the following issues:

- A holistic approach to animal management produces effective outcomes.
- There are limitations in information-sharing between jurisdictions; this has significant impact on dangerous dog management.



- There appears to be public confusion about responsibility for animal management versus animal welfare.
- There appears to be public confusion about inconsistencies in animal management requirement between neighbouring jurisdictions.
- There are limitations for Local Government regarding animal management in Northern Territory Government-managed housing and Aboriginal communities.

Submission Responses:

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Yes:

By-laws provide a legislated framework for effective animal management, providing a clear definition of regulations, supporting compliance and enforcement.

Policies provide a proactive, responsive, evolving approach to animal management that is consistent with an animal management plan or strategy.

Strategies guide both Councils and the community towards responsible pet ownership and management. They outline community animal management goals and strategies on achieving compliance through education, communication, incentives, regulations and enforcement, innovation and technology, and partnerships and collaboration.

Currently, City of Darwin operates under animal management by-laws, policies and strategies. This arrangement is relatively effective; however, there are issues that arise from inconsistencies in by-laws and policies in neighbouring jurisdictions. (These are discussed in Question 2).

City of Darwin does acknowledge that the Northern Territory has diverse demographics relating to animals, and therefore effective animal management by-laws, policies and strategies need to be informed by local priorities, and be flexible and accommodating.

Question 2: If not, what are the problems or issues with the current arrangements?

Darwin City Council By-laws 1994 and Policy 001, Animal Management – General provide for dog and cat management in the Darwin municipality. Issues have been observed due to by-law and policy inconsistencies with neighbouring jurisdictions.

Cat management is most effective when undertaken holistically. Due to no cat management legislation or policy existing in neighbouring jurisdictions, City of Darwin, at times, has carried this responsibility for these areas. This incurs additional resources and impedes the efficacy of cat management in the Darwin municipality.

Currently, there is confusion relating to matters such as allowable total number of animals per property. For example, Policy 001, Animal Management – General currently allows for a total of 4 animals to be registered to a property, which may consist of a total of 3 dogs (more than 2 dogs must be licenced). City of Palmerston, bordering Darwin with no physical barrier and only 20km from the city centre, does not currently have a policy position, but informally caps the total number of dogs registered to a property at 5 (more than 2 dogs must be licenced) and cats are not required to be registered. This could be resolved through Territory-based legislation.



In consideration of the fact that effective dangerous animal management should be a high priority, under current arrangements there are potential privacy issues pertaining to the sharing of this information with other jurisdictions. Northern Territory Information Commissioner advice has indicated that Council is not considered a law enforcement agency and therefore exclusions under the Public Information Act 2010 do not apply. A uniform policy position for the categorisation and conditions of owning declared dogs, and the ability to share this information across jurisdictions would be hugely beneficial in effective animal management.

City of Darwin has experienced animal management issues within the Department of Local Government, Housing and Community Development's public housing. City of Darwin has also experienced cases that constitute simultaneous breaches of the Darwin City Council By-laws 1994 and Animal Welfare Act. Informal relationships, information-sharing and joint management currently exist between each of these Northern Territory Government agencies and City of Darwin; however, shared new legislation or authorisation under existing legislation may formalise these arrangements and strengthen legislation and policy for better animal management outcomes.

Inconsistent administration and enforcement of the legislation in Aboriginal communities neighbouring the Darwin municipality has posed animal management issues for City of Darwin:

- Animal containment impacts the Darwin area with wandering dogs entering the municipality
- Inconsistent position and/or enforcement of registration requirements, such as the total number of animals per property, results in confusion and an inability to effectively manage populations.

There is a public expectation that City of Darwin regulates animals in Aboriginal communities neighbouring the Darwin municipality. Whilst City of Darwin's Animal Management Unit provides in-kind support, Council officer powers are restricted, commonly reflecting poorly on City of Darwin's service provision.

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Territory-wide companion animal legislation should consider animal management and welfare services and issues that are consistent across the Northern Territory and provide for laws that allow for coherent management and regulation. However, Territory-wide legislation should also accommodate flexibility in developing by-laws and policies that address local issues and resourcing.

Question 4: How would Territory-wide companion animal legislation solve the problems or issues identified under Question 2?

Territory-wide legislation would facilitate information-sharing for better animal management, particularly in relation to dangerous animals.

Territory-wide legislation would accommodate those issues where a holistic approach provides for better outcomes.

Territory-wide legislation would unify animal management issues currently managed in isolation by Northern Territory Government agencies, local Councils and NGOs (such as Animal Management in Rural and Remote Indigenous Communities).



Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Model 3 is the preferred model for City of Darwin; however, there are limitations with this model:

This model would require all parties to be authorised under existing legislation such as animal management, animal welfare and public housing legislation, unless new legislation encompassed all facets.

Having a local government structure for administrative function, but a Territory-wide approach to regulation does not accommodate the diverse demographics relating to animal management across the Territory. A 'one size fits all' approach to regulation in the Territory is unlikely to be effective.

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

City of Darwin proposes a model whereby Northern Territory Government legislation provides a Territory-wide legislated framework for animal management and animal welfare. The Northern Territory Government and/or an NGO would have responsibility for administrative functions relating to identification, registration and control of animals, and any other aspects of animal management that may be consistent across the Territory. A similar model is utilised in South Australia, whereby an NGO, 'Dogs and Cats Online' manages a database of dogs and cats that reside in South Australia. It is also the South Australian dog and cat breeder registration system. Users may self-register animals on-line and this information may be accessed by local authorities. This system could be modified to incorporate dangerous and nuisance animals.

However, uniform legislation should enable local governments to undertake education, compliance and enforcement, with the ability and flexibility to apply informed by-laws and policy to support regulation of specific local animal management issues.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Yes:

The benefits of registration are listed below. However, registration should be viewed as a statistical management tool. In observing the demographics of different regions, in some areas, such as the Darwin municipality, there is an economic benefit to registration fees; however, in areas where constituents may not be able to afford registration, it should be mandatory, but free of charge.

- Animal registration increases the ability to identify an animal for both return and regulatory purposes
- Animal registration informs better animal management policy development and regulation:
 - Advises of number of animals in a region
 - Allows for the regulation of numbers of animals per property
 - Facilitates management of dangerous dogs
 - Supports emergency preparedness/management
- Animal registration informs and supports animal related services:
 - Facilitates better relationships/communication between regulators and animal owners



- Informs discounted services in line with regional priorities, e.g. de-sexing
- Funds education resources/events/workshops/dog parks

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

Yes;

- Microchips are an inexpensive, safe, permanent identification device
- Microchips increase the chance of lost pet animals being reunited with their owners quickly
- Microchips help identify owned stray animals versus feral/wild animals
- Microchip databases are national, and therefore support movement of pet animals
- Microchips help protect pet animals against theft

If you have any further queries please contact Polly Banks on 8930 0633 or polly.banks@darwin.nt.gov.au.

Yours sincerely

POLLY BANKS
GENERAL MANAGER COMMUNITY & REGULATORY SERVICES



14.3 SPORTS FIELD INFRASTRUCTURE

Author:	Recreation & Leisure Coordinator Executive Manager Leisure and Regulatory Services
Authoriser:	Acting General Manager Government Relations & External Affairs
Attachments:	1. City of Darwin Sporting Oval Infrastructure Upgrades 2. City Of Darwin Sporting Ovals – Peak Sporting Bodies Lighting Priorities

SUMMARY

The purpose of this report is to advise Council of an agreed list of priorities from Peak Sporting Bodies for infrastructure upgrades at Council ovals.

RECOMMENDATIONS

1. THAT the report titled Sports Field Infrastructure be received and noted.
THAT Council acknowledge the Peak Sporting Bodies priorities for future infrastructure upgrades and oval lighting detailed in **Attachments 1 and 2** of the report titled Sports Field Infrastructure, for consideration regarding future sporting oval upgrades.

KEY ISSUES

- The Recreation Team consulted with Peak Sporting Bodies that use Council ovals in order to determine an agreed priority list for future upgrades.
- As part of this consultation, Peak Sporting Bodies were asked to prioritise future lighting of Council ovals.
- The responses received have been summarised in **Attachments 1 and 2** for Council's consideration.

BACKGROUND

Previous Decisions

DECISION NO.21\4237 (22/03/16)

Sports Field Plan 2016 - 2026

Report No. 16C0026 MG:kl (14/03/16) Common No. 1381156

- A. THAT Report Number 16C0026 MG:kl entitled Sports Field Plan 2016 - 2026, be received and noted.
- B. THAT Council endorse the Sports Field Plan 2016 - 2026 at **Attachment A** of Report Number 16C0026 MG:kl entitled Sports Field Plan 2016 - 2026.
- C. THAT provision for the Sports Field Plan be referred to the 2016/17 budget process for consideration as part of the Long Term Financial Plan.

DISCUSSION

City of Darwin's Sports Field Plan 2016-2026 aims to guide the future use, development and management of sporting ovals across the City of Darwin, with a key objective to identify and investigate the facility needs for eligible sports occurring within the municipality, in particular the high-use sports of AFL, cricket and soccer.

Since the development of the Sports Field Plan, Council has partnered with Sporting Organisations and Northern Territory Government (NTG) to facilitate a number of infrastructure improvements at Council ovals:

- Installation of cricket sight screens and upgrade of cricket training nets at Gardens Oval
- Installation of removable soccer goal posts at Gardens Oval Two and Jingili Oval
- Installation of synthetic turf wickets on Dinah Beach, Tiwi, Wanguri and Wulagi Ovals
- Installation of a storage compound for portable soccer goals at Wanguri Oval
- Reconfiguration of Nakara Oval including replacement soccer goals, new shade structure and administration table for soccer
- Reconfiguration of Fannie Bay Oval for soccer and Gaelic Football, and installation of grandstand and storage compound for portable goals
- Replacement of soccer goal posts at Chrisp Street and Malak Ovals
- Upgrade to cricket nets at Kahlin Oval

Council is currently working in partnership with NTG to deliver major infrastructure upgrades for sports field lighting at Gardens Oval One, Nightcliff Oval and Bagot Oval, and redevelopment of the Velodrome at Bagot Park.

In line with the Sports Field Plan, the Recreation Team consulted with Peak Sporting Bodies that use Council ovals in order to determine an agreed priority list for future upgrades. As part of this consultation, Peak Sporting Bodies were asked to prioritise future lighting of Council ovals.

Attachment 1 details the table of current infrastructure upgrades in progress at Council ovals, projects with in-principle support from Council and the Peak Sporting Bodies' future upgrade priorities for Council's consideration.

The consistent priority identified by all Peak Sporting Bodies' across a number of Council ovals was the need to upgrade change facilities and storage.

Attachment 2 details the Peak Sporting Bodies priorities for future sports lighting at Council ovals.

The Peak Sporting Bodies initially supplied their individual priorities. NRL NT's only priority for oval lighting was Anula Oval, as this is the only Council oval they utilise.

The three major users of Council ovals, AFL NT, NT Cricket and Football NT, then liaised to provide an agreed list of priorities for Darwin central suburbs and for the Darwin northern suburbs:

	Peak Sporting Body	Priority Oval
Central Suburbs	AFL NT & NT Cricket	Gardens Oval Two
	Football NT	Fannie Bay Oval
Northern Suburbs	AFL NT, NT Cricket & Football NT	Wanguri Oval Moil Oval

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

2 A Safe, Liveable and Healthy City

Outcome

2.3 By 2030, Darwin residents will be more active and healthy

LEGISLATIVE/POLICY

Nil

CONSULTATION**Internal**

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

- Recreation Services Officer

External

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

- Chief Executive Officer, NT Cricket
- Chief Executive Officer, AFL NT
- NT Operations Manager, NRL NT
- Chief Executive Officer, Football NT
- Manager Asset Management, NTG

BUDGET/RESOURCE IMPLICATIONS

Council allocates \$100k annually for upgrades at City of Darwin ovals in line with the Sports Field Plan 2016-2026. Major upgrades and improvements at Council ovals are funded through partnerships, primarily with Peak Sporting Bodies and NTG.

There is currently no budget identified for any future major upgrades to infrastructure at Council ovals. The stakeholder priorities have been provided so if future discussions are entered into with NTG or other external funding bodies, Council has an agreed priority list for infrastructure upgrades.

RISK

Nil.

LEGAL

Nil

ARTS, CULTURE & ENVIRONMENT

Nil

City Of Darwin Sporting Ovals - Infrastructure Projects						
		Current Infrastructure Projects		Peak Sporting Bodies Future Infrastructure Priorities		
		Projects In Progress	Projects with in-principle support from Council, no funding identified	NT Cricket	AFL NT	FNT
Regional	Gardens Oval One	Installation of sports lighting up to 500 lux. Minor upgrades to storage and umpires' room amenities.	Installation of modular change room facilities -AFL NT		Change room and facilities upgrades, noting Council has already provided in-principle support.	
District	Bagot Oval	Installation of sports lighting up to 200 lux. Redevelopment of Velodrome				Construction of a "clubhouse" with male and female player change rooms, operations room, referees change room/ storage area. FNT has advised that that Commonwealth funding towards the project is confirmed.
	Gardens Oval Two		Installation of modular change room facilities -AFL NT	Installation of unisex change rooms to support the development of women's cricket at the facility. Installation of a synthetic cricket wicket once soccer relocates to planned new home ground.	Change room and facilities upgrades, noting Council has already provided in-principle support.	Change room upgrade. Female/Male accessible toilets.
	Kahlin Oval	Upgrade to Cricket training nets facility.	Kahlin Oval Master Plan - replace or refurbish Pavilion - equipment storage shed	New unisex change rooms, clubhouse and perimeter fence as per Kahlin Oval Master Plan.		
	Malak Oval					Construction of a "clubhouse" with male and female player change rooms, operations room, referees change room/ storage area. FNT has advised that Commonwealth funding towards the project is confirmed.
	Nightcliff Oval	Installation of sports lighting to 200lux. Installation of cricket training nets lights, project managed by Nightcliff Cricket Club Installation of electronic scoreboard, project managed by Nightcliff Football Club	Nightcliff Oval Master Plan - NSC - grandstand, facilities building - netball courts Install modular change room facilities - AFL NT	Unisex change rooms to support the development of women's cricket. Replacement of existing canteen structure with proper facility.	Change room and facilities upgrades, as outlined in Nightcliff Oval Master Plan, noting Council has already provided in-principle support.	
Local	Anula Oval	Installation of AFL posts Formalisation of overflow car parking Installation of spectator seating				
	Chrisp St Oval					Toilet block upgrade/storage area
	Dinah Beach Oval					
	Fannie Bay Oval					Construction of a "clubhouse" with male and female player change rooms, operations room, referees change room/ storage area as per the Fannie Bay Oval Master Plan. FNT have advised that Commonwealth funding towards the project is confirmed.
	Jingili Oval					Construction of a "clubhouse" with male and female player change rooms, operations room, referees change room/ storage area. FNT has advised that Commonwealth funding towards the project is confirmed.
	Moil Oval					
	Nakara Oval					Female/male and accessible toilets upgrade/storage area upgrade/BBQ area. Installation of 4 x shade structures
	Tiwi Oval					
	Wagaman					
	Wanguri Oval	Supply of portable soccer goals and installation of goal storage compound				Design and construct change room facility/accessible toilet/storage area
	Wulagi Oval					
	Other			Also a priority for NT Cricket to formalise carpark on Council land in front of Marrara Cricket Ground.		

City Of Darwin Sporting Ovals – Peak Sporting Bodies Lighting Priorities for Future Lighting

The below tables detail the peak sporting bodies for future lighting of Council sporting ovals. Gardens Oval One, Bagot Oval, Nightcliff Oval and Malak Oval are excluded as lighting is already being provided through the Urban Oval Lighting Upgrade project.

	Oval	AFL NT		FNT		NRL		NT Cricket	
		Priority	Light level	Priority	Light level	Priority	Light level	Priority	Light level
District	Gardens Oval Two	1	200					4	300
	Kahlin Oval	7	100						
Local	Anula Oval					1	100		
	Chrisp St Oval								
	Dinah Beach Oval								
	Fannie Bay Oval			1	200				
	Jingili Oval	2	100	2	200				
	Moil Oval	3	100						
	Nakara Oval			3	100				
	Tiwi Oval	4	100					2	300
	Wagaman Oval	5	100						
	Wanguri Oval							1	300
	Wulagi Oval	6	100					3	300

Table 1 - Peak Sporting Bodies Lighting Priorities

AFL NT, NT Cricket and Football NT have also agreed upon some priorities for lighting Council ovals in the Darwin central suburbs and the Darwin northern suburbs.

	Peak Sporting Body	Priority Oval
Central Suburbs	AFL NT & NT Cricket	Gardens Oval Two
	Football NT	Fannie Bay Oval
Northern Suburbs	AFL NT, NT Cricket & Football NT	Wanguri Oval Moil Oval

Table 2 – Peak Sporting Bodies Consolidated Lighting Priorities

14.4 CAR PARK EXTENSIONS TO AN EXISTING CASINO - LOTS 5244 & 5772, 1 CASINO DRIVE & 73 GILRUTH AVENUE, THE GARDENS**Common No.:** PA2020/0032**Author:** Planning Officer
Senior Climate Change & Environment Officer**Authoriser:** Manager City Planning**Attachments:**

1. Development Application
2. Application to Develop City of Darwin Land
3. City of Darwin Response Letter
4. DCA Letter of Deferral

SUMMARY

The purpose of this report is to present to Council an application to redevelop a portion of Lot 5772 (73) Gilruth Avenue from landscaping into a hard stand (car parking), and remove landscaped centre islands in the road reserve to create an access to the new car park.

RECOMMENDATIONS

1. THAT the report entitled Car park Extensions to an existing Casino - Lots 5244 & 5772, 1 Casino Drive & 73 Gilruth Avenue, The Gardens be received and noted.
2. That Council supports the removal of landscaping located within Lot 5772 (73) Gilruth Avenue, proposed for development as a car parking area, and that the leased area shall be handed back to Council in the same condition as provided, as a landscaped area. The applicant is to submit further details including, but not limited to: the design of landscaping areas, tree pits, irrigation, installation, and maintenance of the shade trees.

KEY ISSUES

- The proposal includes the removal of existing landscaping and redesign of vehicle circulation on Lots 5244 & 5772, Casino Drive, for the provision of additional car parking for the casino.
- A total of 3305m² of landscaping is being proposed for removal, so a total of 146 car parking bays can be provided across the two lots.
- The proposal includes removing approximately 500m² of landscaping to install 23 car parking bays within Council land.
- There is no legislative requirement for the increased number of car parking bays.
- Mindil Beach Casino Resort is seeking Council approval to develop a portion of Council's land, including:
 - removal of landscaping for provision of additional car parking bays on Lot 5772;
 - removal of landscaping and modifying islands in Casino Drive, and
 - Written confirmation that there will be no requirement to provide this portion of the premises back in the same condition as they were provided.
- On 2 March 2020, the Development Consent Authority (DCA) deferred the application, and are now awaiting City of Darwin's response to the proposal.

BACKGROUND

City of Darwin received development application (DA) PA2020/0032, on 13 February 2020.

The application proposes to remove 3305m² of landscaping from a portion of Lots 5244 & 5772, (1) Casino Drive & (73) Gilruth Avenue to provide an additional 142 car parks for the casino. Refer to the application at **Attachment 1**.

Lot 5772 (73) Gilruth Avenue is owned by City of Darwin and landowner's authorisation to lodge the DA was provided on 5 February 2020. The authorisation was for the lodgment of the application only and did not endorse the contents of the application.

In discussions with the applicant, it was recommended that they submit an application to Council, which should include further information and special merits for Council to consider, in relation to the proposal within Council land. The application received is at **Attachment 2**.

Due to statutory deadlines, City of Darwin responded to the application on 28 February 2020. The response letter informed Development Assessment Services (DAS) that Council approval is required for any works over City of Darwin land, , and that no works will be permitted to be undertaken within City of Darwin land or the road reserve, until Council has considered the application. City of Darwin's letter response is at **Attachment 3**.

DISCUSSION



Figure 1 - Lots 5244 & 5772, (1) Casino Drive & (73) Gilruth Avenue

The subject land is located within Zone TC (Tourist Commercial) with part Lot 5772 demonstrated in Figure 1 being Council land.

The proposed development comprises the expansion of the car parking area associated with the Mindil Beach Casino Resort. The proposed development also incorporates minor amendments to the existing layout and vehicle circulation and relocation of minor infrastructure such as light poles, bollards and flag poles.

The proposal is to create 146 additional car parking spaces. Reducing landscaping across the two lots from 5,041m² to 1,736m². Resulting in 652m² of turfed area and 1,084m² of landscaping, equating to a 3305m² loss of landscaping over the two lots..

The application states that there will be no change to the existing built development, site use or access as a result of this proposed development and that the existing parking provision is adequate and the additional parking is being provided to better locate parking on the site (shorter walking distance for visitors).

Deferral

The DCA has deferred the application and requested the following:

- City of Darwin response to proposed development over Lot 5772 following the presentation of the application to the Council at an Ordinary Council Meeting; and
- Amended plans which:
 - Details landscaping, pedestrian linkages and drop off zone(s) as identified in the Technical Assessment against the NT Planning Scheme;
 - Shows the traffic island near the disabled parking bays is reduced in length as recommended in the Traffic Impact Assessment;
 - Shows the existing easements on the subject land;
 - Excludes Lot 7651 (Little Mindil) but shows the legal access to this land over the subject land; and
 - Shows Lot 5751 (Crown Land, located in the car park) and the legal access to this land over the subject land.

Refer **Attachment 4**.

City of Darwin Issues

As previously stated, Lot 5772 (73) Gilruth Avenue and Casino Drive is owned by City of Darwin. The application proposes to remove approximately 500m² of landscaping from the lot, and reconfigure the design of a traffic island in Casino Drive, to allow the installation of 23 car parking bays.

