

Business Papers

2nd Ordinary Council Meeting

Tuesday, 28 June 2016
5:00pm



Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend a 2nd Ordinary Council Meeting to be held in the Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 28 June 2016, commencing at 5.00 pm.

A handwritten signature in blue ink, appearing to read "Anna Malgorzewicz", is written above the printed name.

ACTING CHIEF EXECUTIVE OFFICER
ANNA MALGORZEWICZ

Office Use Only

Placed on Public Notice Board: _____

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CITY OF DARWIN

NINETY-FOURTH ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 28 JUNE 2016

MEMBERS: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chairman); Member R K Elix; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member A R Mitchell; Member S J Niblock; Member M Palmer; Member R Want de Rowe; Member K J Worden; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; Acting General Manager Infrastructure, Mrs N Nilon; General Manager Community & Cultural Services, Ms A Malgorzewicz; Executive Manager, Mr M Blackburn; Committee Administrator, Mrs P Hart.

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

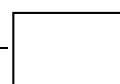
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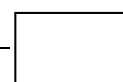
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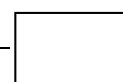
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1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD'S PRAYER

3. MEETING DECLARED OPEN

4. APOLOGIES AND LEAVE OF ABSENCE
Common No. 2695036

4.1 Apologies

4.2 Leave of Absence Granted

- A. THAT it be noted Member A R Mitchell is an apology due to a Leave of Absence previously granted on 14 June 2016 for the period 13 June 2016 to 11 July 2016.
- B. THAT it be noted Member J A Glover is an apology due to a Leave of Absence previously granted on 31 May 2016 for the period 22 to 28 June 2016.

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE
Common No. 2221528

5.1 Electronic Meeting Attendance Granted

5.2 Electronic Meeting Attendance Requested

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

6.1 Declaration of Interest by Members

6.2 Declaration of Interest by Staff

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

7.1 Confirmation of the Previous Ordinary Council Meeting

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 14 June 2016, be received and confirmed as a true and correct record of the proceedings of that meeting.

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

8.1 Business Arising

9. MATTERS OF PUBLIC IMPORTANCE

10. DEPUTATIONS AND BRIEFINGS

Nil

11. PUBLIC QUESTION TIME

12. CONFIDENTIAL ITEMS

Common No. 1944604

12.1 Closure to the Public for Confidential Items

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

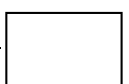
<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C26.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C31.1.1	8(b)	information about the personal circumstances of a resident or ratepayer
C31.1.2	8(e)	information provided to the council on condition that it be kept confidential

12.2 Moving Open Items Into Confidential

12.3 Moving Confidential Items Into Open

13. PETITIONS

14. NOTICE(S) OF MOTION



15. COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (20/06/16)

Presentation of Report by Chairman – Member K J Worden

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 20 June 2016.

1. 2016/2017 Community Grants Program Round 1

Report No. 16C0050 GP:es (20/06/16) Common No. 3284258

- A. THAT Report Number 16C0050 GP:es entitled 2016/2017 Community Grants Program Round 1, be received and noted.
- B. THAT the following applications for Round 1 of the 2016/2017 Community Grants Program for community projects be approved:

i)	Darwin Lions Beer Can Regatta Inc	\$2450
ii)	Music NT	\$5000
iii)	CatholicCare NT	\$8500
iv)	Alongside PTSD Partner Support	\$4400
v)	PARKRUN Inc	\$5000
vi)	Alzheimer's Australia NT Inc	\$2150
vii)	Darwin Film Society	\$5000
viii)	Cancer Council Northern Territory	\$5000
ix)	Life Without Barriers	\$5000
x)	Child Australia	\$5000
xi)	Darwin Roller Girls	\$2500
	Total	\$50,000

2. **Minutes Arts and Cultural Development Advisory Committee 16 June 2016**

Report No. 16C0059 SC:kl (20/06/16) Common No. 3209818

- A. THAT Report Number 16C0059 SC:kl entitled Minutes Arts and Cultural Development Advisory Committee 16 June 2016 be received and noted.
- B. THAT Council endorse the recommended concept design at **Attachment B** by nominated artist Jill Chism to proceed to design development for the Public Art (*Integrated*) Commission Parap Pool.

15. COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (20/06/16)

Presentation of Report by Chairman – Member K J Worden

The Community & Cultural Services Committee resolved the following items under delegated authority.

3. **Resolved Under Delegated Authority** Common No. 2752263

THAT Council receive and note the following decisions which were made by the Committee under delegated authority.

