

**LODGE WITH THE CHIEF EXECUTIVE OFFICER'S
OFFICE BY 12 NOON THE WORKING DAY BEFORE**

Jane Davies

Monday 27th May 2019 @ 11.45am

Chief Executive Officer
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ATTENTION: Scott Waters

Dear Mr Waters

RE: DARWIN CITY COUNCIL MEETING on Tuesday 28 May 2019 General Business

SUBJECT: Darwin Waterfront Corporation Act 2006 – Darwin City Council (DCC) resident request to begin discussions with the NT Government about what assistance it could provide to transfer the city's Waterfront area to the council's control (Refer: Mayor Kon Vatskalis 2016 Election Commitment). <https://www.abc.net.au/news/2017-09-04/new-darwin-lord-mayor-kon-vatskalis-blasts-predecessors/8869522>

In 2019 the *Darwin Waterfront Corporation Act 2006* is undemocratic and anachronistic and allows the **Darwin Waterfront Corporation (DWC) Board and Management** to control the Darwin Waterfront Precinct 'unincorporated' crown land within an opaque structure. As a concerned Wharf 2 resident I suggest the NT Parliament review the relevance of the DWC as the Darwin CBD businesses are competing with a heavily funded *NT Statutory Body*; this inequality is creating a dual economy which is hindering the Darwin Town and Mall from becoming a smart, integrated, busy global city.

The reasons why the **DWC NT Statutory Body** should be disbanded and transitioned back under the DCC control include the following reasons:

1. The **2006 NTG Chief Minister Clare Martin** admitted this is
 - a. *'somewhat unusual legislation'... public/private partnership in one area, and then it has residential development in the next'. The first part of the legislation deals with the next two years before residents come into the Waterfront. Very clearly, the bill says that once residents are living in the waterfront, then there will be a different role for the corporation, much more a local government role – by 2008, we will have 135 is it, 141 residents? We want to see residents participating in managing their area and having the same rights and responsibilities as residents in other parts of Darwin.'*
2. The **2006 DWC Bill** was written without a determined date and was challenged by the NTG Opposition Leader Jodeen Carney and Independent MLA Gerry Wood; this 2006 Bill has allowed the DWC to be kept under the control of seven members for too long, without stringent review and the board members can be appointment by the Minister of the day which can create a political bias. (Refer NTG Media Release 14/6/2006 Corporation to manage Darwin Waterfront Precinct).

3. In **2019 Waterfront Wharf One and Two** have approximately 258 apartments where owners and residents *'do not have the same rights and responsibilities as residents in other parts of Darwin'*? The DWC fails to communicate with relevant, transparent and accountable information to residents and owners; the website is out-of-date; the 2013-2018 DWC structure is opaque and complex?
4. In **2006 the NTG CM** states *'the Corporation will charge rates in a similar fashion to that of Darwin City Council and is intended to break even, in cost revenue terms, over time.* I suggest the DWC can be funded more than \$25 million dollars by the NT Government annually; receives Department of Tourism Grants; receives millions of dollars from municipal rate payers; yet the DWC Board and management consistently fail to meet budget and overspend millions of tax payers money? As a consequence, the Darwin CBD small businesses cannot compete with these gratuitous hand-outs and creates a dual economy;
5. **'Unincorporated land'** is usually determined as space not inhabited or sparsely inhabited by people; the Waterfront precinct currently has approximately 258 residential apartments and many commercial businesses that accommodate thousands of people; many people visit on a daily basis as it is considered a tourist precinct; the crown land is utilised by many people therefore the DWC is anachronistic (*Refer 2013-14 Darwin Waterfront Corporation Annual Report*).
6. The **Unincorporated NT: About the profile areas** or the **NT Wikipedia** site fail to document the Darwin Waterfront Precinct is legislated as **'unincorporated land'**? This fails to provide purchasers of apartments authentic information from a government organisation. At no time were Parkside purchasers advised we would be unable to vote in the local Darwin council election; omitting vital information affects purchases decision , creates confusion and causes future stress and disempowerment although 100'000's have been invested into the NT?
7. Owning or occupying property in a council area should entitle the owner or occupier to vote in their area, currently the law is undemocratic and allows corporations to have more say than owners; this corporate and government power and control disrupts individuals from forming a community as corporate board needs are not the same as local community needs.
8. **Parkside Wharf 2 apartment levies driven from the DWC are an expensive \$1,422.80;** the building has 48 apartments = \$68,294.40; owners cannot see value for money, as well as paying \$9,200.00 in body corporate fees which are constantly rising; this is unsustainable.
9. The **2014-2038 DWC & Parkside Building Facility Services 25-year Caretaking Contract PFM Pty Ltd** (Knight Frank Real Estate) fail to provide whole precinct services as only one Manager is employed for the whole precinct; one man to undertake maintenance services is problematic?
10. The **Development Consent Authority (DCA)** seem to have an ambiguous arrangement with the Waterfront Precinct although it is part of the Darwin Town Plan? Owners need clarification about the role of the DCA? The DCA Minutes over the past few years do not document the infrastructure procurement processes outlining infrastructure that has been built within the precinct for example a child's play ground built next to a high pedestrian foot path?
11. Another example, in 2014 DWC contracted a private pool built on public DWC green space where a public citizen committed suicide last 2019 Australia Day? On investigation by Parkside owners no historic Environmental Impact Statements, Procurement Procedures, or Work Health and Safety Compliance Statements are available through the *Integrated Land Information System (ILIS)*. Nor does the **2012-13 Building Advisory Services** provide documentation? Therefore, Parkside owners cannot clarify who owns the swimming pool? The case is currently before the NT Coroner's Office.
12. The DWC were granted *'the power to acquire, hold and dispose of land and personal property; the bill provides for the Territory to be able to transfer the ownership or control of land to the corporation; this applies to land within and outside the precinct?* What land does this mean? Is

this the land TOGA transitioned to the Landbridge Group without communicating or sharing information with the Wharf One and Wharf Two owners and residents? Parkside owners purchased properties under different agreements? What other areas of land can be granted to other businesses in the future, this needs clarification?

13. **Water Quality** - The **DWC 2006 (Serial 55) Amendments Clause 12 9.1** After subclause (2) insert 2(A) To avoid doubt, the Corporations functions under subsection (1) include the maintenance of the quality of: (a) any enclosed body of sea water (whether treated or untreated)that is designed as a feature of the Precinct; and (b) the water in any water feature or recreational facility on land owned or managed by the Corporation in the precinct.

The maintenance of the water quality in the lagoon has on many occasions has been below standard and the signage inadequate for swimmers? This affects the environmental aspect of the waterfront, tourism therefore house prices. DWC need to play closer attention to the environmental aspects to improve the economy via tourists and local who wish to swim.

14. The **2006 -2018 DWC Annual Reports** include the Auditor-General statements which document *..it is not a guarantee that an audit conducted within the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error..*. The fact the DWC is by Ministerial appointment and include close partnerships within the NT public service, collusion, coercion and conflicts of interest can arise, therefore the DCC should endeavour to create an open and transparent committee for the DWC residents to engage and participate with.
15. The DCC will be able to use municipal workers to increase local employment as many DWC contracts are awarded to interstate companies?

I will attend the DCC Public Forum tomorrow night and look forward to liaising with the Alderman to campaign for positive economic and social benefit for the town of Darwin by transferring the opaque DWC power back to the local community.

Kind Regards

Jane Davies
Parkside Owners Group Convenor
2015 PBCC Secretary