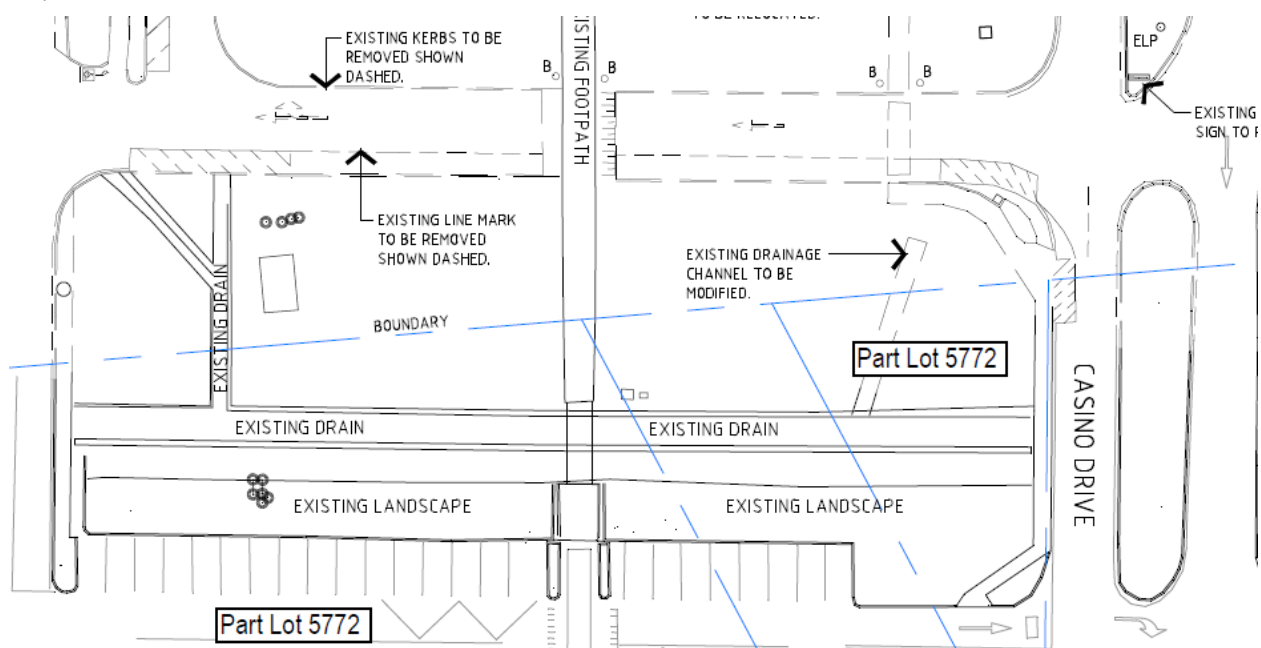


Figure 2 – Close up of affected Council Land - Existing Layout

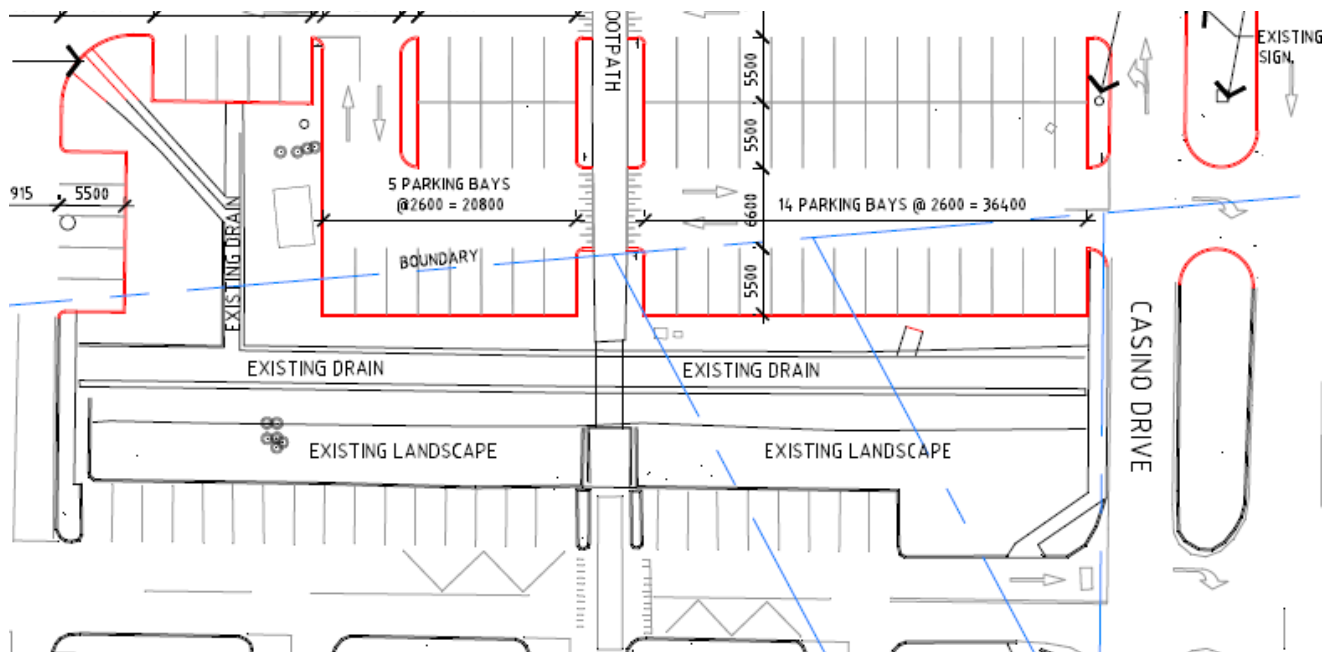


Figure 3 - Close up of affected Council Land - Proposed Layout

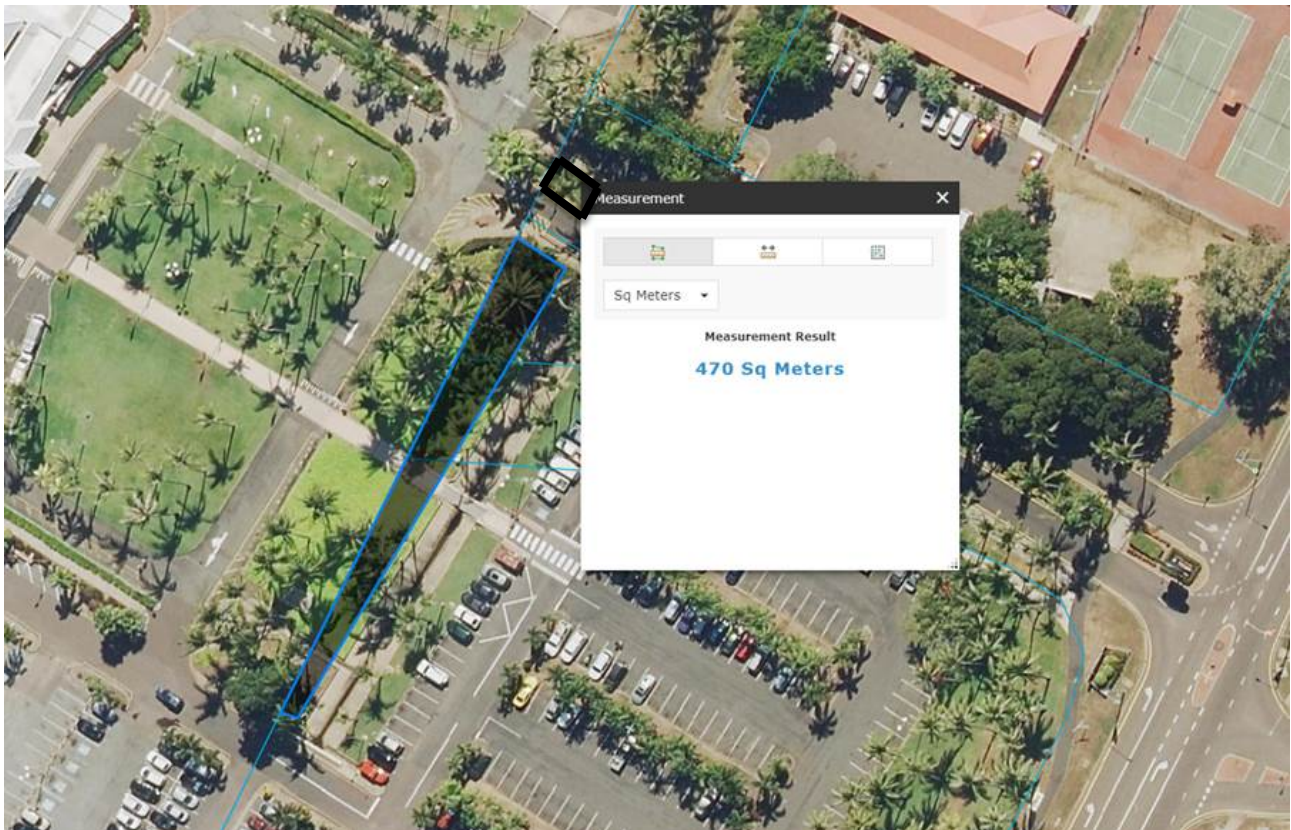


Figure 4 – Affected Council Land

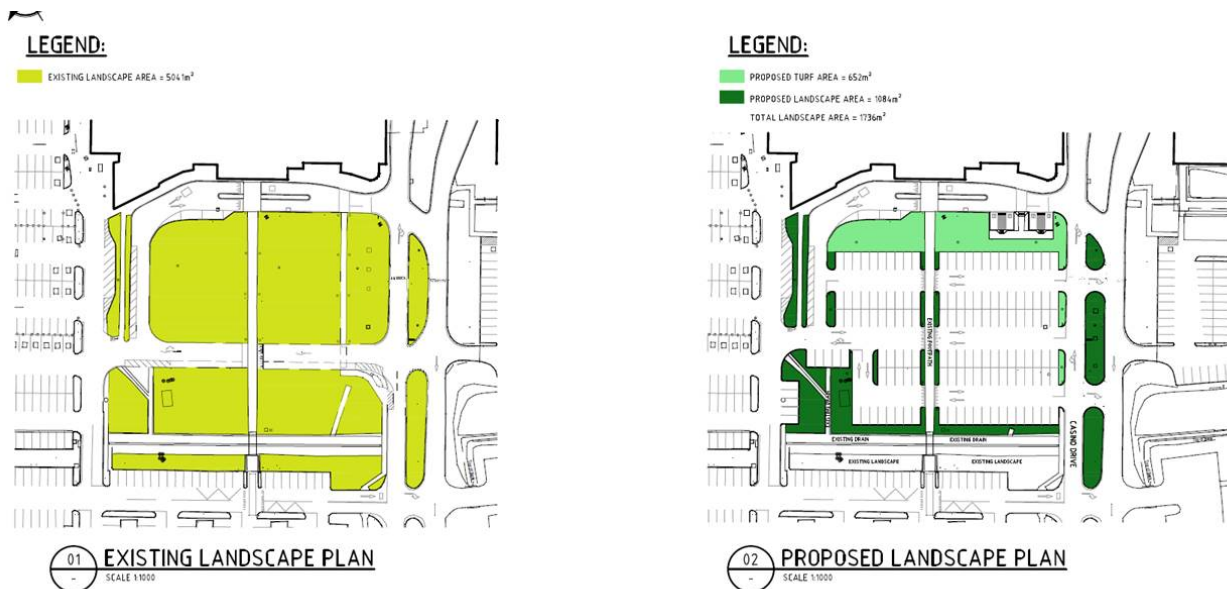


Figure 5 - Landscaping Plans

Application for the use of Council Land

City of Darwin received an application for the use of City of Darwin land on 21 February 2020.

The application from Mindil Beach Casino refers to the Licence Agreement executed on 25 June 2004, which covers the car parking area and that pursuant to clause 12.1 of the agreement, the Licensee seeks written approval to further develop the current soft landscape into hard stand, which will be used as additional car parking. This is approximately 500 m² of Council land (located southeast from the Casino entry).

Given the changes being sought, this will materially change the condition of the Licence Area. The lease includes the requirement to return the land to the original state. As a part of the approval to modify the existing lease area, the Lessee is seeking written confirmation that there will be no requirement to return the premises back in the same condition as they were provided. The lessee proposes to clean the premises prior to return (pursuant to clause 12.3(a)). They note that the current soft landscape will be developed into car parking, and will not be returned to its original state. Refer to **Attachment 2**.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

2 A Safe, Liveable and Healthy City

Outcome

2.2 By 2030, Darwin will be increasingly recognised as a liveable city

LEGISLATIVE/POLICY

The application is subject to the Northern Territory Planning Scheme, and City of Darwin's Policy No 083 – Long Term Lease.

CONSULTATION**Internal**

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

- Executive Manager Operations

- Manager Economic Development Tourism & International Relations
- Senior Tech Officer Parks & Reserves
- Planning Coordinator

External

- Master Plan
- Development Assessment Services

BUDGET/RESOURCE IMPLICATIONS

All works will be at the developer's expense, to the satisfaction of City of Darwin.

RISK

Any risk will be mitigated through the development process.

LEGAL

Council resolved on 14 October 2003 to enter into a licence agreement with MGM Casino for occupation of the casino car park (Part Lot 5772 Town of Darwin) to June 2015, with a further 15 year option to 2030, on the condition that the licence fee be re-negotiated prior to the commencement of the extension.

An independent valuation was conducted on 15 January 2015, which determined the licence fee and was accepted by the Casino.

The licenced area comprises an area of 15,210m² within a larger parcel of 11 hectares, which has been developed and maintained as a car park by the casino.

The license agreement provides that the Casino may use part Lot 5772 as a car park for its customers but must also maintain it as a public car park for patrons of Mindil beach.

Clause 10 of the license agreement provides for a "Right of Way" access through the car park to Little Mindil.

The licence agreement is legally binding between Council and the casino, and further legal advice is required should Council wish to consider renegotiating the terms.

ARTS, CULTURE & ENVIRONMENT

Any removal of vegetation is likely to have a negative effect on the surrounding environment. Vegetation whether it be grass or trees has environmental benefits. Plants assist with filtration of runoff and stormwater (which will be increased with more hard surfaces ie car parking). This water filtration is important in this area as it is adjacent to Little Mindil Creek.

Although vegetation proposed to be cleared is not endemic, it is still a resource for local fauna as a resting and roosting spot in an ever decreasing urban forest. Many of Darwin's endangered species are marine related and with the location of the casino, the impact could be felt by local populations.

If approval is granted, Council could request:

- Offset any cleared vegetation through funding local revegetation works or adding diversity on site to ensure no loss of biodiversity assets.
- Ensure amenity and heat mitigation measures are included in the landscaping plan and redevelopment to ensure the upgrades are relevant to the Darwin landscape.





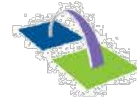
Statement of Effect

**Expansion of Existing Car Parking Area
Associated with the Mindil Beach Casino Resort
Lot 5244 and Part Lot 5772 Town of Darwin
(1 Casino Drive, The Gardens)**



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
Unit 33, 16 Charlton Court, Woolner NT 0820
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February 2020



1.0 PROJECT INTRODUCTION

MasterPlan NT has been engaged by Delaware North to prepare a development application for the expansion of the existing car parking area associated with the Mindil Beach Casino Resort.

The subject land is located within Zone TC (Tourist Commercial) pursuant to the NT Planning Scheme. The proposed development comprises works requiring consent and thus a Development Permit pursuant to Section 44(a) of the NT Planning Act.

Included in the application is a Statement of Effect (contained herein), Land Owner Authorisation and Title Documents. Included within the Statement of Effect is:

- **Attachment A:** Location and Zoning Plan;
- **Attachment B:** Storm Surge Mapping;
- **Attachment C:** Proposed Development Plans; and
- **Attachment D:** Traffic Impact Assessment.

In preparing this Statement of Effect, MasterPlan has conducted a site and locality inspection, examined the development and site history, discussed the operation of the proposed development and existing operations with the client and considered the most relevant provisions of the NT Planning Scheme as well as the relevant 'Background' documents.

2.0 NATURE OF SITE AND LOCALITY

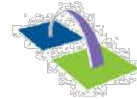
2.1 Site Description

The overall subject site comprises two lots, identified as 1 Casino Drive and 73 Gilruth Avenue, Darwin, formally identified as Lots 5244 and Part Lot 5772 Town of Darwin respectively.

The subject site currently contains the Mindil Beach Casino Resort which comprises a Casino, Hotel and Function Areas with associated swimming pools, car parking and landscaping. The majority of car parking bays are provided at 90 degrees to the internal circulation aisles. The circulation aisles are two-way with the exception of the drop off loop to the main entry of the Casino.

The area of the proposed works accommodates approximately 6,000 square metres forward of the main entrance of the Mindil Beach Casino Resort. The area of the proposed works comprises open landscaped area with associated pedestrian footpaths, bollards, flag poles and vehicle circulation aisles.

Vehicle access to the site is gained via Gilruth Avenue onto Casino Drive which is internal to the site.



The site is subject to the following easements:

- Lot 5244: Sewerage Easement to Power and Water Authority
- Lot 5772: Sewerage Easement to Power and Water Authority
Water supply Easement to Power and Water Authority
Electricity supply Easement to Power and Water Authority
Access Easement to Power and Water Authority
Electronic communications Easement to Northern Territory of Australia

An Existing Site Plan is at **Attachment C**.

2.3 Description of Locality

The site is located between Mindil Beach and Gilruth Avenue. Adjacent east of the site is Gardens Tennis Centre. Located north of the site is open space used for the Mindil Beach Sunset Market and associated car parking. West of the site is Mindil Beach itself and south of the site is open space within Zone TC (Tourist Commercial).

Located across Gilruth Avenue is the Gardens Park Golf Links, Gardens Cemetery and Gardens Oval. The site is located approximately 1.0 kilometre north-west of the Darwin Central Business district.

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

3.0 PROPOSED DEVELOPMENT

The proposed development comprises the expansion of the car parking area associated with the Mindil Beach Casino Resort. The proposed development also incorporates minor amendments to the existing layout and vehicle circulation and relocation of minor infrastructure such as light poles, bollards and flag poles.

The proposal will create 142 additional car parking spaces plus four (4) disabled persons car parks. The proposed dimensions for the car parks are as follows:

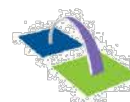
- 137 car parks at 2.6 metres wide by 5.5 metres long; and
- 5 car parks at 2.6 metres wide by 5.38 metres long.

The proposed car park expansion will not remove any existing car parking space. As such, the proposal will result in a lesser impact upon on-street parking (and other public off-street parking) availability within the vicinity of the site.

The proposed aisle dimensions are 6.6 metres wide or 7.0 metres wide. Circulation of the existing car parking remains largely unchanged, except adjacent to the additional bays and to accommodate the new entry/exit from Casino Drive.

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Bus circulation will be restricted to Casino Drive as described in the Traffic Impact Assessment at **Attachment D**.

Given that there is no proposed increase in floor area (i.e. no traffic generating uses), the proposal is not considered to result in an increase in traffic movements.

The proposal will relocate existing light poles throughout the extended car parking area. It is proposed to retain the main central footpath to provide pedestrian access through the expanded car parking area. The northern footpath is to be removed. The three existing flag poles are proposed to be relocated to into the Casino Drive median.

The proposal will result in a reduction of landscape area from 5,041 square metres to a total of 1,736 square metres comprising a turf area of 652 square metres and landscape area of 1,084 square metres.

Directional and parking information signage is proposed throughout the car parking area.

Development plans are contained at **Attachment C**.

4.0 SECTION 46(3) OF THE NORTHERN TERRITORY PLANNING ACT

The site is within Zone TC (Tourist Commercial) where the primary use of the land is a 'hotel' which is a *discretionary* use. The addition of the car parking area which is ancillary to the primary use of the lands is also therefore discretionary and requires consent. The following provisions of the NT Planning Scheme relate to the proposed development.

4.1 46(3)(a) – Compliance with the NT Planning Scheme

Clause 2.7 requires due regard to be given to the policies and planning concepts contained within Part 8 or Schedule 2 of the NT Planning Scheme. The applicable policies are discussed below.

Darwin Regional Land Use Plan 2015

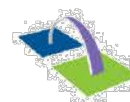
The proposal accords with the vision underpinning the Darwin Regional Land Use Plan 2015 (DRLUP) in that it will:

- provide economic benefit to the region through job and business opportunity creation in both the short and long terms, improving the competitiveness of Darwin; and
- provide an opportunity for safe and convenient car parking in close proximity to the existing development of the Mindil Beach Casino Resort.

Clause 2.8 requires consideration to be given to any applicable background documents guidelines contained within Schedule 3 of the NT Planning Scheme.

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The *Community Safety Design Guidelines* are relevant to the application in the context of the broader and existing development over the site. As the proposal relates to the expansion of an existing car parking ancillary to the primary use of the land, the overall objectives of these guidelines are not compromised.

Clause 5.10 provides the purpose of the Zone TC as follows:

1. *The primary purpose of Zone TC is to provide for uses or development servicing tourism, including commercial and residential activities.*
2. *Development should be of a scale and character compatible with uses or development nearby.*

The proposal is consistent with the zone purpose statement as it provides car parking requirements in a locality where additional car parking is desirable to better service the existing Mindil Beach Casino Resort and other recreational activities within the area. The proposed extended car parking is considered to provide better access to the site.

The scale and character of the proposed car park extension is consistent with the scale and character of the existing development on site and adjacent development.

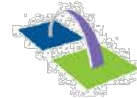
The purpose of **Clause 6.5.1** is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site.

There is no increase to the existing net floor area over the site and subsequently detailed assessment under this clause has not been undertaken. Importantly, the net increase of 146 bays on the subject site for an approved use is considered to achieve higher degree of compliance with the purpose of this clause and improve the functionality and efficiency of the car parking layout.

The purpose of **Clause 6.5.3** is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

The Tonkin traffic report at **Appendix D** speaks to the safe and convenient access achieved for the car park expansion. The car park has been designed in accordance with all relevant standards suitable for its intended purpose. The gradients in the car park have been designed in accordance with Australian Standards and will be constructed to ensure appropriate drainage is maintained across each level. The car park is to be appropriately sealed and line marked.

The proposed aisles are a minimum 6.6 metres wide and are in excess of the requirements for two-way traffic flow. The entrance and egress to the car park is designed to accommodate one vehicle entering the site and one vehicle exiting, simultaneously. The entry/egress aisles have been designed to allow drivers to survey their surroundings before entering the street network. Vehicles are able to enter and exit in a forward gear.



It is important to note that the proponent has established a design rationale for car parking areas associated with its developments that exceeds the requirements of the NT Planning Scheme in terms of bay and driveway widths. This is based on its own research and underpins a fit-for-purpose car parking layout.

The car park has been designed with a greater than 3.0 metre setback to the Gilruth Avenue road frontage, being the main thoroughfare providing access to the site. Casino Drive is considered to be internal to the site but is formally recognised as up until the boundary of the proposed development area. Notwithstanding this, a 2.0 metre to 2.5 metres landscape separation has been provided to Casino Drive. While this technically constitutes a variation to the criteria stipulated by Clause 6.5.3(g), a minor variation is sought based on the existing site conditions and the location of the new car parking area being largely internal to the site.

The purpose of **Clause 6.6** is to provide for the loading and unloading of vehicles associated with the use of the land.

There existing Mindil Beach Casino Resort use of the site is not being increased in terms of net floor area and there is no change proposed to the existing loading arrangements. Accordingly, assessment under this clause is not considered to be required in this instance.

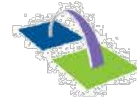
The purpose of Clause **6.12** is to ensure that landscaping on a site complements and enhances the streetscape, is attractive, water efficient and contributes to a safe environment.

The proposed car park expansion will retain a total of 1,736 square metres of landscape area consisting of 652 square metres of turf area and 1,084 square metres of landscape area. The landscaping area is provided around the periphery of the works area and throughout the proposed expanded car park to provide screening from Gilruth Avenue and contribute to the character and amenity of the site and streetscape.

The purpose of **Clause 6.14** is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge.

The subject site is located within a both the Primary Storm Surge Area (PSSA) and Secondary Storm Surge Area (SSSA), please refer to the Storm Surge Mapping at **Attachment B**.

6. *Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.*
7. *Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses*



The proposed expansion to an existing car park is considered an appropriate form of development within the PSSA and SSSA. The gradients in the car park have been designed in accordance with Australian Standards and will be constructed to ensure appropriate drainage is maintained across each level.

In the event of a storm surge, it is unlikely that the proposed car park extension will endure any major damage.

The purpose of **Clause 8.2** is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

As detailed previously, the alterations and additions to the car parking area are associated with an existing development and no building are proposed. The nature of the proposal creates practical limitations in compliance with this clause however pedestrian connectivity is maintained, and indeed enhanced by virtue of the location of the car parking area being closer to the main building. Landscaping is also provided to assist with screening and passive climate control measures.

In our view, the proposal does not contravene the intent of Clause 8.2, given that the alterations and additions to the car parking area have been designed to complement and improve the existing car parking situation. Increased car parking capacity has been designed such that the safe and convenient movement of vehicles and pedestrians to and from the site is not compromised.

4.5 46(3)(b) – Interim Development Control Order

There are no interim Development Control Orders currently applying on the site.

4.6 46(3)(c) – Public Environmental Report/Environmental Impact Statement

No public Environmental Report or Environmental Impact Statement has been prepared or is required under the *Environmental Assessment Act*.

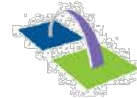
4.7 46(3)(d) – Merits of Proposed Development

The proposal has considerable merit including:

- an opportunity for increased adequately dimensioned and convenient car parking in close proximity to the existing Mindil Beach Casino Resort and surrounding activities;
- improved safety and vehicular circulation for existing patrons and customers on site;
- improved traffic outcomes for the existing development and the surrounding street networks through the proposed additional off-street parking; and
- economic benefit to the region through job and business opportunity creation in both the short and long terms, improving the competitiveness of Darwin.

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4.8 46(3)(e) – Subject Land, Suitability for Development and Impact on Locality

For a description of the subject land and locality, refer Sections 2.1 and 2.2 of this report. The investigations contained therein discuss the site characteristics. There is no anticipated detriment to the surrounding locality, rather, the proposal will facilitate additional off-street parking reducing demand for on-street parking in the locality.

4.9 46(3)(f) – Available Public Facilities/Open Space

The subject site is located in close proximity to a range of open space and recreation areas including the Gardens Park Golf Links, Darwin Botanic Gardens, Gardens Oval and Mindil Beach itself. The site is located in close proximity to the Darwin Central Business District providing convenient access to a range of public facilities.

4.10 46(3)(g) – Available Public Utilities/Infrastructure

The necessary power, water, sewer and communication services are available on site to support the proposal.

4.11 46(3)(h) – Impact on Amenity

The proposal will not have a detrimental impact on the surrounding locality. Rather, the expansion of the existing car park will provide for increased access to parking and more user-friendly outcome for the general public.

4.12 46(3)(j) – Benefit/Detriment to Public Interest

There is no detriment to the public interest. The benefit to the public will be through the creation of employment opportunities during the construction phase, the provision of additional car parking opportunities and improvements to the safety of an existing car parking area.

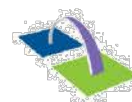
4.13 46(3)(k) – Compliance with Building Act

A building certifier's statement has not been obtained as the application is not for subdivision.

5.0 CONCLUSION

The application for alterations and additions to the existing car parking area associated with the Mindil Beach Casino Resort is an envisaged form of development within the context of the Darwin CBD. The proposal provides for an upgrade and improvement to the safety and functionality of the existing car parking area, as well as adding a further 146 car parking bays.

Pursuant to Clause 6.5.3 (g), a variation to the landscaping depth adjacent the Casino road frontage is sought for the following reasons:



- Casino drive is predominantly internal to the site and operates primarily as driveway rather than a formal road;
- suitable landscaping to Gilruth Road is maintained such that there will be no loss of amenity from the any variation to the landscaping depth to Casino drive; and
- Tonkin, suitably qualified Traffic Engineers, have assessed the proposed car parking layout and generally support the design from a traffic and parking perspective.

In summary, it is requested that a variation be granted for the reasons outlined above.

The application has been carefully considered against the NT Planning Scheme and associated policy documents, including the Darwin Regional Land Use Plan. For the reasons discussed herein, the proposal is considered to be consistent with the purpose of Zone TC (Tourist Commercial) and the broader intent of the NT Planning Scheme and related policy documents.

Joe Sheridan
MasterPlan Pty Ltd

11 February 2020

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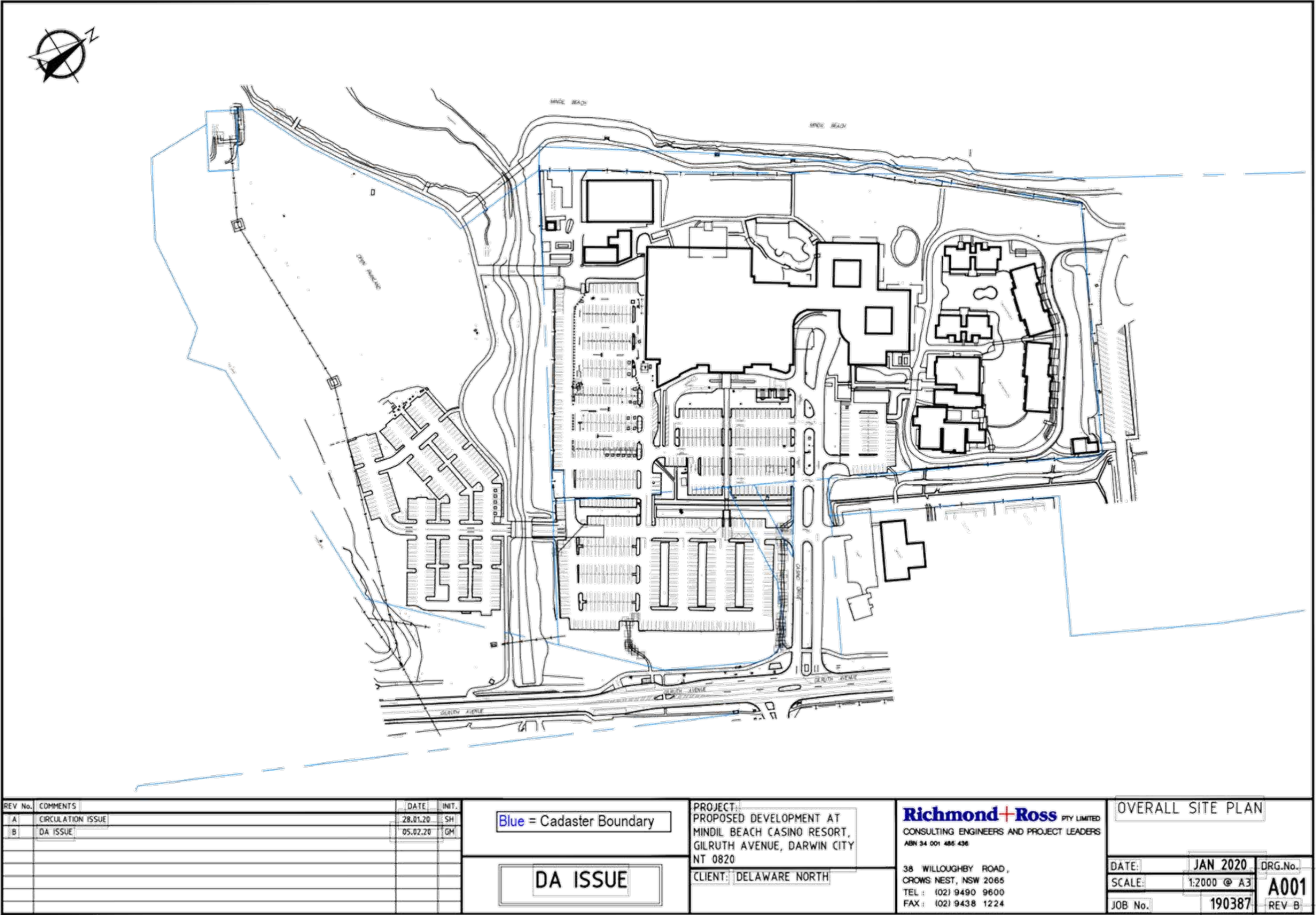


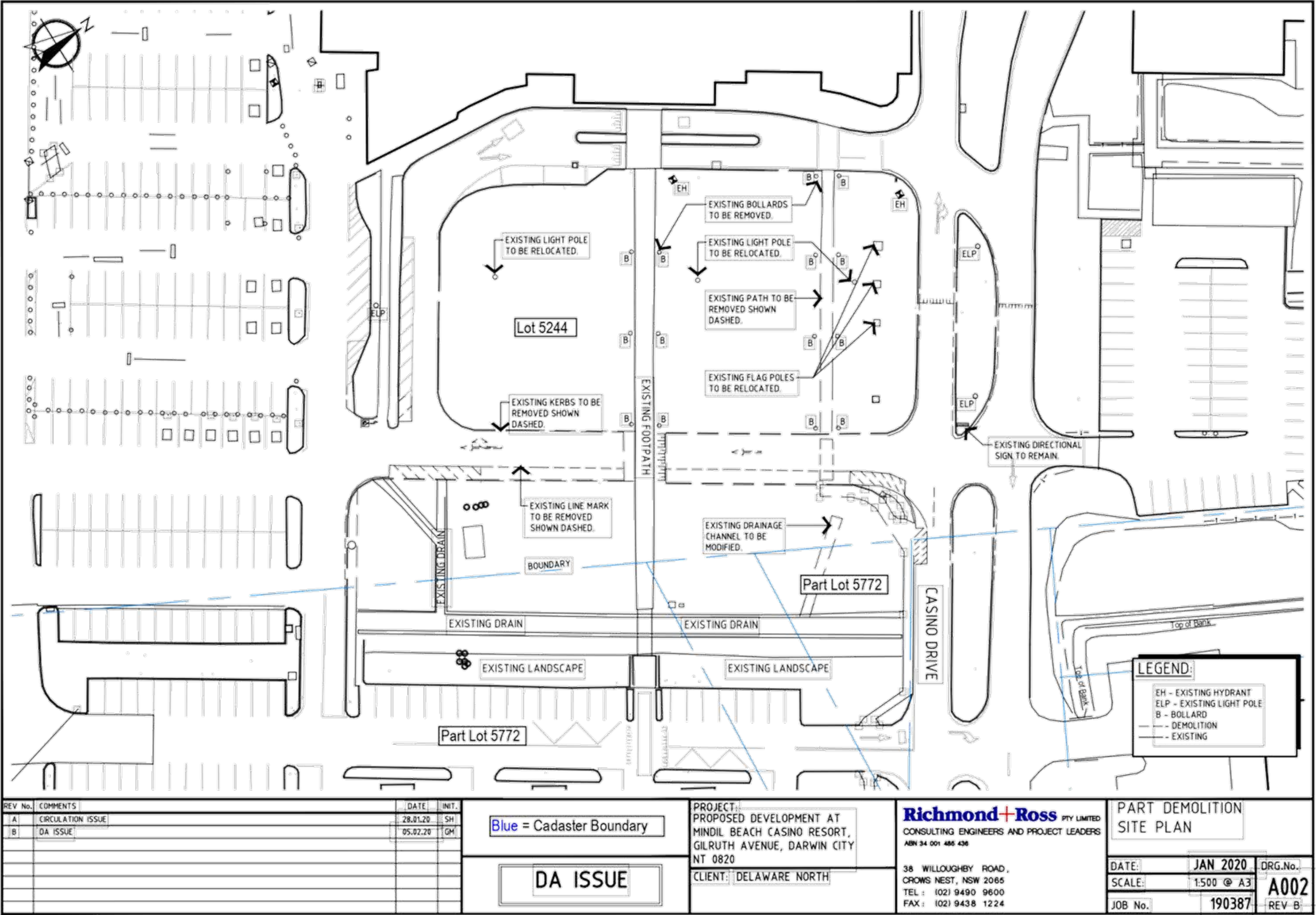
PROPOSED CAR PARKING DEVELOPMENT AT:

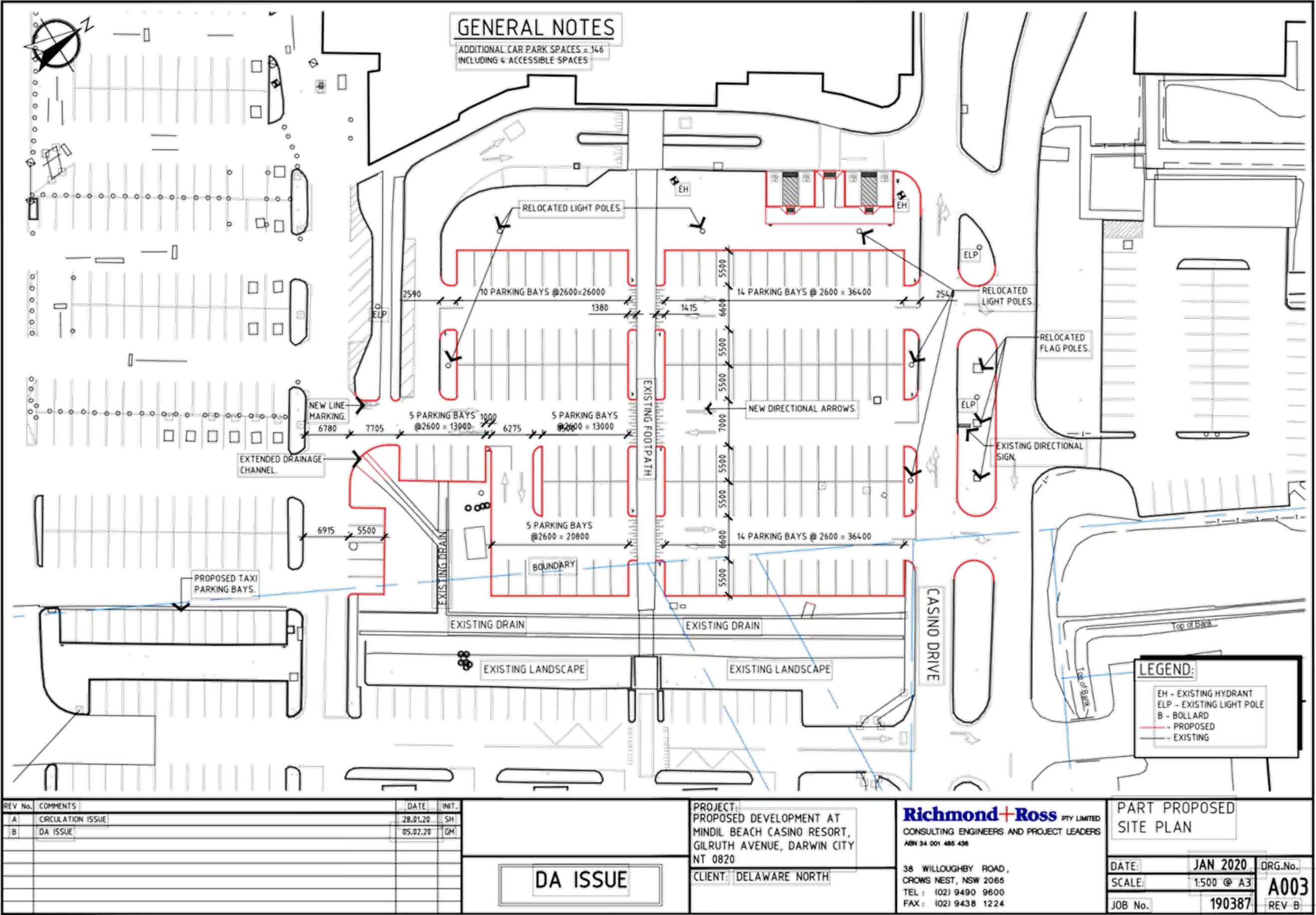
MINDIL BEACH CASINO RESORT
GILRUTH AVENUE
DARWIN CITY NT 0820

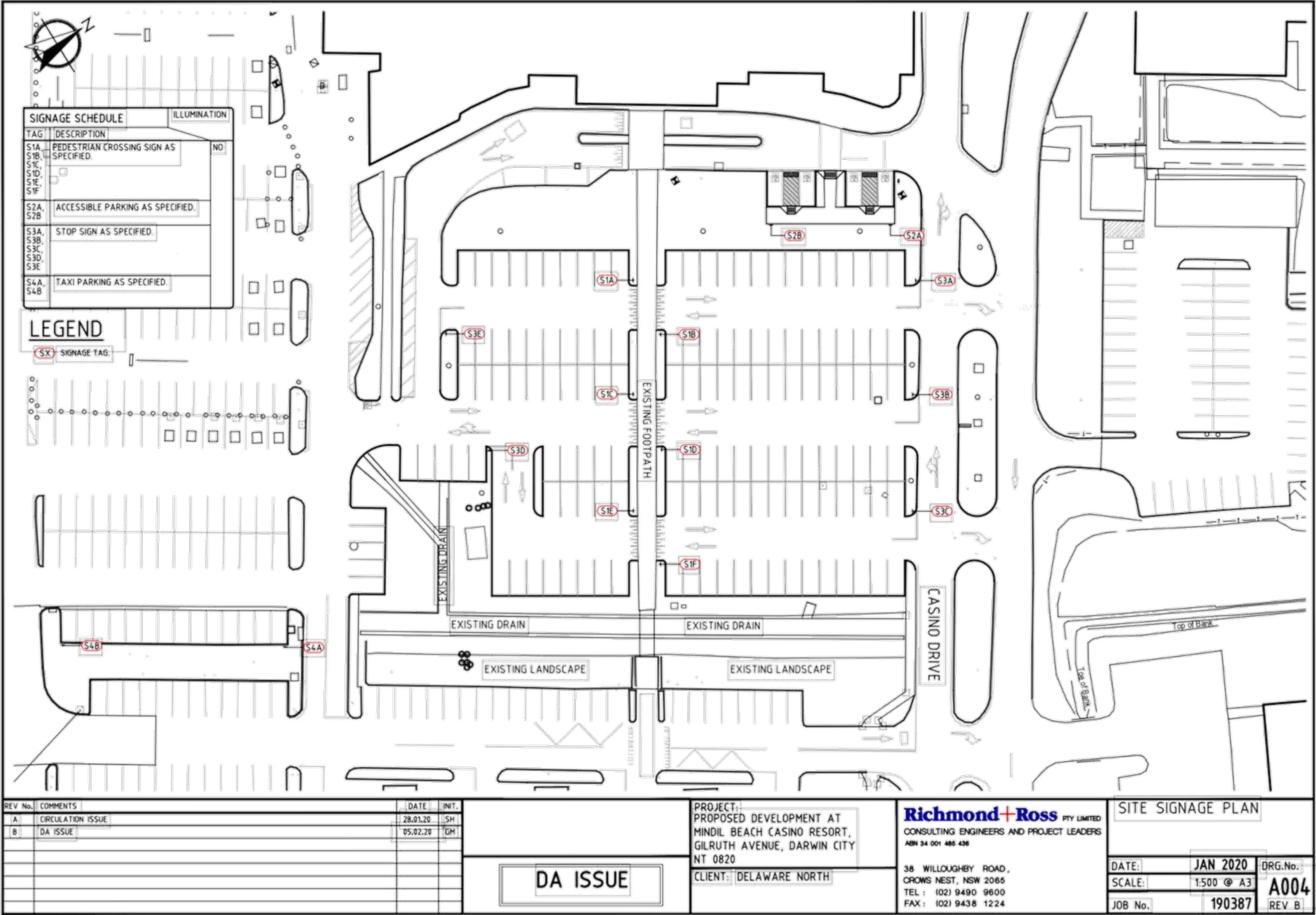
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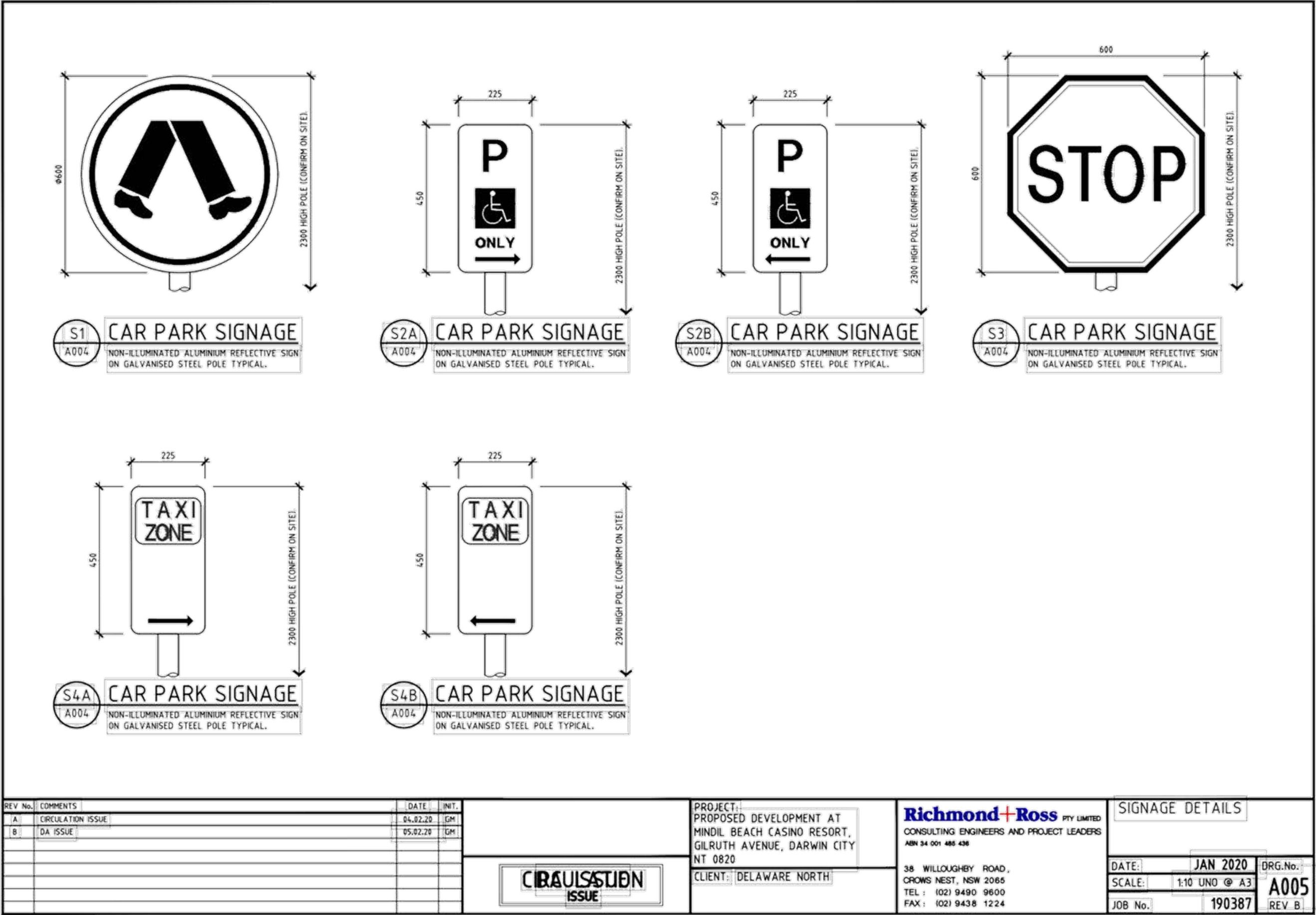
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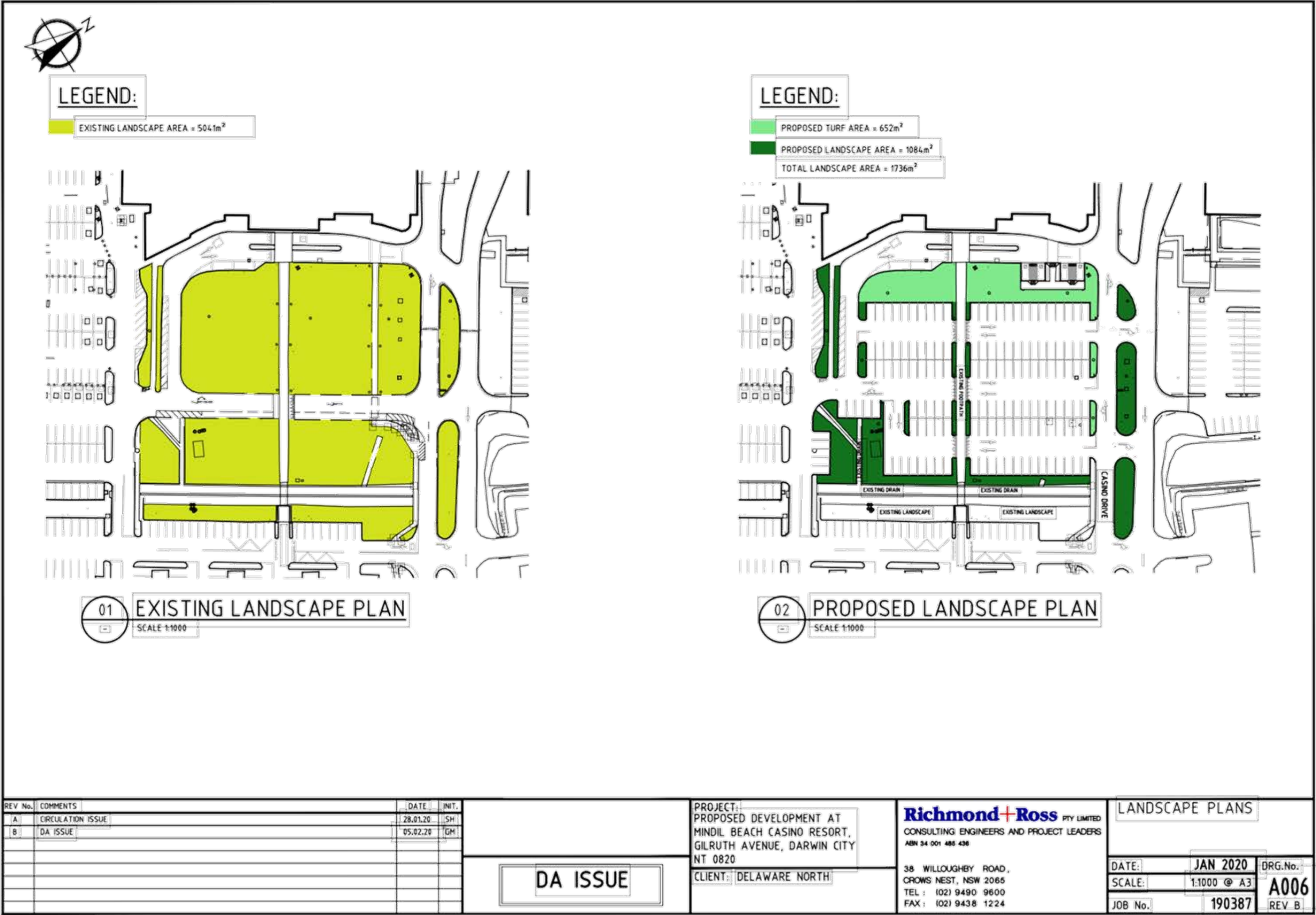














20200096R001B_Mindil Beach Casino Car Park Extension

6 February 2020

Sameer Bali
Senior Project Manager
Intialcap

Level 2, 161 Collins Street
Melbourne, Vic 3000

MINDIL BEACH CASINO CAR PARK EXTENSION TIA

Tonkin has been engaged to undertake a Traffic Impact Assessment (TIA) for a proposed additional car parking area at the Mindil Beach Casino Resort.

It is understood that as part of the Development Permit General Conditions for the proposed car park, the following condition is required to be satisfied:

"Before the development starts, written confirmation from a qualified traffic engineer that the car parking spaces associated with the development comply with the relevant Australian Standards for car parking must be provided in instances where the car parking does not comply with the minimum requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, to the satisfaction of the consent authority."

The following assessment is based on concept drawings of the car park extensions, provided by Richmond and Ross Projects Architecture on 3/02/2020.

Proposed Development

The proposed development consists of a car park with 142 car parking spaces plus 4 dedicated DDA accessible spaces. This car park is located within the existing Casino car parking area, as shown in Figure 1.

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Unit 11, 54 Marina Boulevard Larrakeyah NT 0820
PO Box 692 Darwin NT 0801
Telephone +61 8 8881 7155 | darwin@tonkin.com.au | tonkin.com.au
Adelaide | Berri | Mt Gambier | Mildura | Darwin | Brisbane | Sydney

Building
exceptional
outcomes
together

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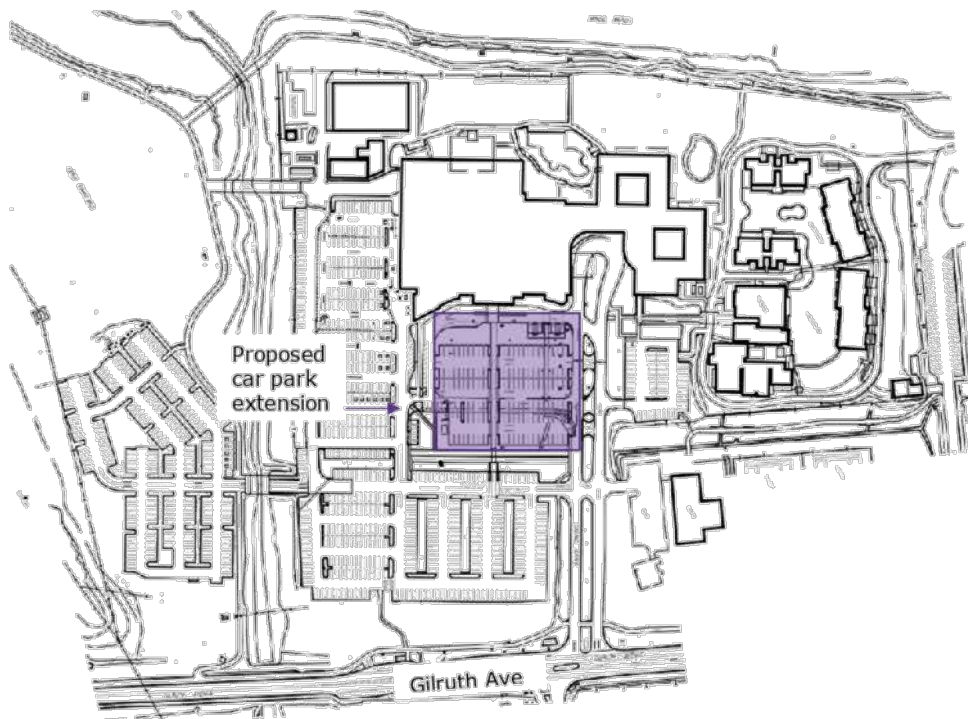


Figure 1 Mindil Beach Casino Site with Proposed Parking Addition (Purple)

The proposed parking area is currently occupied by a grassed area with footpaths providing access between the buildings and the car parking areas. There is a connecting road that provides access between the main access road and the car parking areas which is also used as a taxi waiting area. It is understood that the taxi waiting area will be relocated within the site, however this location is yet to be determined.

Figure 2 shows the proposed parking layout.

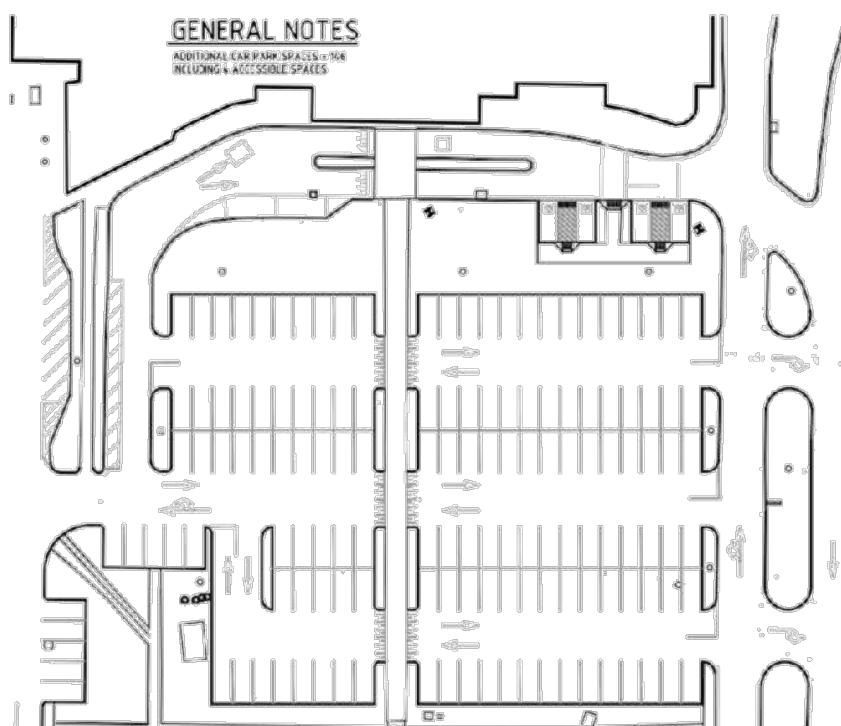


Figure 2- Proposed Parking Area

Traffic Generation

It is understood that there will be no change to the existing development, site use, and access as a result of this proposed development. The total number of vehicles entering and exiting the site will, therefore, not be impacted by the proposed car park.

Car Parking Provision

It is understood that the existing parking provision is adequate and the additional parking is being provided to better locate parking on the site (shorter walking distance for visitors).

The proposed parking site is located within the existing development and the additional parking provision will not change the overall demand for parking within the existing development.

Loading Bays

The proposed location of this car parking area will not impact existing loading operations, which are undertaken elsewhere on the site.



Car Parking Layout

The entry and exit into the car park facility will also not change as a result of the proposed car parking extension. Access to and from the car parking will be provided along the main access road with access to and from the road network at Gilruth Avenue.

The layout of the car parking reflects the layout across other areas of the existing car park with 90 degree parking bays and two way parking aisles.

Vehicle Turnpaths

Car movements within the proposed car park were assessed by undertaking a turnpath assessment of a B99 vehicle (passenger car as defined within AS2890.1).

It has been identified that drivers cannot enter into the first DDA compliant space in a single movement unless the vehicle accesses via the lane adjacent the building. These turning movements are shown in Figure 3 and identify that the driver would need to mount the median island to enter the parking space in a single movement.

It is also anticipated that the current design may cause a confusion for drivers and increases the potential for a collision, as to enter the space a driver must either cross the lane or make a 3-point turn.

To mitigate this, it is recommended that a portion of the island is trimmed to allow easier access to and from the parking space. In addition, a radius could be provided alongside the parking space to improve access into the space.

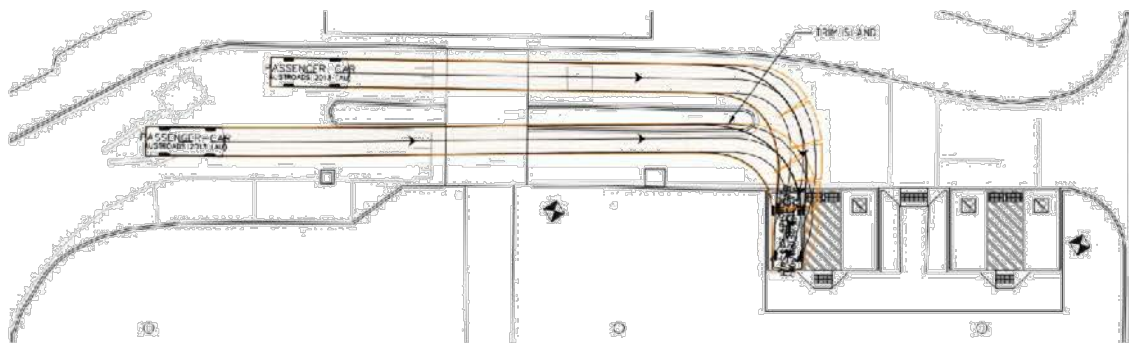


Figure 3 Swept Path into the First DDA Compliance Space

A turnpath assessment was also completed to identify any restricted movements or traffic concerns within the car parking spaces and movement throughout the parking area. This assessment identified that drivers may experience challenges when accessing parking spaces located in the end of aisles.

For example, Figure 4 identifies the movements required to access one of these spaces. Although this is not ideal, drivers can more easily access these spaces from the other direction.

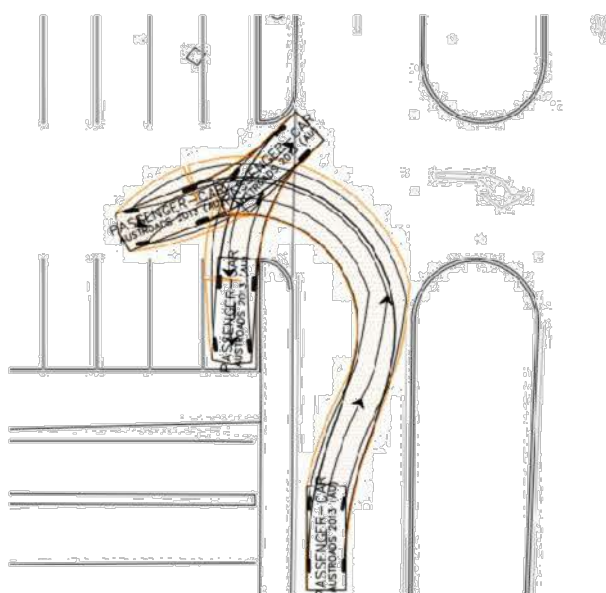


Figure 4 3-Point Turn Required for Some Bays

Car Parking Dimensional Requirements

The minimum requirements for the parking layout have been assessed based on current industry standards, in accordance with both the NT Planning Scheme and relevant Australian Standards. A summary of these requirements is provided below:

NT Planning Scheme – Minimum Dimensions

The minimum dimensions identified by the NT Planning Scheme (NTPS) for perpendicular parking arrangements are:

- Parking space dimensions 2.5m wide by 5.5m long
- Aisle dimensions 6.0m wide aisle

AS/NZS2890.1 – Minimum Dimensions

The minimum required dimensions identified by the Australian Standards AS/NZS2890.1 and AS/NZS2890.6 for perpendicular parking in a Class 2 car parking area (Class 2 includes parking for entertainment centres, hotels, sports facilities etc) are:

- Space dimensions (standard space) 2.5m wide by 5.4m long (4.8m where an overhang over a kerb is possible)
- Space dimensions (DDA space) 2.4m wide by 5.4m long
- Aisle dimensions 5.8m wide aisle



Proposed Car Parking Dimensions

General Parking Spaces

As per the concept drawings provided, the proposed dimensions (for standard parking spaces only) are:

- 137 parking spaces measure 2.6m wide by 5.4m long
- 5 parking spaces (located south of the site) measure 2.6m wide by 5.38m long
- The proposed aisle dimensions are 6.6m and 7m wide.

The proposed widths of the parking bays and car park aisles exceed the minimum requirements for both the NTPS and Australian Standards and therefore no changes are proposed.

The length of the proposed parking bays meets the minimum requirements of the Australian Standard but not that of the NTPS.

It is recommended that the parking spaces are lengthened to 5.5m with the aisles narrowed to accommodate this change (the aisle widths will still exceed the requirements of both the NTPS and Australian Standards).

DDA Compliant Spaces

AS/NZS2890.6 outlines the minimum dimensions for DDA compliance spaces and shared spaces. The spared space is an area for loading/unloading of passengers and must be level with the parking space. Both spaces are required to be a minimum of 2.4m wide by 5.4m long.

The DDA space and shared space allocations proposed are 2.4m wide by 5.4m long, and therefore comply with the minimum requirements of the Standard.

In addition to the bay dimensions, the Australian Building Codes Board (ABCB) requires one DDA compliant space for every 50 carparking spaces. The proposed new parking area consists of 142 carparking spaces and 4 DDA spaces.

Therefore, the number of DDA spaces allocated exceeds the minimum requirement.

Signage and Line Marking

The concept plan illustrates pavement arrows to direct traffic and identify proposed movements through the parking site. It is recommended that signage is also provided to assist traffic movements including:

- One way signs on the approach to the one way section.
- Left turn only sign on the approach to Casino Drive along the central aisle.



Pedestrian Movements

The proposed parking layout will maintain two existing footpaths and remove one footpath. These footpath sections (labelled A, B and C) are shown in Figure 5.



Figure 5 Existing / Proposed Footpath Sections

The main footpath (footpath "B") is proposed to be maintained as a raised footpath through the centre of the car parking area. It is recommended that in the detailed design, zebra line marking is provided (similar to that provided within the existing carpark) to strengthen this connection and improve pedestrian safety.

The existing footpath "C" terminates at an aisle but has no clear path through the existing car park. It is recommended that further consideration is given to providing a clear path of travel for pedestrians entering the existing car park.

Bus/ Coach Movements

Buses and coaches currently use two routes through the existing car pack. The two routes ("1" and "2") are shown in Figure 6.

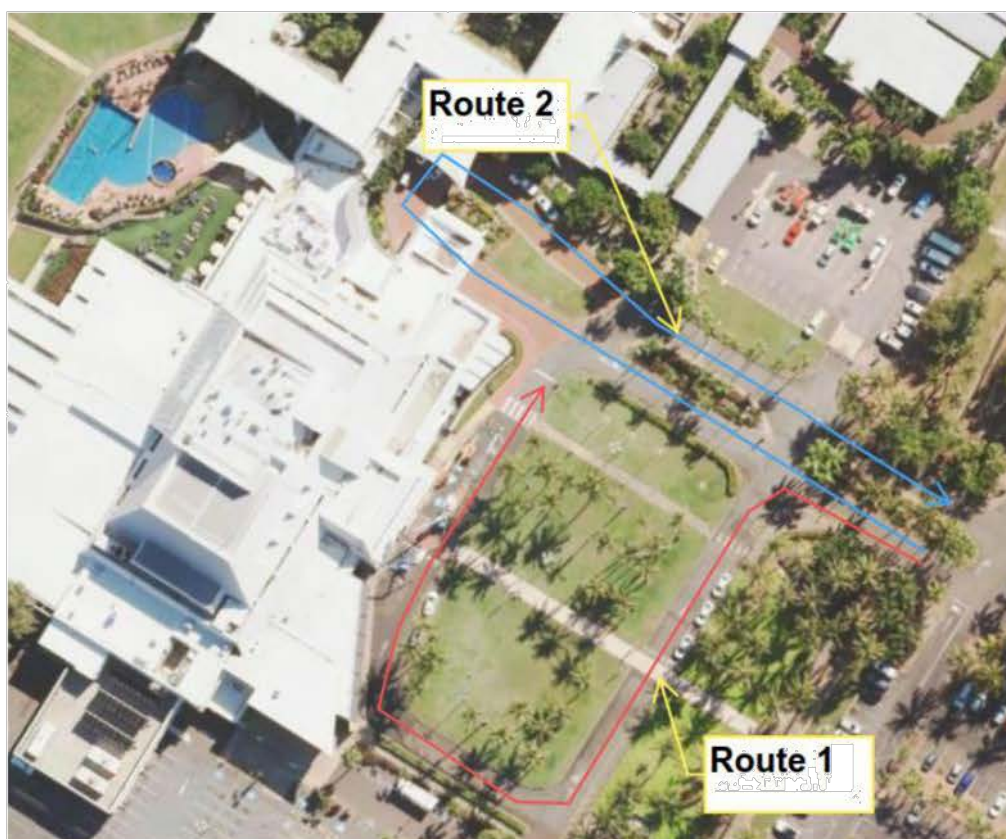


Figure 6 Current Bus / Coach Routes

As part of the proposed development, buses / coaches will be restricted from using Route "1" and access to the existing building will be via Route "2" only. This route provides direct access for passengers into the building.

It is noted that Route "2" is currently in use and will not be impacted by the proposed car park extension works.

Conclusions and Recommendations

The proposed development of 142 car spaces and 4 DDA compliant spaces within the existing Mindil Beach Casino Resort has been assessed against Australian Standards, NT Planning requirements and safe circulation of vehicles and pedestrians.

The proposed car park layout is generally supported from a traffic and parking perspective.

The following recommendations should be incorporated within the detailed design of the parking area:

- It is recommended that the parking spaces are lengthened to 5.5m to comply with the NTPS requirements.



- It is recommended that a portion of the raised island in front of the main building is trimmed to allow easier access into the proposed DDA compliant spaces.
 - In addition, a radius could be provided alongside the parking space to improve access into the space.
- It is recommended that signage is provided to assist traffic movements within the car parking area. The proposed signage includes:
 - One way signs on the approach to the one way section; and
 - Left turn only sign on the approach to Casino Drive along the central aisle.
- It is recommended that zebra line marking is provided along the raised footpath through the centre of the proposed car park (footpath "B").
- It is recommended that consideration is given to providing a clear path of travel for pedestrians entering / leaving the existing footpath "C" through the existing car park.

Yours sincerely,

Bryden Smith


Senior Engineer (Traffic)

Tonkin

LAND OWNER/S AUTHORISATION TO LODGE A DEVELOPMENT APPLICATION UNDER THE PLANNING ACT 1999

Signatures from ALL landowners registered on the land title must be provided

The owners and/or persons duly authorised as signatory on behalf of the landowner*, hereby authorise:		
NAME (please print)	MASTERPLAN NT	
Contact number	Ph: 8942 2600	Mob: 0413 832 607
to lodge a development application under the Planning Act 1999 over the property described as:		
LOT/NT PORTION	PART LOT 5772	
LOCATION/TOWN	LOT 5772 TOWN OF DARWIN	
STREET ADDRESS	GILRUTH AVENUE	
PROPOSED DEVELOPMENT	CAR PARKING EXTENSION	

OWNERS SIGNATURE		
NAME (please print)	LIAM CARROLL	
TITLE (ie company director/secretary)	My EO	
Contact number	Ph:	Mob: 0405186997
DATE	5/2/20	

OWNERS SIGNATURE		
NAME (please print)		
TITLE (ie company director/secretary)		
Contact number	Ph:	Mob:
DATE		

Julie Hillier

From: Liam Carroll <Liam.Carroll@darwin.nt.gov.au>
Sent: Friday, 7 February 2020 2:10 PM
To: Joe Sheridan
Subject: RE: Authority to lodge form
Attachments: scan_liam.carroll_2020-02-07-14-08-16.pdf

LIAM CARROLL

Manager Economic Development & Tourism
Innovation, Growth and Development Services



CIVIC CENTRE Harry Chan Avenue | GPO Box 84 Darwin NT 0801
P 08 8930 0559
www.darwin.nt.gov.au

Please consider the environment before printing this email.

From: Joe Sheridan [mailto:JoeS@masterplan.com.au]
Sent: Friday, 7 February 2020 1:59 PM
To: Liam Carroll
Subject: RE: Authority to lodge form

Hi Liam,

Sorry to pester you but is there any chance you might be able to action this today? It'd be great to get back to DAS so we can keep moving forward.

Feel free to give me a call if you have any questions.

Regards,

Joe Sheridan
0413 832 607

MASTERPLAN
TOWN + COUNTRY PLANNERS

NT | SA | QLD
Unit 33/16 Charlton Court
Woolner NT 0820

P: 08 8942 2600
[Website](http://www.masterplan.com.au) | [Facebook](#) | [LinkedIn](#)

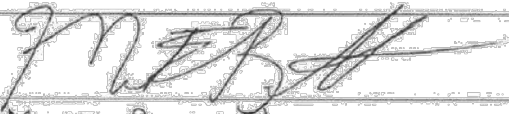


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LAND OWNER/S AUTHORISATION TO LODGE A DEVELOPMENT APPLICATION UNDER THE PLANNING ACT 1999

****signatures from ALL landowners registered on the land title must be provided****

The owners and/or persons duly authorised as signatory on behalf of the landowner**, hereby authorise:		
NAME (please print)	MASTERPLAN NT	
Contact number:	Ph: 8942 2600	Mob: 0413 832 607
to lodge a development application under the Planning Act 1999 over the property described as:		
LOT/ NT PORTION:	Lot 5244 Town of Darwin from plan(s) S 79/012 Volume 710 Folio 990	
LOCATION/TOWN	Giruth Avenue, Darwin NT 0800	
STREET ADDRESS:	Giruth Avenue	
PROPOSED DEVELOPMENT:	Car Parking extension	

OWNERS SIGNATURE		
NAME: (please print)	Mark Bennett	
TITLE: (ie. company director/secretary)	GM - Delaware North Darwin Casino	
Contact number:	Ph: 8943 8810	Mob: -
DATE:	29/01/2020	

OWNERS SIGNATURE		
NAME (please print)		
TITLE: (ie. company director/secretary)		
Contact number:	Ph:	Mob:
DATE:		



21 February 2020

Planning Coordinator
City of Darwin
Civic Centre
Harry Chan Avenue
DARWIN NT 0800

Attention: Brian Sellers

Dear Brian

**LICENCE AGREEMENT
CITY OF DARWIN CAR PARK PART LOT 5772 TOWN OF DARWIN**

Mindil Beach Casino & Resort seeks to provide for more car parking free of charge to its guests and patrons. As you would be aware we are currently under a Licence Agreement ("Agreement") executed on 25th June 2004 with the City of Darwin Council ("Council") that covers our car parking areas.

The Agreement provides for a Licence Area which is a relatively level and slightly irregular area that is divided into two portions and has two road frontages. The two portions allow access to Gilruth Avenue to the south-eastern boundary and Casino Drive to the north-east boundary.

Pursuant to clause 12.1 of the Agreement, we the Licensee wish to seek written approval to further develop the current soft landscape into hard stand which will be used as additional car parking. This is approximately 500 square meters of the Council land (located south east from the Casino entry).

Given that the changes we are seeking will materially change the condition of the Licence Area, in addition we seek written confirmation that there will be no requirement to provide the premises back in the same condition as they were provided (pursuant to clause 12.3(a)). We note that the current soft landscape will be changed to a hard landscape as provided for in the plans attached, and the premises will be cleaned and provided back, but will not be returned to its original state.

Please find attached the copy of the plans and specifications for the development of the soft landscape to additional car parking. We seek written approval from the Council for the proposed new improvements.

If you have any queries, please contact me.

Yours sincerely

Mark Bennett

General Manager – Mindil Beach Casino & Resort

ADDRESS	POSTAL ADDRESS	PHONE
3 Gilruth Avenue, The Gardens,	GPO Box 3846	+61 8 8943 8888
Darwin, Northern Territory, Australia	Darwin NT, 0801 Australia	FAX Casino +61 8 8943 9777
		Resort +61 8 8943 8999
mindilbeachcasinoresort.com.au		ABN 54 009 624 417



Civic Centre Harry Chan Avenue, Darwin NT 0800
GPO Box 84 Darwin NT 0801
darwin@darwin.nt.gov.au
P +61 8 8930 0300
F +61 8 8930 0311
TTY +61 8 8930 0577

28 February 2020

Please Quote: PA2020/0032 BS:hd

Ms Dawn Parkes
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Ms Parkes

Parcel Description: **Lot 5244 & 5772 - Town of Darwin**
 1 Casino Drive & 73 Gilruth Avenue, The Gardens

Proposed Development: **Car park extensions to an existing casino**

Thank you for the development application referred to this office 13 February 2020, concerning the above.

Lot 5772 (73) Gilruth Avenue and the Casino Drive road reserve is owned by the City of Darwin. Notwithstanding the applicant gained landowners authorisation from City of Darwin to lodge the development application, this in no way endorses the contents of the application.

The application proposes development works to be undertaken within Council land, being Lot 5772 (73) Gilruth Avenue as well as works within the Casino Drive road reserve. Works include transforming approximately 500m² of Council's land from landscaping into a hard stand, and removing landscaped centre islands in the road reserve, which are to be developed as additional car parking for the casino.

As redevelopment works of City of Darwin land are being proposed, this item will be presented to Council at an Ordinary Council Meeting. A formal written response will be provided to Development Assessment Services (DAS) following the matter being presented to Council.

Until this application has been considered by Council, no works will be permitted to be undertaken within City of Darwin land or the road reserve.

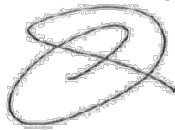


2

The earliest Council can consider this matter is at their next Ordinary Council Meeting, which will be held on Tuesday 17 March. An endorsed response will be forwarded to DAS before the close of business, the Friday following the Council meeting.

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

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING



Development Consent Authority

Northern Territory

GPO BOX 1680
DARWIN NT 0801Telephone No: (08) 8999 6044
Facsimile No: (08) 8980 0700

In reply please quote: PA2020/0032

Joseph Sheridan
MasterPlan NT
joes@masterplan.com.au

Dear Sir

RE: Lot 5244 (1 Casino Drive) and Lot 5772 (73 Gilruth Avenue), Town of Darwin

I refer to your development application seeking consent for car park extensions to an existing casino at the above address. By virtue of resolution 31/16 of the Darwin Division of the Development Consent Authority, you are hereby advised that, pursuant to section 46(4)(b) of the *Planning Act 1999*, the application has been deferred to allow you to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- City of Darwin response to proposed development over Lot 5772 following the presentation of the application to the Council at an Ordinary Council Meeting; and
- Amended plans which:
 - a) details landscaping, pedestrian linkages and drop off zone(s) as identified in the Technical Assessment against the NT Planning Scheme;
 - b) shows the traffic island near the disabled parking bays is reduced in length as recommended in the Traffic Impact Assessment;
 - c) shows the existing easements on the subject land;
 - d) excludes Lot 7651 but shows the legal access to this land over the subject land; and
 - e) shows Lot 5751 and the legal access to this land over the subject land.

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

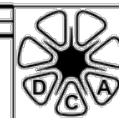
Yours faithfully



Julie Hillier
2020.03.02
15:59:41
+09'30'

JULIE HILLIER
Delegate

cc CITY OF DARWIN



**14.5 MINUTES BOMBING OF DARWIN AND MILITARY HISTORY ADVISORY COMMITTEE
5 FEBRUARY 2020 AND REVIEW OF TERMS OF REFERENCE**

Author: Executive Assistant Community & Regulatory Services

Authoriser: Executive Manager Leisure and Regulatory Services

Attachments:

1. Unconfirmed Minutes 5 February 2020
2. Revised Terms of Reference
3. Current Terms of Reference
4. Terms of Reference with Track Changes

SUMMARY

The purpose of this report is to present the Minutes of the Bombing of Darwin and Military History Advisory Committee held on 5 February 2020 and seek Council's endorsement of the revised Terms of Reference for the Committee.

RECOMMENDATIONS

1. THAT the report entitled Minutes Bombing of Darwin and Military History Advisory Committee 5 February 2020 and Review of Terms of Reference be received and noted.
2. THAT the minutes of the Bombing of Darwin and Military History Advisory Committee of 5 February 2020, at **Attachment 1**, be received and noted.
3. THAT Council endorse the change to the title of the Bombing of Darwin and Military History Advisory Committee to Bombing of Darwin and Military and Civilian History Advisory Committee.
4. THAT Council endorse the revised Terms of Reference of the Bombing of Darwin and Military and Civilian History Advisory Committee, at **Attachment 2**.

KEY ISSUES

- The Bombing of Darwin and Military History Advisory Committee was established in May 2009 to take carriage of the direction and oversight of the Bombing of Darwin event and the prospective development of other military history events and activities.
- Terms of Reference were endorsed at this time, revised in 2012 and again in 2014. The current Terms of Reference are at **Attachment 3**.
- At the Council meeting held on 12 November 2019 Alderman Glover raised as a General Business item - Citizen's experience of the Bombing of Darwin.
- At the Bombing of Darwin and Military History Advisory Committee meeting on 11 December 2019 members were requested to consider a review of the current Terms of Reference to reflect the request made by Alderman Glover.
- At the Bombing of Darwin and Military History Advisory Committee on 5 February 2020 draft Terms of Reference with track changes were presented for discussion **Attachment 4**.
- A number of recommended changes to the Terms of Reference (including a change to the name of the committee) were supported, while one proposed change (expanding the membership to include community representation) was not supported.

BACKGROUND**Previous Decisions**

RESOLUTION ORD552/19 (12/11/2019)

1. That a review of the Terms of Reference of the Bombing of Darwin and Military History Advisory Committee be undertaken to fully acknowledge and honour the war time experiences of those civilians whose lives who were so profoundly impacted by the war.

DISCUSSION**Review of the Terms of Reference**

At the Bombing of Darwin and Military History Advisory Committee on 5 February 2020 draft Terms of Reference with track changes were presented for discussion.

The following proposed main changes were supported by the Committee:

- **Title** - Bombing of Darwin and Military and Civilian History Advisory Committee
- **Membership** – removal of Tourism Top End. It was noted that representative seldom attends and that this industry is represented by Tourism NT.
- **Aim** – amend to include the impact on the citizens of the Northern Territory.
- **Objectives**
 - Removal of Objective 3.4 - Explore the prospect of a formal link between Darwin and Honolulu via the development of a Sister City or Friendship City relationship.
 - Addition of Objective - Promote recognition of the experiences of the civilian population in the Top End during WWII.
- **Target Group** – amend 4.1 to WWII veterans and their families, and civilians and their families.
- **Term of Appointment** - Adjust to reflect a two year term for community representatives to be consistent with other advisory committees of Council.

The following proposed change was not supported by the Committee:

- Increasing membership to include a member of the community - sentiment of the committee members is that the current members' provide a broad and inclusive perspective and that the members, as well as representing an organisation, also represent the community.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

5 A Vibrant and Creative City

Outcome

5.2 By 2030, Darwin will be a more connected community and have pride in our cultural identity

LEGISLATIVE/POLICY

The committee operates to strengthen the tourism, historical, cultural and educational prospects of the raft of events and activities relating to Darwin's military heritage and its impacts on the citizens of the Northern Territory.

CONSULTATION**Internal**

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

- Nil

External

- Bombing of Darwin and Military History Advisory Committee

BUDGET/RESOURCE IMPLICATIONS

Nil

RISK

Nil

LEGAL

The Bombing of Darwin and Military History Advisory Committee is established pursuant to Section 54 of the Local Government Act.

ARTS, CULTURE & ENVIRONMENT

Nil



MINUTES
BOMBING OF DARWIN & MILITARY
HISTORY ADVISORY COMMITTEE
 11.00 – 12 noon, Wednesday 5 February 2020
 Meeting Room 1, City of Darwin

1. PRESENT

Alderman Mick Palmer
 Mr Stephen Gloster
 Mr John Hart

Mr Norm Cramp
 Ms Dianne Bensley

Ms Meg Cotter
 Ms Meghan Bailey
 Ms Polly Banks

Chair
 RSL

Aviation Historical Society of the NT President (*attended on behalf of Mr Tony Simons*)
 Darwin Military Museum Manager
 Department of Tourism, Sport and Culture, Heritage Branch (*attended on behalf of Mr Michael Wells*)
 Tourism NT Trade and Industry Marketing Executive
 Department of Veterans' Affairs Deputy Commissioner NT
 City of Darwin General Manager Community and Regulatory Services

City of Darwin Staff

Ms Kylie Salisbury
 Mrs Karen Long

Community Events Producer
 Executive Assistant

Guests

Major Willem Schoombie
 Warrant Officer Class One Peter Stanek

The Chair declared the meeting open at 11.01 am.

2. APOLOGIES

The Hon Kon Vatskalis
 Ms Sheree Jeeves
 Ms Linda Fazldeen

Lord Mayor
 City of Darwin Manager Engagement and Events
 Defence NT, Director Community Engagement, Department of Trade, Business and Innovation

3. DECLARATION OF INTEREST IN ANY ITEMS ON THE AGENDA - Nil

4. ACCEPTANCE OF PREVIOUS MINUTES 11 DECEMBER 2019

The minutes of the meeting of 11 December 2019 were received as a true and accurate record.

Gloster/Bailey, carried

5. BUSINESS ARISING FROM PREVIOUS MINUTES 11 DECEMBER 2019 - Nil

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Minutes Bombing of Darwin & Military History Advisory Committee 05/02/2020

6. GENERAL BUSINESS**6.1 Peace in the Pacific Study Tour Presentation – Student Megan Rollings**

Miss Megan Rollings provided an overview of her experiences as a participant of the Chief Minister's Peace in the Pacific study tour of Hawaii in December 2019. The participants visited military sites and attended Pearl Harbor commemorations.

The committee thanked Miss Rollings for her presentation.

6.2 Community Events Update – Kylie Salisbury**6.2.1 Bombing of Darwin Day 2020**

- Two Veterans will be attending this year's event
- Final planning meeting with Defence has been held
- Matt Hall will be speaking at the Royal Flying Doctor Service Tourist facility on 18 February, attending the service and the Lord Mayor's reception
- Invitations for the Lord Mayor's reception at the Military Museum will be sent out today

6.3 Review of Bombing of Darwin and Military History Advisory Committee's Terms of Reference

Following discussion on this item the following changes were supported by the Committee:

Current Term of Reference	Proposed Change
Title Bombing of Darwin Military and History Advisory Committee	<u>Supported</u> - Bombing of Darwin and Military and Civilian History Advisory Committee
Membership Tourism Top End	Remove from membership – <u>supported</u> . It was noted that representative seldom attends and that this industry is represented by Tourism NT.
Increasing membership to include a member of the community	<u>Not supported</u> - sentiment of the committee members is that the current members provide a broad and inclusive perspective and that the members, as well as representing an organisation, also represent the community.

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Minutes Bombing of Darwin & Military History Advisory Committee 05/02/2020

Objectives 3.4 Explore the prospect of a formal link between Darwin and Honolulu via the development of a Sister City or Friendship City relationship.	<ul style="list-style-type: none"> • <u>Supported</u> – removal of objective 3.4 • <u>Supported</u> - addition of new objective - <i>Promote recognition of the experiences of the civilian population in the Top End during Bombing of Darwin</i>
Target Group 4.1 WWII veterans and their families	<u>Supported</u> - <i>WWII veterans and their families, and civilians and their families</i>
Meeting Frequency 6-8 times per year	Change to Bi-monthly
Term of Appointment	Adjust to reflect a two year term for community representatives to be consistent with other advisory committees of Council.
Appointed By	Insert the relevant section of the NT LG act - 54
	Add Quorum Insert the relevant section of the NT LG Act - 64 (2)

6.4 Members' Update

Stephen Gloster

- Tabled a letter from Peter and Sheila Forrest proposing a 'Civilian Memorial Walk: commemorating the wartime experience of Darwin civilians'.
 - Stephen Gloster informed the committee that there were no plans at this point and proposed that the architect draw these up for the committee to consider at the next meeting. This was supported.
 - Polly Banks informed the committee that the Executive Manager of Technical Services, Drossa Lelekis was going to join the meeting during general business to speak about the current civilian memorial wall and plaques at the Cenotaph area. It was viewed that this discussion should be held over until the next meeting in April when there are plans.

Action – Civilian Memorial Wall to be included on the next agenda

Meg Cotter

- Filming of various WWII sites is due to commence for a promotional video for Mat McLachlan Battlefield Group tours.
- Military History Workshop – Thursday 20 February, 2.30 -3.30pm at Browns Mart Theatre.

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Minutes Bombing of Darwin & Military History Advisory Committee 05/02/2020

Action – Email invitation on the workshop to be distributed to membership.

Meghan Bailey

- Saluting Their Service Community Grants – closing 31 March 2020. Further information is available at <https://www.communitygrants.gov.au>
- Prime Minister announced today a national commissioner for defence and veteran suicides.
- Darwin Veterans Wellbeing Centre – promotional material will be distributed soon.

Dianne Bensley

- RAAF Spitfire A54-2 wreck handover all completed.

Norm Cramp

- Lord Mayor's reception at the Military Museum on 19 February – working with Kylie.
- Queried whether City of Darwin has any plans to commemorate the 75th anniversary of the end of World War 11 in August this year. Chair advised not at this time.

John Hart

- Re-enactment flight from Darwin to Adelaide – BBQ will be held with the pilots at the Darwin Aviation Museum.
- Open cockpit day will be held in March

7. ANY OTHER BUSINESS

8. DATE OF NEXT MEETING

Date: 8 April 2020
Time: 11.00 am
Venue: Meeting Room 1

9. MEETING CLOSED

2020 Meeting Dates

10 June 2020
12 August 2020
14 October 2020
9 December 2020

BOMBING OF DARWIN & MILITARY & CIVILIAN HISTORY ADVISORY COMMITTEE
TERMS OF REFERENCE

Membership:

Elected Members

- Lord Mayor (Chair)
- Alderman Mick Palmer
- Aldermen Andrew Arthur (Alternate)

City of Darwin

- General Manager Community and Regulatory Services
- Manager Engagement and Events

Community

Representatives from the following organisations:

- Tourism NT
- Department of Tourism, Sport and Culture
- Department of Veterans' Affairs
- Defence NT
- Returned Services League
- Darwin Military Museum
- Aviation Historical Society of the NT Inc.

Delegation:

This advisory committee makes recommendations to Council.

Committee's Purpose

This is an advisory committee with the following structure, aims and objectives:

1. **Name of Committee:**
Bombing of Darwin and Military and Civilian History Advisory Committee
2. **Aim:**
For the Bombing of Darwin and Military History Advisory Committee to strengthen the tourism, historical, cultural and educational prospects of the raft of events and activities relating to Darwin's military heritage and its impact on the citizens of the Northern Territory.

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3. Objectives:

The objectives of this committee will be to:

- 3.1 Develop the tourism, historical, cultural and educational prospects and aspects of both the Bombing of Darwin event and Darwin's broader military history.
- 3.2 Provide a strong vision for the infrastructure, activities and events that promote the Bombing of Darwin and Darwin's broader military history.
- 3.3 Establish effective partnerships with key stakeholders engaged in participating in and promoting the Bombing of Darwin event and Darwin's broader military history.
- 3.4 Promote recognition of the experiences of civilians in the Top End during WWII.

4. Target Group:

- 4.1 WWII veterans and their families, civilians, evacuees and their families
- 4.2 Residents of the Darwin community
- 4.3 Prospective interstate and international visitors to Darwin

Meeting frequency:

Bi-monthly

Term of Appointment:

Financial year for Elected Members.

Appointed Committee members shall remain so for a set period of two (2) years and at the end of any two year term, retiring members may re-apply for membership.

Appointed by Council as required under Section 54 of the NT Local Government Act.

Quorum:

Section 64 (2) of the NT Local Government Act states that a quorum of a local authority, local board or council committee consists of a majority its members.

BOMBING OF DARWIN & MILITARY HISTORY ADVISORY COMMITTEE**Membership:****Elected Members**

- Lord Mayor (Chair)
- Alderman Mick Palmer
- Aldermen Andrew Arthur (Alternate)

City of Darwin

- General Manager Community & Regulatory Services
- Government Relations & External Affairs officer

Community

Representatives from the following organisations:

- Northern Territory Government
- Tourism NT
- Department of Natural Resources, Environment, the Arts and Sport
- Department of Veterans' Affairs
- Returned Services League
- Tourism Top End
- Darwin Military Museum
- Aviation Historical Society of the NT Inc.

Delegation:

This advisory committee makes recommendations to Council.

Committee's Purpose

This is an advisory committee with the following structure, aims and objectives:

1. **Name of Committee:**
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3. Objectives:

The objectives of this committee will be to:

- 3.1 Develop the tourism, historical, cultural and educational prospects and aspects of both the Bombing of Darwin event and Darwin's broader military history.
- 3.2 Provide a strong vision for the infrastructure, activities and events that promote the Bombing of Darwin and Darwin's broader military history.
- 3.3 Establish effective partnerships with key stakeholders engaged in participating in and promoting the Bombing of Darwin event and Darwin's broader military history.
- 3.4 Explore the prospect of a formal link between Darwin and Honolulu via the development of a Sister City or Friendship City relationship.

4. Target Group:

- 4.1 WWII veterans and their families
- 4.2 Residents of the Darwin community
- 4.3 Prospective interstate and international visitors to Darwin

Meeting frequency: 6-8 times per year.

Term of Appointment: Financial year for Elected Members.

Appointed by: Council

ATTACHMENT B

BOMBING OF DARWIN & MILITARY HISTORY ADVISORY COMMITTEE

TERMS OF REFERENCE

Membership:

Elected Members

- Lord Mayor (Chair)
- Alderman Mick Palmer
- Aldermen Andrew Arthur (Alternate)

City of Darwin

- General Manager Community ~~and~~ Regulatory Services
- ~~Manager Engagement and Events~~ Government Relations & External Affairs officer

Community

Representatives from the following organisations:

- ~~Northern Territory Government~~
- Tourism NT
- Department of ~~Natural Resources, Environment, the Arts and Sport~~ Tourism, Sport and Culture
- Department of Veterans' Affairs
- ~~Defence NT~~
- Returned Services League
- ~~Tourism Top-End~~
- Darwin Military Museum
- Aviation Historical Society of the NT Inc.
- ~~A Community Representative~~

Delegation:

This advisory committee makes recommendations to Council.

Committee's Purpose

This is an advisory committee with the following structure, aims and objectives:

1. Name of Committee:

Bombing of Darwin and Military History Advisory Committee

2. Aim:

For the Bombing of Darwin and Military History Advisory Committee to strengthen the tourism, historical, cultural and educational prospects of the raft of events and activities relating to Darwin's military heritage ~~and its impact on the citizens of the Northern Territory.~~

Comment [PB1]: Alternative Committee Names:

1. Bombing of Darwin: Military and Civilian History Advisory Committee
2. Darwin Military and Civilian History Advisory Committee

Comment [PB2]: Alternative Committee Names:

1. Bombing of Darwin: Military and Civilian History Advisory Committee
2. Darwin Military and Civilian History Advisory Committee

|

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Track Changes

(...continued from previous page)

3. Objectives:

The objectives of this committee will be to:

- 3.1 Develop the tourism, historical, cultural and educational prospects and aspects of both the Bombing of Darwin event and Darwin's broader military history.
- 3.2 Provide a strong vision for the infrastructure, activities and events that promote the Bombing of Darwin and Darwin's broader military history.
- 3.3 Establish effective partnerships with key stakeholders engaged in participating in and promoting the Bombing of Darwin event and Darwin's broader military history.
- 3.4 Explore the prospect of a formal link between Darwin and Honolulu via the development of a Sister City or Friendship City relationship.
- 3.5 Promote recognition of the experiences of civilians in the Top End during WWII (or Bombing of Darwin)

4. Target Group:

- 4.1 WWII veterans and their families, civilians, evacuees and their families
- 4.2 Residents of the Darwin community
- 4.3 Prospective interstate and international visitors to Darwin

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Meeting frequency:

6-8 times per year. Bi-monthly

Term of Appointment:

Financial year for Elected Members.

Appointed Committee members shall remain so for a set period of two (2) years and at the end of any two year term, retiring members may re-apply for membership.

Comment [PB3]: Adjusted to reflect a two-year term to be consistent with other committees. Currently there is no time limit on the term of appointment.

Appointed by: Council as required under Section 54 of the NT Local Government Act.

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Quorum:

Section 64 (2) of the NT Local Government Act states that a quorum of a local authority, local board or council committee consists of a majority its members.

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14.6 MINUTES YOUTH ADVISORY COMMITTEE MEETING 13 FEBRUARY 2020 - APPOINTMENT OF NEW MEMBERS

Author: Youth Engagement Officer

Authoriser: General Manager Community and Regulatory Services

Attachments: 1. Unconfirmed Minutes Youth Advisory Committee Meeting 13 February 2020

SUMMARY

The purpose of this report is to present the minutes of the Youth Advisory Committee February meeting held on 13 February 2020 and seek approval of three nominations to the Committee.

RECOMMENDATIONS

1. THAT the report entitled Minutes Youth Advisory Committee Meeting 13 February 2020 and Appointment of new members be received and noted.
2. THAT, pursuant to Section 54 of the Local Government Act Council appoint David Ninan, Tanisha Cubillo and Martin Feng to the Youth Advisory Committee from 13 February 2020 – 30 June 2022.

KEY ISSUES

- Nominations from David Ninan, Tanisha Cubillo and Martin Feng were endorsed by the Committee
- Proposed restructure for Youth Advisory Committee (YAC) annual calendar
- YAC Recruitment Campaign Consultation
- Citizen of the Year Awards

BACKGROUND

The Youth Advisory Committee met on 13 February 2020 and the minutes are presented and detailed at **Attachment 1**.

DISCUSSIONAppointment of New Member

The Committee recommended the appointment of David Ninan, Tanisha Cubillo and Martin Feng for the term 13 February 2020 to 30 June 2022.

Proposal restructure for YAC's annual calendar

Youth Engagement Officer presented a proposal for a new structure for YAC's annual calendar. Proposal includes:

- YAC to continue to meet monthly
- Will plan to have a minimum of four formal meetings per year
- In between months to include community volunteering, attending events and professional development workshops

YAC Recruitment Campaign Consultation

Recruitment campaign to focus on developing an online presence for YAC via Facebook, Instagram, YouTube and Snapchat as well as some templates for printed materials such as posters, fliers and cards.

Citizen of the Year Awards

Congratulations to member Emily Ford for winning the City of Day Young Citizen of the Year Award. Congratulations also to member Jane Alia on her keynote address at City of Darwin Australia Day Citizenship Ceremony and Citizen of the Year Awards.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

5 A Vibrant and Creative City

Outcome

5.2 By 2030, Darwin will be a more connected community and have pride in our cultural identity

LEGISLATIVE/POLICY

Underpinned by Youth Strategy 2016 - 2121

CONSULTATION

Internal

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

- Nil

External

- Youth Advisory Committee

BUDGET/RESOURCE IMPLICATIONS

Nil

RISK

Nil

LEGAL

Nil

ARTS, CULTURE & ENVIRONMENT

Nil



Minutes

Thursday 13 February 2020
5.30pm – 7.30pm
Library Hub

1. MEETING OPENED

The meeting of the Youth Advisory Committee was opened at 5:33pm by Chair Teresa Helm

2. PRESENT

Alderman George Lambrinidis	Elected Member (Alternate)
Jane Alia	YAC Member
Emmanuel Khemis	YAC Member
Zakelli Xie	YAC Member
Emily Ford	YAC Member
Officers	
Teresa Helm	Youth Engagement Officer
Lisa Burnett	Coordinator Youth Programs
Guests	
Anneke Putri	Recruitment Consultancy
Natalie Nalzar	Recruitment Consultancy
Adnan Reza	Recruitment Consultancy
Martin Feng	Observer

APOLOGIES

Samantha Price	YAC Member
Alderman Andrew Arthur	Elected Member

WELCOME OBSERVERS AND GUESTS

Welcome guests Anneke Putri, Natalie Nalzar and Adnan Reza consulting YAC for the development of a recruitment campaign, and Martin Feng.

3. MINUTES OF PREVIOUS MEETING

No formal meetings were held November and December 2019, therefore no minutes to accept.

Minutes Youth Advisory Committee Meeting 13 February 2020

4. BUSINESS ARISING FROM PREVIOUS MINUTES

4.1 Name badges

Emmanuel, Jane, Emily and Zak received YAC name badges.

4.2 Youth Information Research Project

Results have come back from the research project undertaken by Two Two One Consultancy in 2019. Findings will influence approach to YAC recruitment campaign as well as promotion of LAUNCH programs.

ACTION	YEO to circulate Youth Information Research Project report with minutes.
---------------	--

5. GENERAL BUSINESS

5.1 Endorsement of new members

New members David Ninan, Tanisha Cubillo and Martin Feng.

Membership endorsed by the following members:

Zakelli (Moved), Emily (Seconded)

ACTION	YEO to submit report to Council for endorsing new members.
---------------	--

5.2 YAC Plan and Restructure

YEO presented proposal for new structure for YAC's annual calendar. Proposal includes:

- YAC to continue to meet monthly
- Will plan to have a minimum of four formal meetings per year
- Inbetween months to include community volunteering, attending events and professional development workshops

ACTION	YEO to formally review terms of reference at March meeting.
---------------	---

Minutes Youth Advisory Committee Meeting 13 February 2020

5.3 YAC Recruitment Campaign Consultation

Recruitment campaign to focus on developing an online presence for YAC via Facebook, Instagram, Youtube and Snapchat as well as some templates for printed materials such as posters, fliers and cards.

ACTION	Anneke, Natalie and Adnan to share campaign mood board with YAC members and bring concept back to YAC for approval.
---------------	---

5.4 Exit Art – Youth Week Off the Leash Cover

YAC voted on their preferred cover for the Off The Leash Youth Week edition.

ACTION	YEO to gather votes from absent members then share the result with YAC and notify Off the Leash, Exit Art (MAGNT) and artist.
---------------	---

5.5 Quiz4Dilli

YAC identified businesses that might be appropriate to canvas for prizes.

ACTION	YEO to circulate sponsorship letter for requesting prizes from businesses (once the date is locked in).
	Note to share any communications from Action for Change Foundation with YAC members.

6. Any other business

Busking Permit System

Alderman Lambrinidis provided background on Council's decision to temporarily withdraw the busking permit system in the CBD while it is reviewed.

YAC member queried how information about busking conditions is communicated with potential buskers. Suggestion to develop an education campaign with materials available in Kriol including video content for applicants.

Native and Endemic Plantings

YAC member queried whether Council has a policy around which species are planted in public spaces. Suggestion to invite a staff member to present to YAC about current planting programs such as the Urban Forest Strategy.

Citizen of the Year Awards

Congratulations to member Emily Ford for winning the City of Day Young Citizen of the Year Award.

Minutes Youth Advisory Committee Meeting 13 February 2020

Congratulations to member Jane Alia on her keynote address at City of Darwin Australia Day Citizenship Ceremony and Citizen of the Year Awards.

7. Meeting Closed

7.41pm

Next YAC meeting scheduled:

Thursday March 19, 2020

5.30pm – 7.30pm

Library Hub, City of Darwin Civic Centre,

17 Harry Chan Avenue Darwin

Contact Person:

Teresa Helm

Coordinator Youth Engagement

08 8930 0635

0400 779 066

UNCONFIRMED

14.7 ADOPTION OF PROCUREMENT POLICY**Common Number:****Author:** Chris Kelly, Executive Manager Corporate Services**Authoriser:** Acting General Manager Government Relations & External Affairs**Attachments:** 1. Current Purchasing Policy No. 070
2. Draft Procurement Policy No. 70**SUMMARY**

The purpose of this report is to seek approval for the draft Procurement Policy.

RECOMMENDATIONS

1. THAT the report entitled Adoption of Procurement Policy be received and noted.
2. THAT Council repeal Policy No. 70 Purchasing Policy.
3. That Council adopt the draft Policy No. 70 Procurement Policy at Attachment 2 to this report.

KEY ISSUES

- The Purchasing Policy at **Attachment 1** is due for review, having been adopted in 2013.
- It is being recommended that the current policy is repealed and replaced with the draft Procurement Policy at **Attachment 2**.
- The proposed policy focuses on 5 key principles, namely:
 - Securing Value for Darwin
 - Working Together to Achieve Outcomes
 - Leaders in Procurement Practice
 - Integrity, Probity and Accountability
 - Renewing Council's Commitment to Climate Action.
- The draft policy increases the local content weighting to 30%, from the current 20%, in line with *Darwin 2030*.
- The draft policy also provides Council staff with the option of including criteria to consider environmental outcomes, and assist social, disability and indigenous enterprises in obtaining Council contracts.
- Council will also renew its commitment to the Local Buy program, to which the Local Government Association of the Northern Territory is a signatory.

BACKGROUND

Council's current Purchasing Policy is due for review, having been adopted on 30 July 2013 following recommendation from the former Corporate and Economic Development Committee.

15.2 Corporate and Economic Development**6 Purchasing Policy**

- A. THAT Report Number 13A0116 DLee:ns entitled Purchasing Policy, be received and noted.

- B. THAT Council adopt and place on Council's website the Purchasing Policy, as shown in **Attachment A** of Report Number 13A0116 DLee:ns entitled Purchasing Policy.

DECISION NO.21\1296 (30/07/13) Carried

As part of the ongoing program of policy review, this policy has now been reviewed and a new policy is presented for adoption by Council.

DISCUSSION

Every year, Council spends tens of millions of dollars on a wide range of goods and services to support the delivery of services and infrastructure for residents and visitors of Darwin. Last year, Council spent \$56.13 million on materials, contracts and other expenses. This means that Council's investment in the community not only delivers important outcomes, but has a significant financial benefit for the local economy. Therefore, it is important that Council's Procurement Policy supports the delivery of the community's wishes, as outlined in *Darwin 2030*.

Council's Purchasing Policy at **Attachment 1** has been reviewed. It will be recommended that the new Procurement Policy at **Attachment 2** be adopted by Council, and that the existing policy be repealed.

The proposed policy focuses on 5 main principles, namely:

- Securing Value for Darwin
- Working Together to Achieve Outcomes
- Leaders in Procurement Practice
- Integrity, Probity and Accountability
- Renewing Council's Commitment to Climate Action.

Principle 1, Securing Value for Darwin commits Council to a 30% local weighting, consistent with *Darwin 2030*, and Council's obligations under Northern Territory Government grants. Council will also commit to prioritising local suppliers for low value transactions such as entertainment, food and beverages at community events and civic functions.

Principle 2, Working Together to Achieve Outcomes will allow Council to support social and indigenous procurement through the optional inclusion of weighting to allow consideration of social and indigenous objectives as part of the assessment criteria. This will assist in the growth of social enterprises and opportunities for indigenous people to participate in the local economy.

Principle 3, Leaders in Procurement Practice reflects Council's continued leadership and collaboration with other local governments in procurement. It also notes Council's ability to use Local Buy, to which the Local Government Association of the Northern Territory is a signatory, when it is of benefit to the community.

Principle 4, Integrity, Probity and Accountability outlines Council's requirements, in excess of its legislative requirements, to ensure procurement activity reflects community expectations.

Principle 5, Renewing Council's Commitment to Climate Action is helping to meet Council's *Darwin 2030* as outlined in Strategic Direction 3, A Cool, Clean and Green City by providing a mechanism for Council to consider including sustainability principles as part of the assessment criteria.

The policy is proposed to be renamed from Purchasing to Procurement to reflect alignment with the function area, known as Procurement.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

6 Governance Framework

Outcome

6.3 Decision Making and Management

LEGISLATIVE/POLICY

If endorsed, the new Procurement Policy will replace the current Purchasing Policy.

CONSULTATION

This report was considered by the Strategic Direction Group on **3 December 2019** and now referred to **Council** for consideration.

Internal

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

- Nil.

External

- Nil.

BUDGET/RESOURCE IMPLICATIONS

As part of this policy, Council will be empowered to broaden the concept of value, beyond cost considerations to potentially focus on social, environmental and local content. This may result in higher cost outcomes, but this will be offset by broader community benefits, including:

- helping to increase the number of social enterprises delivering services to Council and the breadth of services being provided;
- improving employment outcomes and opportunities for indigenous people to participate in the local economy;
- vendor strategies to avoid unnecessary consumption and manage demand (this includes the consumption of energy and water);
- goods and infrastructure to be supplied that can be reused, repaired and recycled, and that include recycled content;
- environmental impacts over the life of the goods and services by providing products or services that have lower adverse impacts associated with any stage in their production, use or disposal; and
- innovation in sustainable products and services through the design and implementation of the arrangement.

RISK

Nil.

LEGAL

The proposed policy is compliant with current legislation and the recently endorsed *Local Government Act*. Should any changes be required as a result of changes to regulations or guidelines, the policy will be reviewed.

ARTS, CULTURE & ENVIRONMENT

Nil.

Policy



Title:	Purchasing Policy
Policy No:	070
Adopted By:	Council
Next Review Date:	30/06/2015
Responsibility:	General Manager City Performance
Document ID:	2468260

Version	Decision Number	Adoption Date	History
1	21\1296	30/07/2013	Adopted
2			
3			

1 Policy Summary

Council is committed to obtaining the best possible value for money through the implementation and management of an accountable and transparent purchasing system based on established publicly available assessment criteria. This policy and associated operational policies and procedures set out Council's framework for the acquisition of goods and services.

The purchasing of all goods and services must comply with Council's statutory obligations under the:

- *Local Government Act*; and
- *Local Government (Accounting) Regulations*

The application of this policy is supported by operational policies and procedures covering:

- General purchasing Procedures;
- Corporate credit card use;
- Petty Cash Policy;
- Assessment criteria;
- Stores issues; and
- Tenders and Contracts.

2 Policy Objectives

The objective of this policy is to establish a framework for the implementation of Council's purchasing arrangements to ensure:

- Compliance with relevant legislation in relation to purchasing;
- That all purchasing procedures, regardless of the size of the transaction, be open and transparent and able to withstand public scrutiny;
- Purchasing processes remain efficient and effective;

Policy



- That an appropriate system of internal control is in operation in relation to purchasing;
- All suppliers are given fair and equitable consideration at all times;
- That officers responsible for purchasing have a clear understanding of their responsibilities and authority; and
- Opportunities are provided to local businesses.

3 Background

Council is required to ensure that there are proper policies and procedures in place to safeguard its resources in accordance with Regulation 10 of the Local Government (Accounting) Regulations. A system of internal control supported by high level and operational policies and procedures is essential to these requirements.

4 Policy Statement

Council officers responsible for purchasing goods and services are to comply with this policy. It is the responsibility of each officer involved in the procurement process to understand this policy and any associated procedures as well as their meaning and intent.

Policy Principles

Council officers will have regard to the following principles when carrying out their duties in relation to purchasing:

- Open and effective competition;
- Best value for money;
- Encouraging the development of competitive local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing.

Local Suppliers

Every effort should be made to utilise local suppliers and to ensure locally based businesses and industries are given an opportunity to participate in quotation or tender processes. A local supplier weighting of 20% is applied to the assessment process for the purposes of local development and value adding.

Environmental and Social Purchasing

Officers must consider the environmental and social implications of purchasing. Goods and services that have better environmental and social outcomes will be preferred providing the costs are reasonable and within budget.

Policy



5 Legislation, terminology and references

The purchasing of all goods and services must comply with Council's obligations under the:

- *Local Government Act*; and
- *Local Government (Accounting) Regulations*

6 Implementation and delegation

Purchasing Procedures

The Purchasing Procedures supplement this policy and define the procedures that officers must adhere to when making purchases.

Assessment

Assessment is through a comparative analysis of weighted scores against assessment criteria. In general the criteria that may be applied to quotations and tenders are:

- Local development and value adding;
- Past performance;
- Timeliness;
- Capacity;
- Innovation;
- Technical expertise; and
- Price.

In accordance with Section 32(2) of the Local Government Act Council has delegated the authority for implementation of the Purchasing Policy to the Chief Executive Officer.

The General Manager City Performance is accountable for the overall management of the Purchasing Policy.

Delegated Levels of Authority

Authorised purchasing limits based on delegated levels of authority based on position description are in place.

7 Evaluation and review

The Purchasing Policy will be reviewed every two (2) years or at such other time as the General Manager City Performance deems necessary. Reviews will be undertaken by the Finance Manager and any recommendations submitted to the General Manager City Performance for presentation to Council.



PROCUREMENT POLICY

Policy No. 070

1 Purpose

The objective of this policy is to provide strategic direction for the Procurement Framework that guides sourcing and contract management for Council.

2 Scope

This policy is Council's overarching policy for the procurement of goods and services. It informs the framework that maximises the benefits that can be delivered through procurement.

The policy aims to:

- **Focus on the economic benefit to Darwin** – by applying a local supplier test to increase expenditure within the local economy.
- **Support Council's commitment to Climate Action** – by considering impacts to the environment and integrating sustainability into procurement practices.
- **Empower our Community** – by increasing procurement with quality social enterprises, including Aboriginal and Torres Strait Islander (ATSI) entities.
- **Engage with industry and drive innovation** – by adapting sourcing methods to facilitate innovation and collaboration.
- **Ensure compliance and best practice** – ensure accountability, transparency, competitive processes and achieve continuous improvement.

3 Policy Statement

Council officers responsible for procuring goods and services, and contract management, are to comply with this policy. It is the responsibility of each officer involved in the procurement process to understand this policy and Council's framework.

This policy is centred on:

1. **Securing value for Darwin** – recognising that value for money is more than price paid, it is overall benefit to the local economy.
2. **Working together to achieve outcomes** – providing a flexible procurement framework that responds to the diverse needs of the community.
3. **Leaders in procurement practice** – recognising Darwin's role as the capital city of the Territory, collaborate and provide leadership for procurement in the local government sector.
4. **Integrity, probity and accountability** – ensuring procurement is undertaken with integrity, that probity is appropriately managed, and that accountability for outcomes is maintained.

Council/Administrative Policy No. 070 – PROCUREMENT POLICY				
Version	Decision Number	Adoption Date	Responsible Officer: Executive Manager Corporate and Customer Services	Next Review Date



PROCUREMENT POLICY

Policy No. 070

- 5. Renewing Council's Commitment to Climate Action** – achieving positive environmental outcomes through sustainable procurement practices.

Principle 1 - Securing Value for Darwin:

Every effort should be made to utilise local suppliers, build local capacity, and to ensure locally based businesses and industries are given an opportunity to participate in quotation and tender processes. A local supplier weighting of 30% is applied to the assessment process to support the development of a prosperous economy. The weighting will operate primarily to provide benefit to businesses based in the local government area, however can also take into account increased capacity and benefits to the local economy.

For minor procurement, such as entertainment, food and beverages at community events and civic functions, Council will prioritise local suppliers.

Principle 2 – Working Together to Achieve Outcomes:

Social procurement involves delivering positive social outcomes through the goods and services purchased by Council. Council is committed to fostering the development of social enterprises contributing to the development of local business and industry. Council's objective is to increase the number of social enterprises delivering services to Council and the breadth of services being provided.

Similarly, Council will support the development of a diverse and sustainable ATSI business sector by creating opportunities for ATSI owned businesses to supply to Council. This will also assist in improving employment outcomes and opportunities for ATSI people to participate in the local economy.

In developing a sourcing strategy for each procurement activity, consideration will be given to whether it is in the public interest to include a weighting for social and/or ATSI enterprises as part of the assessment criteria. To ensure transparency and consistency, any documentation will include notification that social and/or ATSI considerations will be taken into account and submitters are encouraged to include detail on how they meet Council's objectives.

These objectives may include:

- employment and training of people from marginalised backgrounds, in particular ATSI, people with disabilities, people from culturally and linguistically diverse backgrounds, seniors and the long term unemployed;
- organisational policies and programs;
- reinvesting profit into community/ATSI causes; or

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PROCUREMENT POLICY

Policy No. 070

- utilising the services of social enterprises, community organisations or other ATSI enterprises in the vendor's supply chain.

Principle 3 – Leaders in Procurement Practice:

Council is outcome focused and will continually look for opportunities to engage with its peers to share knowledge, identify continuous improvement opportunities and collectively procure to deliver value for the community.

Where it is appropriate and provides value for money, Council can utilise the Local Buy Procurement arrangement which the Local Government Association of the Northern Territory is a signatory, to facilitate compliant purchasing. While Council is not legally bound to use Local Buy's services, using Local Buy arrangements can save significant time and money and are fully compliant with the *Local Government Act* and regulations. The local supplier weighting will still be applied when this process is used. Purchasing capacity is unlimited for goods and services through Local Buy.

Principle 4 – Integrity, Probity and Accountability:

Council respects the trust placed in us by the community. Council is accountable for delivering timely outcomes using public resources. To ensure integrity, probity and accountability, Council will:

- Observe all requirements under the *Local Government Act* and associated regulations and guidelines.
- Ensure appropriate Workplace Health and Safety protections are in place to meet or exceed requirements under the *Work Health and Safety (National Uniform Legislation) Act* and associated regulations and guidelines.
- Ensure that appropriate governance mechanisms are in place to maintain the integrity of the procurement process. As part of this, systems for conflicts of interest and complaints management for procurement will be in place.
- Ensure all stages of the procurement process are defensible and appropriately documented to ensure public concerns are addressed and preserve confidence in the procurement process.
- Integrate probity to ensure probity is managed relative to the value and risk of a particular procurement activity.
- Consideration of privacy implications of the procurement activity and preferred supplier.
- Meet or exceed disclosure requirements for the outcomes of procurement processes.

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PROCUREMENT POLICY

Policy No. 070

Principle 5 – Renewing Council's Commitment to Climate Action

Council is committed to responding to Climate Change through the sustainable procurement of materials and services. In developing a sourcing strategy, consideration will be given to whether it is in the public interest to include consideration of sustainability principles as part of the assessment criteria. To ensure transparency and consistency, any documentation will include notification that these considerations will be taken into account and submitters are encouraged to include detail on how they meet them.

Sustainability principles may include:

- vendor strategies to avoid unnecessary consumption and manage demand (this includes the consumption of energy and water);
- goods and infrastructure to be supplied that can be reused, repaired and recycled, and that include recycled content;
- environmental impacts over the life of the goods and services by providing products or services that have lower adverse impacts associated with any stage in their production, use or disposal; and/or
- innovation in sustainable products and services through the design and implementation of the arrangement.

4 Definitions

ATSI – is an acronym meaning Aboriginal or Torres Strait Islander, which is a person who identifies as being of Aboriginal and/or Torres Strait Islander ancestry.

ATSI Enterprise – is an ATSI individual, or an entity that is at least 50% ATSI owned, that is undertaking commercial activity and the main business location is in the Top End.

Local Supplier – a supplier operating in the Darwin local government area, with permanent resources in the Darwin local government area, that employs Darwin residents and sources materials and services from businesses in the Darwin local government area.

Social Enterprises – a business that operates to address social problems, improve communities, or help the environment. A social enterprise generates most or all of their incomes from trade (not grants or donations) and can be categorised under one or more of the below models:

- provide employment and training for marginalised groups;
- provide employment and training for people with a disability;
- provide products and services in a direct response to a community or environmental need (something not met by the market); and/or

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PROCUREMENT POLICY

Policy No. 070

- an ethical for-profit business, with a significant proportion of profits redistributed for a social impact.

Top End – the geographical area comprising the northern part of the Northern Territory including Darwin, Palmerston, Litchfield, Belyuen and Wagait local government areas.

5 Legislative References

The purchasing of all goods and services must comply with Council's obligations under the:

- *Local Government Act* and associated Regulations.

6 Procedures / Related Documents

The Procurement Framework supports this policy and provides guidance to Council staff.

7 Responsibility / Application

Assessment criteria will be determined as part of the development of the sourcing strategy for each procurement activity, and will be advised to all interested parties as part of the procurement documentation.

The Executive Manager Corporate Services is accountable for the overall management of the Procurement Policy. The Procurement Policy will be reviewed every two (2) years or at such other time as necessary.

8 Document Control

Council/Administrative Policy			Responsible Officer:	
Version	Decision Number	Adoption Date	History	Next Review Date
1				
2				
3				

Council/Administrative Policy No. 070 – PROCUREMENT POLICY				
Version	Decision Number	Adoption Date	Responsible Officer: Executive Manager Corporate and Customer Services	Next Review Date

14.8 ADOPTION OF COUNCIL'S PRIVACY POLICY

Author: Executive Manager Corporate Services

Authoriser: Acting General Manager Government Relations & External Affairs

Attachments:

SUMMARY

The purpose of this report is to seek approval for council's reviewed Privacy Policy.

RECOMMENDATIONS

1. THAT the report entitled Adoption of Council's Privacy Policy be received and noted.
2. THAT Council rescind *Policy No 033 Privacy (Attachment 1)*.
3. THAT Council rescind *Policy No 078 Privacy and Confidentiality (Attachment 2)*.
4. THAT Council adopts *Policy No. 33 Privacy (Attachment 3)*

KEY ISSUES

- Council is required to have a Privacy Policy in place to protect Elected Members and staff from "undue intrusion into their private affairs".
- It is general practice in Northern Territory local government that this policy not only meets these requirements, but more broadly provides a statement about how Council will collect and manage personal information from the community obtained in the course of performing its functions.
- Council currently has two policies concerning privacy which have been reviewed as part of the overall review of Council's Privacy Framework.
- The revised policy has been also been reviewed by the Information Commissioner NT who is satisfied with the content.
- Once adopted, training will be provided to staff as part of the ongoing development of fraud prevention and proficiency.

BACKGROUND

As part of the development of Council's Privacy Framework, several documents have been prepared by Council's consultants. Some of these are project specific, whereas others relate to Council's overall approach to information privacy, including a draft reviewed Privacy Policy.

Council is required to have a Privacy Policy in place to protect Elected Members and staff from "undue intrusion into their private affairs". It is general practice in Northern Territory local government that this policy not only meets these requirements, but more broadly provides a statement about how Council will collect and manage personal information from the community obtained in the course of performing its functions. Council currently has two policies which meet these requirements, namely *Policy No 33 Privacy* and *Policy No 78 Privacy and Confidentiality*.

The Privacy Policy has been prepared and is provided for review. Other documents are being reviewed in conjunction with the Manager ICT.

DISCUSSION

Under Section 130(3) of the *Local Government Act*, Council is required to have a Privacy Policy in place to protect the privacy of Elected Members and staff. It is also recommended that Council has a policy that outlines the steps Council will take to protect the privacy of the community and comply

with the Information Privacy Principles outlined in the *Information Act*. Council currently has two policies which meet these requirements, namely *Policy No 33 Privacy* and *Policy No 78 Privacy and Confidentiality*. The Policy at Attachment 3 is proposed to replace both of these policies.

The revised Council Policy (Attachment 3) outlines the following:

- how Council collects information;
- limitations on use and disclosure;
- disclosure and use of Elected Member and staff private information;
- security;
- data quality; and
- limitations on data transfer.

The policy also outlines how the City of Darwin Libraries manage and share information as part of the Northern Territory Library database. This information sharing helps Council to provide services such as interlibrary loans and membership throughout the Northern Territory.

In conjunction with this Policy, Council has also reviewed the Privacy Statement on its website. This included removing some information that is duplicated in the draft Policy, however operational information such as what information is publicly available, how information may be accessed and how personal information will be retained and corrected, has been updated where required.

Following adoption of this policy, training of staff to develop a culture of privacy awareness will commence.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Darwin 2030 City for People. City of Colour. Strategic Plan':

Goal

6 Governance Framework

Outcome

6.4 Accountability

LEGISLATIVE/POLICY

This policy will ensure that Council is complying with its requirements under the *Local Government Act* and the *Information Act*.

CONSULTATION

This report was considered by the Strategic Direction Group on **3 March 2020** and now referred to **Council** for consideration.

Internal

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

- Nil.

Internal consultation on policy development included Council's Strategic Directions Group and Senior Leadership Team.

External

- Office of the Information Commissioner NT

BUDGET/RESOURCE IMPLICATIONS

Nil, however training as part of the development of fraud prevention and proficiency development of Council staff will be required when the policy is adopted.

RISK

Nil.

LEGAL

The revised policy has been also been reviewed by the Information Commissioner NT who is satisfied with the content.

ARTS, CULTURE & ENVIRONMENT

Nil.

Policy



Title: Privacy Policy
Policy No: 033
Adopted By: Council
Next Review Date: 19/09/2020
Responsibility: General Manager City Performance
Document Number: 2118367

Version	Decision Number	Adoption Date	History
1	20\2501	23/02/10	Adopted
2	21\4868	27/09/2016	Adopted with minor amendment to include Council's standardised privacy statement.
3			
4			

1 Policy Summary

This privacy policy contains the principles by which Council manages the personal information it collects.

It is part of the framework put in place by Council to protect the privacy of personal information in accordance with the Information Privacy Principles (IPPs) set out in the *Information Act* (NT) ("the Act").

2 Policy Objectives

Compliance with statutory requirements of the *Local Government Act* and the principles set out in the *Information Act* for the privacy of personal information.

3 Background

Sub-Section 130(3) of the *Local Government Act* requires the Council to adopt a 'Privacy' Policy.

Council collects, and uses, personal information about individuals to enable it to carry out its functions under the *Local Government Act*.

Under certain circumstances Council may disclose this information to third parties.

Council also has the responsibility to keep information secure so as to protect the privacy of individuals.

Policy



4 Policy Statement

City of Darwin has adopted the following statement in accordance with its responsibilities under the Information Act:

"City of Darwin ("the Council") is committed to protecting your privacy. We understand that it is important to protect your personal information".

This Policy contains the key principles for management of the personal information it collects from you. The policy aims to protect the privacy of your personal information in accordance with the Information Privacy Principles set out in the *Information Act* (NT) ("the Act").

Personal Information

Personal information is defined as "Council information from which a person's identity is apparent or is reasonably able to be ascertained."

Collection

- The Council collects the personal information that it needs to carry out its functions and activities, including its statutory functions under the *Local Government Act*.
- The Council may also collate statistical information from the personal information it collects. This information may be used by Council and other government bodies to assist in the provision of appropriate services and facilities. Once this kind of information is collected, it will be de-identified so that any compilation or publication of those statistics will not reveal your identity.
- The Council may collect your personal information in a number of ways, including:
 - directly from you in documents such as application forms, statutory declarations, or by verbal or written correspondence; and
 - from third parties such as government bodies.

Use and Disclosure

The Council may use your personal information in a number of ways, including:

- to carry out the Council's functions, such as the maintenance of the assessment record (rates) and other records of a municipal nature.
- to provide you with information about the Council's services.
- to determine and provide appropriate services and facilities.
- to administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls, and development proposals.
- to administer and make enquiries on personnel and recruitment matters.

The Council will take all reasonable steps to ensure that your personal information is not disclosed to third parties except in certain circumstances, including where:

- you have consented to the release;

Policy



- the Council is authorised or required by law or regulatory requirements to disclose the information to, for example, a law enforcement agency;
- the information is disclosed in accordance with section 152(4) of the *Local Government Act*, which requires Council to make the assessment record available for inspection by any member of the public. The assessment record includes rate payer information such as the name and address of the owner or principal ratepayer, a brief description of the land, its assessed value and the use of the land if subject to a differential rate;
- the information is provided to a third party which provides services to the Council, in which case the Council will endeavour to ensure that the service provider agrees to preserve the confidentiality of your personal information;
- the circumstances where the Council is not prohibited from disclosing the information, as described in the Act.

Where possible, we will inform you, at or before the time of collecting your personal information, of the third parties to whom we intend to disclose your personal information.

Prior to disclosing any of your personal information, we will take all reasonable steps to satisfy ourselves that the third party is committed to protecting your personal information and you have consented to us doing so.

Security of Information

The Council will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Your personal information is stored in a secure place in the Council department or section that uses that information.

Your personal information may also be stored by the Council in electronic form, which is protected from unauthorised access by a password system.

Council staff have access to your personal information only to the extent that is required for them to carry out their duties.

Access to Your Information

If you make a written request to us for access to the personal information the Council holds about you, the Council will provide you with access to that information, unless there is an applicable exception under the IPPs.

We may charge you a reasonable fee for providing you with access to the information.

Publicly Available Material

The following documents are available on Council's website and for inspection at Council offices, during normal office hours, in accordance with section 200 of the *Local Government Act*:

Policy



- notices and minutes of meetings of the Council;
- annual financial statement and annual report;
- auditor's report;
- policy concerning the payment of expenses incurred by, and the provision of facilities to Members;
- Council's code of conduct;
- register of Elected Members' interests;
- an approved rating proposal;
- notice of the declaration of rate and charges;
- any notices of Council's:
 - intention to sell land for non-payment of rates,
 - assumption of the control and management of land, or
 - application for a variation of a trust and any order made on the application;
- register of by-laws and any notices of by-laws the Council intend to make;
- list of the categories of reviewable decisions
- draft and final regional management plan, and
- Council's draft and final municipal plan

The following documents are also available on Council's website and for inspection at Council offices, during normal office hours:

- Agendas for meetings of the Council.

The Council will also provide a copy of a document upon request, and may charge a fee for doing so.

A person may apply in writing to the Chief Executive Officer for the suppression of personal details from publicly available material under section 201 of the *Local Government Act*.

Accuracy of Information and Privacy Complaints

It is important to the conduct of our business that the personal information we collect, use, or disclose, is and remains accurate, complete and up to date.

If you wish to access or change your personal information, or to lodge a complaint about an interference with your privacy, or you have any query on how your personal information is collected or handled, please contact our Information Officer:

Records Manager - City of Darwin
GPO Box 84 - DARWIN NT 0801
Telephone: (08) 8930 0300
Facsimile: (08) 8930 0311
Email: darwin@darwin.nt.gov.au

Policy



5 Approved Council Privacy Statement

All documentation that collects personal information such as application forms and participating forms must contain Councils approved privacy statement:

"The information requested in this form is being collected by Council for the purpose of updating our administrative systems to be able to carry out Council functions. If you do not provide this information, Council may not be able to process your personal details.

Council may disclose the information provided by you on this form to a third party as required in accordance with the NT Information Act or the City of Darwin Privacy Policy which is available online at www.darwin.nt.gov.au or upon request from Council offices.

You may obtain access to your personal information held by Council by submitting a request for information form also available online at www.darwin.nt.gov.au or by contacting Council's Information Officer on (08) 89 300 300.

By signing below I acknowledge that I have read and agree with the Privacy Statement and that the information I have supplies is correct:"

6 Legislation, terminology and references

Sub Section 130(3) of the *Local Government Act* provides that 'a council must have a privacy policy protecting members and staff of the Council from undue intrusion into their private affairs'.

The *Information Act* applies to City of Darwin and therefor the City of Darwin is obliged to comply with the legislative requirements, , in particular, the Information Privacy Principles set out in the Act.

Personal information for the purpose of this Policy is defined as 'Council information from which a person's identity is apparent or is reasonably able to be ascertained.'

Policy



Title:	Privacy & Confidentiality Policy
Policy Number:	078
Adopted By:	Council
Next Review Date:	30/05/2018
Responsibility:	Chief Executive Officer
Document Number:	2915815

Version	Decision Number	Adoption Date	History
1	21\2433	29/07/2014	Adopted

1 Policy Summary

The Local Government Act prescribes that a council must have a privacy policy protecting members and staff of the council from undue intrusion into their private affairs.

The Local Government Act and the Elected Members' Code of Conduct further prescribe that a member of the council has no power to direct or control staff, or to interfere with the management of staff.

2 Policy Objectives

This policy ensures that the provisions of the Local Government Act and the Elected Members' Code of Conduct are effectively implemented within City of Darwin (Council).

3 Applicability

This policy applies to all employees and the Elected Members of the City of Darwin.

4 Policy Statement

4.1 Requirements of Elected Members

Elected members are required to comply with the provisions of the Local Government Act, Privacy Act (Cwlth) and the Elected Members' Code of Conduct.

Elected Members must of necessity, for the conduct of their official duties, have access to certain information relating to the business affairs and operations of Council.

Elected Members may also be provided with generic information relating to:

- Council's internal policies for training, terms and conditions of employment; and disciplinary procedures;

Policy



- Council's spread of working hours;
- Remuneration rates as they apply to position classification levels;
- The identity of trade unions representing Council employees;
- General leave provisions offered as conditions of employment;
- Conflict of interest declarations as they apply to employees where such conflicts impact on Council policy or decisions

Elected Members will not be provided with, nor shall they seek access to, information defined as an employee record.

4.2 Requirements of Employees

Elected Members are entitled to receive certain allowances as prescribed in the Local Government Act.

Payment of these allowances is administered by employees of Council's Financial Services business unit and approved by employees of the Office of the Chief Executive Officer.

Employees are required to comply with the City of Darwin Code of Conduct in relation to information to which employees are privy as a consequence of processing Elected Members' allowances.

Failure to comply with this policy will result in disciplinary action being taken in accordance with the Certified Agreement and Code of Conduct.

5 Legislation, Terminology And References

5.1 Referenced Legislation and Documents

The Local Government Act 2013
The Privacy Act 1988 (Commonwealth)
City of Darwin Code of Conduct for Elected Members
Darwin City Council Certified Agreement 2011

5.2 Definitions

Act (the): means the Local Government Act

Certified Agreement: means the Darwin City Council Certified Agreement 2011

Code of Conduct: means the two approved City of Darwin Codes of Conduct as they apply to employees and the Elected Members

Council: means the City of Darwin

Policy



Employee: means any person employed by the City of Darwin as a contracted employee, salaried person, wages recipient, casual employee or volunteer

Employee record: (Privacy Act) in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following:

- a. the engagement, training, disciplining or resignation of the employee;
- b. the termination of the employment of the employee;
- c. the terms and conditions of employment of the employee;
- d. the employee's personal and emergency contact details;
- e. the employee's performance or conduct;
- f. the employee's hours of employment;
- g. the employee's salary or wages;
- h. the employee's membership of a professional or trade association;
- i. the employee's trade union membership;
- j. the employee's recreation, long service, sick, personal, maternity or other leave;
- k. the employee's taxation, banking or superannuation affairs.

6 Implementation And Delegation

The Chief Executive Officer is responsible for the adoption, implementation and administration of this policy.

7 Evaluation And Review

This policy will be reviewed every four years.



PRIVACY POLICY

Policy No. 033

1 Purpose

The purpose of this policy is to set out City of Darwin's commitment to information privacy and its intent to comply with the provisions of the *Information Act (NT)* and the *Local Government Act (NT)*.

2 Scope

This policy applies to Elected Members, all Council Staff, City of Darwin Library members, ratepayers and residents of the City of Darwin, and all people who utilise the services of or transact business with the City of Darwin. This policy covers all personal information collected and held by the City of Darwin through engagement with Elected Members and Council staff.

To help Council achieve this policy, Council applies 7 Guiding Principles:

- **Transparency** – Darwin is an aware and informed community.
- **Value** – There is demonstrable value for the community in providing their personal information to Council.
- **Collection Limitation** – Personal information is collected only when it is necessary for the performance of Council functions.
- **Safety First** – where personal information must be collected, it is securely stored and de-identified wherever possible before use or disclosure.
- **Fair Decisions** – lawful decisions about the collection and handling of personal information are made by Council, and the decisions reflect community values and expectations.
- **Accountability** – Privacy by Design is supported for all initiatives involving personal information, privacy impact assessments are conducted, and Council privacy posture is regularly reviewed.
- **Agility** – Council adapts and responds to changes in legislation, public policy, technology, the information economy and the emerging body of privacy best practice.

3 Policy Statement

Council collects and manages personal information in the course of performing its role, functions and objectives so as to protect all people from undue intrusion into private affairs. The way in which Council manages personal information is governed by the Information Privacy Principles (IPPs) as outlined in the *Information Act (NT)* and the *Local Government Act (NT)*.

Council/Administrative Policy No. 033 – PRIVACY POLICY				
Version	Decision Number	Adoption Date	Responsible Officer: EM Corporate and Customer Services	Next Review Date

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PRIVACY POLICY

Policy No. 033

As part of the development of new initiatives and projects, Council will consider privacy impacts through Privacy Impact Assessments or other analysis.

3.1 Collecting Personal Information

- 3.1.1 Council collects the personal information that it needs to carry out its functions and activities, including its statutory functions under the *Local Government Act*.
- 3.1.2 When collecting personal information, Council will take all reasonable steps to ensure that customers are aware of the information to be collected, purpose, whether it is required by law, and the consequences, if any, of not providing the information.
- 3.1.3 Council may collate statistical information from the personal information it collects. This information may be used by Council and other government bodies to assist in the provision of appropriate services and facilities, including open data. Once this kind of information is collected, it will be anonymised so that any compilation or publication of those statistics will not reveal an individual's identity.
- 3.1.4 Council may collect personal information in a number of ways, including:
- directly in documents such as application forms, statutory declarations, or by verbal or written correspondence;
 - through contact with Elected Members or staff; and
 - from third parties such as government bodies.

3.2 Use and Disclosure of Personal Information

- 3.2.1 Council may use your personal information in a number of ways, including:
- to carry out Council's functions
 - to provide you with information about the Council's services
 - to determine and provide appropriate services and facilities
 - to administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls, and development proposals
 - to administer and make enquiries on Elected Member, personnel and recruitment matters
- 3.2.2 Council will not use or disclose personal information to third parties except in certain circumstances, including:
- when / where you have consented to the release;
 - to lessen or prevent serious harm or where disclosure is authorised or required to comply with Council's legal obligations;
 - to enable Elected Members to refer requests for assistance to Council or other agencies; or
 - to enable Council or a third party to provide services.

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PRIVACY POLICY

Policy No. 033

- 3.2.3 Where Council requires a third party to collect, use or disclose information to perform Council functions, the third party will be bound by, and fully aware of their obligations to, the provisions of the Act and IPPs.
- 3.2.4 Where lawful and practical, Council may give customers the option of not identifying themselves when supplying information or entering into transactions with Council and will provide advice of any consequences of remaining anonymous.
- 3.2.5 An individual may request Council to inform them of the personal information it holds, where it holds the information and how it collects, holds and uses and discloses the information.
- 3.2.6 Council will take all reasonable steps to suppress personal information from publicly available material in accordance with the *Local Government Act*.
- 3.2.7 Staff who are provided with telephony, email or other means of communication and contact by Council to enable fulfilment of the requirements of their roles will have these contact details disclosed. No private contact details will be disclosed.
- 3.2.8 Personal information of Council staff may be used to contact staff in emergency situations and natural disaster events.

3.3 City of Darwin Libraries

- 3.3.1 City of Darwin Libraries may collect information in order to provide an all-inclusive public library service, including lending and in-house services and to advise members on all facilities, services, programs, collections, special events and activities so that individual needs are met. The only information collected is provided by members when joining the library.
- 3.3.2 By applying to become a member of the Library, members are consenting to personal information being disclosed to the Northern Territory Government for the sole purpose of addition to and maintenance of a shared database.
- 3.3.3 This database is shared by libraries throughout the Northern Territory (LINNet) and provided by Northern Territory Library and Information Services (NTLIS). NTLIS allows authorised access to this information to authorised staff in all libraries in LINNet. This information sharing helps Council to provide services such as interlibrary loans to patrons throughout the Territory.
- 3.3.4 City of Darwin Libraries will only use or disclose the personal information collected for the purposes stated above, unless use or disclosure is required and authorised by law.

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PRIVACY POLICY

Policy No. 033

3.4 Data Security of Personal Information

- 3.4.1 The Council will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 3.4.2 Council has in place a robust information security framework to protect your information which may be stored physically or in electronic form.
- 3.4.4 Council staff have access to your personal information only to the extent that is required for them to carry out their duties.
- 3.4.5 Council will take all reasonable measures to ensure the information it collects is accurate, complete and up to date.
- 3.4.6 Council will not transfer personal information unless:
- the information is being transferred to the individual;
 - the transfer is required or authorised by law;
 - the recipient is subject to laws substantially similar to the IPPs;
 - the individual has consented, or the transfer is required for performance of a contract with the individual or that benefits the individual; or
 - Council has taken reasonable steps to ensure that the information will not be held, used or disclosed by the person to whom it is transferred in a manner that is consistent with this policy.
- 3.4.7 Individuals may request access to or correction of personal information the Council holds about them (excluding exemptions under the *Information Act*).

4 Definitions

Access means providing an individual with personal information about himself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.

Collection means gathering, acquiring or obtaining personal information from any source and by any means.

Consent in relation to solicited information means a voluntary agreement (express or implied) to some act, practice or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.

Council staff includes all employees and workers, contractors, volunteers and all others who perform work on behalf of Council.

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Disclosure means the release of personal information to persons or organisations outside the Council (receiving entity) where the receiving entity does not know the personal information and the Council ceases to have control over the receiving entity in relation to who will know the personal information in the future. It does not include giving individuals personal information about themselves.

Personal Information is Council information that discloses a person's identity or from which a person's identity is reasonable ascertainable. However, the Council information is not personal information to the extent that the person's identity is disclosed only in the context of having acted in an official capacity for a public sector organisation; and the government information discloses no other personal information about the person.

Use means the handling of personal information within Council including the inclusion of personal information in a publication, taking personal information into account in the making of a decision, or transferring the information from one part of the Council with particular functions to another part of the Council having different functions.

5 Legislative References

Information Act (NT)

Local Government Act (NT)

6 Procedures / Related Documents

Nil

7 Responsibility / Application

The Executive Manager Corporate and Customer Services is accountable for the operation of this policy. This policy will be reviewed every two years or at other such time as is deemed necessary.

8 Document Control

Council/Administrative Policy			Responsible Officer:	
Version	Decision Number	Adoption Date	History	Next Review Date
1				
2				
3				

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15 RECEIVE & NOTE REPORTS

15.1 DARWIN LIVING LAB UPDATE

Common No.: 3226493

Author: Manager City Planning

Authoriser: General Manager Innovation Growth and Development Services

Attachments: Nil

SUMMARY

The purpose of this report is to update Council on the progress of the Darwin Living Lab initiative.

RECOMMENDATIONS

1. THAT the report entitled Darwin Living Lab Update be received and noted.

KEY ISSUES

- A Darwin Living Lab (DLL) was included as an initiative of the Darwin City Deal and is a partnership between the City of Darwin, NTG and Commonwealth, led by CSIRO.
- Four main projects have commenced and updates are provided in this report:
 - Tropical Design Guide
 - Heat Mitigation Strategy
 - Symposium
 - Monitoring and Evaluation Program

BACKGROUND

The (Darwin Living Lab) DLL is a virtual laboratory that will operate over a 10-year period as a collaborative hub, using science and data to test, monitor and evaluate improvements in Darwin's liveability, sustainability and resilience.

The initial stakeholder workshop was held in Darwin on 7 and 8 March 2019, where four main inception projects were identified.

A governance structure was established and working groups for each of the inception projects were set up.

DISCUSSION

The DLL was established to foster improvements to the liveability, sustainability and resilience of the city. The DLL's aim is to: accelerate the development and validation of innovative approaches for heat mitigation of the CBD's streets and suburbs, to improve urban design for the dry tropics, and to build the city's resilience to the current and future climate.

The DLL will do this by collaborating with local, interstate and overseas practitioners, planners, developers, governments and scientists whose ideas have the greatest potential to work for Darwin. In turn, the lab will help Darwin to develop into a thriving, cool capital of northern Australia.

The four inception projects identified in the initial stakeholder workshops have now commenced, with updates on each of the following to be outlined below in this report:

- Tropical Design Guide
- Heat Mitigation Strategy

- Symposium
- Monitoring and Evaluation Program

Tropical Design Guide

The Tropical Design Guide working group will create a 'Your Tropical City' website combining science and local knowledge to provide an accessible resource for Darwin on ways to cool streetscapes, adopt climate-sensitive approaches to design, and utilise living strategies appropriate to the dry tropical climate.

City of Darwin staff are providing support for the website architecture and subject content.

Heat Mitigation Strategy

A draft Heat Mitigation Strategy is currently being developed for Darwin, in collaboration with our partners.

This project will incorporate actions that can be undertaken by the Northern Territory Government and City of Darwin to improve liveability and to cool the city. City of Darwin input is being gathered from across the organisation.

The project will also incorporate methods of monitoring and reviewing any changes. Further details of the Heat Mitigation Strategy will be presented to Council when available.

Symposium

The Inaugural Annual Science Symposium hosted by the CSIRO Darwin Living Lab took place on 12-13 December at the Charles Darwin University, Waterfront Campus.

The Symposium brought together leading experts from the Northern Territory, Australia and overseas to exchange ideas and collaborate on Darwin's challenges, and engage the community in the work of the Darwin Living Lab.

Day 1 discussions included Science and collaboration supporting the liveability, sustainability and resilience of our city; Global efforts to reduce urban heat and emerging technologies; Global Future Cities and resilience initiatives along with Liveable Topics. A number of City of Darwin Staff presented on Day 1.

Day 2 included facilitated interactive workshops on the future focus and exploring new approaches for Darwin.

Monitoring and Evaluation Program

Tracking Darwin will develop a monitoring and evaluation approach to track the changes we make together for Darwin.

The DLL will also translate knowledge and experience through the Darwin Living Lab into products/services for other tropical cities in Australia and broader Association of Southeast Asian Nations (ASEAN) region.

STRATEGIC ENVIRONMENT

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the Darwin 2030 – *City for People. City of Colour*. Strategic Plan:

Goal

3 A Cool, Clean and Green City

Outcome

3.1 By 2030, Darwin will be recognised as a clean and environmentally responsible city

Key Strategies

Nil

LEGISLATIVE/POLICY

Assessed at an individual project level.

CONSULTATION**Internal**

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

- General Manager Engineering and City Services

External

Nil

BUDGET/RESOURCE IMPLICATIONS

Being undertaken within existing budgets and on a project by project basis.

RISK

Assessed within the individual projects.

LEGAL

Undertaken within the individual projects.

ARTS, CULTURE & ENVIRONMENT

Assessed within the individual projects.

16 REPORTS OF REPRESENTATIVES**17 QUESTIONS BY MEMBERS****18 GENERAL BUSINESS****19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**

THAT the next Ordinary Meeting of Council be held on Tuesday, 31 March 2020, at 5:30 pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC

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

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 65(2) of the Local Government Act:

26.1 YMCA Pool Management Mid-Contract Review

This matter is considered to be confidential under Section 65(2) - 8(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 Operating Subsidy Requests 2020/2021

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

26.3 Review of Confidential Decisions - June to December 2019

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON



MINUTES

**Ordinary Council Meeting
Tuesday, 25 February 2020**

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, LEVEL 1, CIVIC CENTRE, HARRY CHAN AVENUE,
DARWIN
ON TUESDAY, 25 FEBRUARY 2020 AT 5:30 PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Alderman Andrew Arthur, Alderman Jimmy Bouhori, Alderman Justine Glover, Alderman Gary Haslett, Alderman Robin Knox, Alderman George Lambrinidis, Alderman Simon Niblock, Alderman Peter Pangquee, Alderman Emma Young
- OFFICERS:** Scott Waters (Chief Executive Officer), Joshua Sattler (General Manager Innovation Growth & Development Services), Polly Banks (General Manager Community & Regulatory Services), Melissa Reiter (General Manager Government Relations & External Affairs), Ron Grinsell (General Manager Engineering & City Services)
- Chris Kelly (Executive Manager Corporate Services), Vanessa Green (Executive Manager Governance Strategy and Performance), Liam Carrol (Manager Economic Development & International Relations), James Whyte (Senior Coordinator Building & Facilities), Fiona van der Weide, (Governance and Legislation Advisor), Jane de Gault (Manager Public Relations & External Affairs)
- APOLOGY:** Alderman Rebecca Want de Rowe and Alderman Mick Palmer
- GUESTS:** NT News, Will Zwar, ABC News

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.

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1 ACKNOWLEDGEMENT OF COUNTRY**2 THE LORD'S PRAYER****3 MEETING DECLARED OPEN**

The Chair declared the meeting open at 5:37 pm.

4 APOLOGIES AND LEAVE OF ABSENCE**4.1 Apologies****4.1 APOLOGIES****RESOLUTION ORD065/20**

Moved: Alderman Emma Young

Seconded: Alderman Robin Knox

THAT the apologies from Alderman Want de Rowe and Alderman Mick Palmer, be received.

CARRIED 12/0

4.2 Leave of Absence Granted**4.2 LEAVE OF ABSENCE GRANTED****RECOMMENDATIONS**

- A. THAT it be noted Alderman Rebecca Want de Rowe is an apology due to a Leave of Absence previously granted on 28 January 2020 for the period 22 to 28 February 2020.
- B. THAT it be noted Alderman Mick Palmer is an apology due to a Leave of Absence previously granted on 11 February 2020 for the period 25 February to 2 March 2020.

4.3 Leave of Absence Requested**4.3 LEAVE OF ABSENCE REQUESTED****RESOLUTION ORD066/20**

Moved: Alderman Emma Young

Seconded: Alderman Jimmy Bouhoris

- A. THAT a Leave of Absence for bereavement be granted retrospectively for Alderman Peter Pangquee for the period 30 January to 21 February 2020.

CARRIED 12/0**5 ELECTRONIC MEETING ATTENDANCE****5.1 Electronic Meeting Attendance Granted**

Nil

5.2 Electronic Meeting Attendance Requested

Nil

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 ORD067/20**

Moved: Alderman Emma Young

Seconded: Alderman Justine Glover

That the minutes of the Ordinary Council Meeting held on 11 February 2020 be confirmed.

CARRIED 10/0

Alderman Justine Glover queried why Alderman George Lambrinidis is titled Acting Lord Mayor in the minutes as the Lord Mayor attended the meeting electronically.

The Chief Executive Officer confirmed that pursuant to Policy 43, *Meetings, Meeting Procedures and Committees*, the Casting Vote sits with the Chair, who in this case was Alderman George Lambrinidis and the minutes correctly reflect this.

8 MOVING OF CONFIDENTIAL ITEMS**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 OFFICERS REPORTS**14.1 NORTHERN TERRITORY SUBDIVISION DEVELOPMENT GUIDELINES****SUMMARY**

The purpose of this report is to seek Council's delegated authority to the Chief Executive Officer to review and approve for adoption by Council, the Northern Territory Subdivision Development Guidelines, as requested by the Northern Territory Government's Department of Infrastructure Planning and Logistics.

RESOLUTION ORD068/20

Moved: Alderman Simon Niblock

Seconded: Alderman Emma Young

1. THAT this report entitled Northern Territory Subdivision Development Guidelines be received and noted.
2. THAT pursuant to section 32 (2) of the Local Government Act, Council delegate to the Chief Executive Officer authority to review and approve for adoption by Council, the Northern Territory Subdivision Development Guidelines.

CARRIED 10/0**14.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NOTICES OF MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY 2020****SUMMARY**

The purpose of this report is to seek topics for a Notice of Motion for the Australian Local Government Association to be submitted by the City of Darwin.

RESOLUTION ORD069/20

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Emma Young

1. THAT the report entitled Australian Local Government Association - Notices of Motions for the National General Assembly 2020 be received and noted.
2. THAT Council endorse for a Notice for Motion to be prepared for the National General Assembly of Local Government 2020 on the Remote Area Tax Concessions and Payment Study, as outlined in the report dated 12 November 2019, Attachment 3.

CARRIED 10/0

14.4 POLICY MANAGEMENT - 22ND COUNCIL**SUMMARY**

The purpose of this report is to present a revised policy review schedule to Council. The revised schedule will ensure all policies are reviewed during the 22nd term of Council.

RESOLUTION ORD070/20

Moved: Alderman Emma Young

Seconded: Alderman Justine Glover

1. THAT the report entitled Policy Management – 22nd Council, be received and noted.
2. THAT Council endorse the proposed policy review schedule which will ensure all policies are reviewed by December 2020.

CARRIED 10/0

14.5 2ND QUARTER BUDGET REVIEW - 2019/2020**SUMMARY**

The purpose of this report is to:

- Present the 2nd Quarter Budget Review and seek Council's endorsement of recommended amendments to the 2019/20 budget.
- Provide additional financial information to supplement statutory monthly financial reporting and cost of services.

RESOLUTION ORD071/20

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Emma Young

1. THAT the report entitled 2nd Quarter Budget Review – 2019/2020, be received and noted.
2. THAT Council amend the 2019/2020 budget, in accordance with Section 128 of the Local Government Act (2008), as detailed in report entitled 1st Quarter Budget Review – 2019/2020 and contained in Attachments A –E.

CARRIED 10/0

14.6 REVISED MUNICIPAL BUSKING CONDITIONS**SUMMARY**

The purpose of this report is to provide revised municipal busking conditions for Council's consideration.

MOTION

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman George Lambrinidis

1. THAT the report entitled Revised Municipal Busking Conditions be received and noted.
2. THAT following internal review Council endorse the implementation of revised busking and street performing permits (attached) with the following amendments:
 - a. All performers to hold and display their individual permits, inclusive of group performers
 - b. Failure to display a valid permit will result in an infringement being issued
 - c. It is to be acknowledged that performances in the Smith St. Mall, will only perform in one of the designated busking locations
 - d. A photo for the purposes of identification will be included on the permit
3. THAT Council endorse the implementation of revised busking and street performing application forms (attached) with the following amendments:
 - a. Permits are valid for a period of 1 month
 - b. With a maximum of 100 permits available at any given time
 - c. It is to be acknowledged that performances in the Smith St. Mall, will only perform in one of the designated busking locations
 - d. Failure to display a valid permit will result in an infringement being issued
 - e. It is understood that transferring a permit to another person, will result in an infringement, the withdrawal of the permit and that the permit holder will be liable
 - f. Each busker is to respect other buskers and street performers. If another performer is already in a location they have exclusive access to that location and a surrounding exclusion zone of up to 20 metres for up to 2 hours
 - g. It is to be acknowledged that each busker is performing under their own initiative and do not represent the City of Darwin
 - h. Proof of public liability insurance is to be provided if representing an incorporated entity
 - i. Acknowledgement that each individual or group indemnifies the City of Darwin against claims for loss, damage, injury or death caused, as it relates to the permit and the insurance will be procured by the City of Darwin
4. THAT Council amend the current fees and charges to reflect a single charge of a \$20 monthly fee for a busking and street performing permit
5. THAT the revised permit, application form and fee take effect on the 26th of February 2020
6. THAT stakeholder and community consultation be undertaken through Council's Engage Darwin Platform for a period of 30 days, to review the permit application process and designated locations across the CBD.
7. THAT a report to Council be provided detailing the outcomes of the consultation be brought back to Council

AMENDMENT

RESOLUTION ORD072/20

Moved: Alderman Emma Young

Seconded: Alderman Justine Glover

1. THAT the report entitled Revised Municipal Busking Conditions be received and noted.
2. THAT following internal review Council endorse the implementation of revised busking and street performing permits (attached) with the following amendments:
 - a. All performers to hold and display their individual permits, inclusive of group performers

- b. Failure to display a valid permit will result in an infringement being issued
 - c. It is to be acknowledged that performances in the Smith St. Mall, will only perform in one of the designated busking locations
 - d. A photo for the purposes of identification will be included on the permit
3. THAT Council endorse the implementation of revised busking and street performing application forms (attached) with the following amendments:
- a. With a maximum of 100 permits available at any given time
 - b. It is to be acknowledged that performances in the Smith St. Mall, will only perform in one of the designated busking locations
 - c. Failure to display a valid permit will result in an infringement being issued
 - d. It is understood that transferring a permit to another person, will result in an infringement, the withdrawal of the permit and that the permit holder will be liable
 - e. Each busker is to respect other buskers and street performers. If another performer is already in a location they have exclusive access to that location and a surrounding exclusion zone of up to 20 metres for up to 2 hours
 - f. It is to be acknowledged that each busker is performing under their own initiative and do not represent the City of Darwin
 - g. Proof of public liability insurance is to be provided if representing an incorporated entity
 - h. Acknowledgement that each individual or group indemnifies the City of Darwin against claims for loss, damage, injury or death caused, as it relates to the permit and the insurance will be procured by the City of Darwin
4. That the council do not amend the current fees and charges for busking and street performance permits.
5. That the revised permit and application form take effect on the 26th of February 2020
6. THAT stakeholder and community consultation be undertaken through Council's Engage Darwin Platform for a period of 30 days, to review the permit application process and designated locations across the CBD.
7. THAT a report to Council be provided detailing the outcomes of the consultation be brought back to Council

CARRIED 10/0

15 RECEIVE & NOTE REPORTS

15.1 MONTHLY FINANCIAL REPORT - JANUARY 2020

SUMMARY

The purpose of this report is to provide a comparison of income and expenditure against the budget for the period ended 31 January 2020 and provide details of cash, investments held and debtors at 31 January 2020 in accordance with the Local Government (Accounting) Regulations 2008.

RESOLUTION ORD073/20

Moved: Lord Mayor Kon Vatskalis
Seconded: Alderman Jimmy Bouhoris

That the report entitled Monthly Financial Report – January 2020 is received and noted.

CARRIED 10/0

15.2 NEW LORD MAYORAL ROBES

SUMMARY

The purpose of this report is to present Elected Members information on the newly designed Lord Mayoral Robes.

RESOLUTION ORD074/20

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman George Lambrinidis

1. THAT the report entitled New Lord Mayoral Robes, be received and noted.

CARRIED 10/0

16 REPORTS OF REPRESENTATIVES

16.1 MEETING OF ANCHORAGE SISTER CITY SUB-COMMITTEE

RESOLUTION ORD075/20

Moved: Alderman Justine Glover

Seconded: Alderman Robin Knox

THAT the following Reports of Representatives be received and noted.

Alderman Robin Knox reported on the Anchorage Sister City sub-committee meeting which she attended on 20 February 2020.

The committee has released audio recordings that have been recorded with people from Anchorage and the Larakia people, and these will be played in the mall and from the Larakia Shop. This should bring life, interest and vitality to the mall.

CARRIED 10/0

16.2 LORD MAYORAL REPORT

RESOLUTION ORD076/20

Moved: Alderman Justine Glover

Seconded: Alderman Robin Knox

1. The Lord Mayor reported on a media event he attended for the \$2 million Joint Small Projects Commencement, beginning with the Lakeside Dog Park.
2. The Lord Mayor has correspondence with the Local Government and Mayor of Haikou regarding the Corona Virus difficulties. The Mayor of Haikou said he was thankful for the City of Darwin's correspondence and well wishes.
3. The Lord Mayor congratulated and thanked the staff who organised the Bombing of Darwin Commemoration events, noting their fantastic work. The Lord Mayor advised that both local

and interstate visitors had enjoyed the event.

CARRIED 10/0

16.3 REPORTS OF REPRESENTATIVES

RESOLUTION ORD077/20

Moved: Alderman Justine Glover

Seconded: Alderman Robin Knox

Alderman Peter Pangquee reported on Top End Tourism as a Board Member. Top End Tourism is writing an open letter to the Prime Minister regarding funding which is put into Kakadu.

It will note that Kakadu has not opened a new area for over 10 years, and several popular tourist spots are still closed like Twin Falls, Twin Falls not open, and haven't opened a new area in 10 years or more. Additionally signage is old and not legible.

This open letter will be shared with the Chief Executive Officer and Elected Members prior to being sent, and Alderman Peter Pangquee would appreciate the City of Darwin's support.

CARRIED 10/0

17 QUESTIONS BY MEMBERS

17.1 WANGURI OVAL

RESOLUTION ORD078/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Jimmy Bouhoris queried why there has been a platform of concrete put at Wanguri Oval.

Chief Executive Officer responded and advised that this is part of Small Projects and removable soccer goals are being installed. The Concrete platform will allow for storage of the soccer goals when the oval is used for other purposes.

CARRIED 10/0

17.2 WAGAMAN SUPERMARKET

RESOLUTION ORD079/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman George Lambrinidis queried improvements at Wagaman supermarket – can we see what happens before the work starts, is it possible to get more information.

The General Manager Engineering and City Services advised that plans are being completed and will be shared via email with Elected Members shortly.

CARRIED 10/0

17.3 WALTERS WARD SMALL PROJECTS**RESOLUTION ORD080/20**

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Justine Glover asked for a Waters Ward small projects and Beatification projects update.

The General Manager Engineering and City Services responded and advised that an email has been sent through with update of plans. The MLAs have also received this. MLA Ah Kit contacted responded immediately, and offered to set up a meeting with Waters Ward Alderman, MLA Ah Kit and General Manager Engineering and City Services will be available. The Media team will also put out a communication plan.

CARRIED 10/0

17.4 PUBLIC QUESTIONS**RESOLUTION ORD081/20**

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Emma Young noted that Elected Members have received notification of a Public Question via email, and if this would be at the Next Ordinary Council meeting.

Chief Executive Officer responded and advised that these questions have been refused on the basis that they are substantially similar to questions submitted by the same questioner in December 2019, and that they have been advised under Policy 043.

CARRIED 10/0

17.5 STREETSCAPE BEAUTIFICATION PROJECT**RESOLUTION ORD082/20**

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Simon Niblock queried when Elected Members could see concepts for the Streetscape Beautification Projects, ensuring that they see concepts prior to much work being started.

General Manager Engineering and City Services took this question on notice.

CARRIED 10/0

17.6 TREES ON THE VERGE PROGRAM**RESOLUTION ORD083/20**

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Andrew Arthur queried about the City of Darwin's Trees on the Verge program;

1. What is the uptake of this program in 2020, and previous years?
2. How many properties have used this program since it was implemented?
3. How many trees have been maintained with this program?
4. Is there a waiting list for this program?

General Manager Engineering and City Services took this question on notice

. CARRIED 10/0

17.7 MILKWOOD TREES AT NIGHTCLIFF POOL

RESOLUTION ORD084/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Robin Knox queried the outcome of a public survey from approximately 2 to 3 years ago about Nightcliff Pool, and noted that she received a follow-up email stating that 3 Milkwood trees would be provided in the hope they would provide more shade. When are these trees likely to be planted?

General Manager Engineering and City Services took this question on notice.

CARRIED 10/0

17.8 ELECTED MEMBER PROFILES ON WEBSITE

RESOLUTION ORD085/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Robin Knox queried the Elected Member profiles which are due to be put on the website, and asked if their former profiles can be reinstated or will new profiles be created, asking for an expected timeline.

General Manager External Affairs & Governance advised that she could not guarantee that their former profiles would still be available, however the Communication and Marketing team are currently engaging a professional writer who will work with Elected Members to create their consistent public profiles. Elected Members will then be able to use this information in their own social media and websites.

Alderman Gary Haslett noted that there was a magazine article featuring the Lord Mayor and Elected Members and some information could be used from this.

CARRIED 10/0

17.9 LYONS WARD BY-ELECTION

RESOLUTION ORD086/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Robin Knox noted that she has received feedback from the public that they aren't aware that a By-Election is occurring, and asked if a letter will be sent to Lyons Ward.

The Chief Executive Officer advised that the Northern Territory Electoral Commission has emailed and texted residents who are up to date on the electoral role in the Lyons Ward, and there is also a social media campaign.

CARRIED 10/0

17.10 FRIENDS OF BAGOT PARK COMMITTEE GROUP

RESOLUTION ORD087/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Robin Knox has received feedback from the Friends of Bagot Park committee who are concerned they have seen a photo of site designs of the carpark without trees.

General Manger Engineering and City Services advised that the Bagot Park Carpark is not at that stage yet, first a project manager will be appointed, and then they can begin the design process. There will be a community consultation process during the design phase.

CARRIED 10/0

17.11 SIGNAGE ON PROGRESS DR AND PHEONIX ST

RESOLUTION ORD088/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Peter Pangquee queried signage on private property at Progress Dr and Phoenix St, noting he was advised last year that this signage was illegal, yet it has not been taken down.

The Chief Executive Officer noted that Officers are facing an issue with the Department of Infrastructure, Planning and Logistics who have a moratorium of enforcement process on the Northern Territory Government's verges. There are approximately 90 illegal signs, and the General Manger Innovation, Growth and Development and his team are working through this with the Department. It is likely that this won't be remedied until after the Northern Territory Government General Election.

CARRIED 10/0

17.12 LAKESIDE DOG PARK

RESOLUTION ORD089/20

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Peter Pangquee noted his concern with the Lakeside Dog Park which has been announced today, and asked if this is on an existing sporting field.

The Lord Mayor advised that the oval is not used as a sporting field due to midges.

CARRIED 10/0

17.13 MAP OF CITY OF DARWIN ROADS**RESOLUTION ORD090/20**

Moved: Alderman Justine Glover

Seconded: Alderman Gary Haslett

Alderman Jimmy Bouhoris queried on the progress of the City of Darwin webpage displaying a map which details roads within the municipality under our care and control.

The Chief Executive Officer advised that this is a priority for the Engineering & City Services Department and this will be on the website shortly.

CARRIED 10/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE****RESOLUTION ORD091/20**

Moved: Alderman Justine Glover

Seconded: Alderman Emma Young

1. THAT the report entitled Incoming Correspondence be received and noted.
2. THAT the letter from the Darwin Film Society addressing the Proposed RSL Development be received and noted.

CARRIED 10/0

18.2 COMMITMENT TO MEETING PROCEDURES**RESOLUTION ORD092/20**

Moved: Alderman Andrew Arthur

Seconded: Alderman Justine Glover

THAT the 22nd City of Darwin Council reconfirm its commitment to Council's Meeting Procedures Handbook and Code of Practice and request Officers to recirculate the procedures and By-Laws to Elected Members and General Managers.

CARRIED 10/0

18.3 STATE SQUARE UNDERGROUND CAR PARK**RESOLUTION ORD093/20**

Moved: Alderman Robin Knox

Seconded: Alderman Gary Haslett

THAT Council officers prepare a report on the management of the State Square Underground Car Park and its implications on the management of Council's own carparks by the first Ordinary Meeting scheduled for April 2020.

CARRIED 10/0**18.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NOTICES OF MOTION FOR THE NATIONAL ASSEMBLY 2020****RESOLUTION ORD094/20**

Moved: Alderman Gary Haslett

Seconded: Alderman Emma Young

THAT Council officers should put a report to Council seeking Council's position on the Motions to be presented to the Australian Local Government Association - National General Assembly 2020.

THAT City of Darwin representatives who attend the Local Government Association - National General Assembly 2020 ensure they vote consistently with Council's position and previous Council policies to ensure consistency.

CARRIED 10/0**18.5 ITEM 14.1 - NORTHERN TERRITORY SUBDIVISION DEVELOPMENT GUIDELINES****RESOLUTION ORD095/20**

Moved: Alderman Simon Niblock

Seconded: Lord Mayor Kon Vatskalis

THAT upon adoption of subdivisional guidelines by Department of Infrastructure Planning and Logistics, that any items relating to item 14 variations of those guidelines form a report to Council prior to any agreement with the developer for Council endorsement.

CARRIED 10/0**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING****RESOLUTION ORD096/20**

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Emma Young

THAT the next Ordinary Meeting of Council be held on Tuesday, 17 March 2020, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin

.CARRIED 10/0**20 CLOSURE OF MEETING TO THE PUBLIC****RESOLUTION ORD097/20**

Moved: Alderman Peter Pangquee

Seconded: Alderman Emma Young

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

Confidential Items of the Agenda.

CARRIED 10/0

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 65(2) of the Local Government Act:

26.1 Paspalis Centrepont - Cube Project

This matter is considered to be confidential under Section 65(2) - 8(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 information provided to the council on condition that it be kept confidential.

26.2 Elected Member and MLA Requests - 6 Month Report

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

26.3 Darwin 2030 City for People. City of Colour. Strategic Plan - Strategic Risk Assessment

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

26.4 City of Darwin's Preparedness for the Commencement of the Local Government Act 2019

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

26.5 Payment Listing Report - January 2020

This matter is considered to be confidential under Section 65(2) - 8(a), 8(b) and 8(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 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, information about the personal circumstances of a resident or ratepayer and information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD098/20

Moved: Lord Mayor Kon Vatskalis
 Seconded: Alderman George Lambrinidis
 The Meeting closed at 7:33pm.

CARRIED 10/0

22 RESUMPTION OF MEETING

RESOLUTION ORD113/20

Moved: Lord Mayor Kon Vatskalis
 Seconded: Alderman George Lambrinidis
 THAT the open meeting resumed at 8:55pm.

CARRIED 10/0

23 CLOSURE OF MEETING

RESOLUTION ORD114/20

Moved: Lord Mayor Kon Vatskalis
 Seconded: Alderman George Lambrinidis
 THAT the meeting closed at 8:55pm.

CARRIED 10/0

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 March 2020.

.....
CHAIR