3.1 **Draft Minutes Arts and Cultural Development Advisory Committee Meeting 21 April 2016** Document No. 3310194 (20/05/16) Common No. 3310194

3.2 **Notes Disability Advisory Committee Meeting 19 May 2016** Document No. 3310530 (20/06/16) Common No. 3310530

3.3 **Draft Minutes Haikou Sister City Community Committee Meeting 27 May 2016** Document No. 3310530 (16/06/16) Common No. 3310530

3.4 **Draft Kalymnos Sister City Community Committee Meeting 1 June 2016** Document No. 3310594 (16/06/16) Common No. 3310594

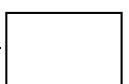
3.5 **Draft Minutes Youth Advisory Group Meeting 2 June 2016** Document No. 3310594 (16/06/16) Common No. 3310594

3.6 **General Business - Shade Trees – Nightcliff Pool** Common No. 2191683

THAT Council explore the planting of shade trees at Nightcliff Pool to improve amenity.

3.7 **General Business - Vote of Thanks to Alderman Kate Worden**

The Committee and Staff extended their appreciation and thanks to Alderman K J Worden for her advocacy and leadership of the many issues and opportunities the Committee has addressed over the years.



NINETY-FOURTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 28 JUNE 2016 PAGE

ORD06/10

15. COMMITTEE REPORTS

15.2 ENVIRONMENT & INFRASTRUCTURE

Nil

15.3 CORPORATE & ECONOMIC DEVELOPMENT

Nil

16.1 OFFICERS REPORTS (ACTION REQUIRED)

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.1.1
 YES

ADOPTION OF THE 2016/17 MUNICIPAL PLAN AND BUDGET

REPORT No.: 16TC0038 SJ:as COMMON No.: 2736812 DATE: 28/06/2016

Presenter: Senior Community Engagement Officer, Sheree Jeeves

Approved: Executive Manager, Mark Blackburn

PURPOSE

The purpose of this report is for Council to adopt the City of Darwin 2016/17 Municipal Plan, which incorporates the Annual Budget.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

KEY ISSUES

- In accordance with the Local Government Act, Council made the Draft Municipal Plan available for public consultation for a period of 21 days.
- Public consultation concluded on Wednesday 8 June 2016, five submissions were received.

RECOMMENDATIONS

- A. THAT Report Number 16TC0038 SJ:as entitled Adoption of the 2016/17 Municipal Plan, be received and noted.
- B. THAT the Certificate in terms of Regulation 24 (1) of the Local Government (Accounting) Regulations, as tabled by the Chief Executive Officer at this 2nd Ordinary Council Meeting, Tuesday 28 June 2016, be received and noted.

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 REPORT NUMBER: 16TC0038 SJ:as
 SUBJECT: ADOPTION OF THE 2016/17 MUNICIPAL PLAN AND BUDGET

- C. THAT in accordance with Section 24 (1) and Section 128 (1) of the Local Government Act, Council adopts the 2016/17 City of Darwin Municipal Plan and Budget as contained in **Attachment A** to Report Number 16TC0038 SJ:ph entitled Adoption of the 2016/17 Municipal Plan and Budget.
- D. THAT Council note that responses will be provided to the public submissions to the City of Darwin 2016/17 Municipal Plan.

BACKGROUND

Council endorsed the Draft 2016/17 City of Darwin Municipal Plan at its meeting on 17 May 2016. The Plan was released on 18 May 2016 for public consultation which closed on 8 June 2016.

DECISION NO.21\4400 (17/05/16)

Draft 2016/17 City of Darwin Municipal Plan

Report No. 16TC0032 SJ:as (17/05/16) Common No 2736812

- A. *THAT Report Number 16TC0032 SJ:as entitled Draft 2016/17 City of Darwin Municipal Plan, be received and noted.*
- B. *THAT pursuant to Section 71 of the Local Government Act Council endorse the 2016/17 Elected Member Allowances as provided in **Attachment A** to Report Number 16TC0032 SJ:as entitled Draft 2016/17 City of Darwin Municipal Plan, for inclusion in the 2016/17 City of Darwin Municipal Plan.*
- C. *THAT Council adopt the Draft 2016/17 City of Darwin Municipal Plan contained in **Attachment B**, as amended:*
- i. to reflect the changes o off-street car parking*
- ii. to reflect that \$50,000 of the allocation of \$100,000 for the City Centre Activation program be provided to the DCWRA.*
- to Report Number 16TC0032 SJ:as entitled Draft 2016/17 City of Darwin Municipal Plan, for the purpose of public exhibition and consultation.*
- D. *THAT pursuant to Section 103 of the Local Government Act, the staffing plan approved by Council for the 2016/17 financial year be based on a total budget for employee costs of \$31.7M and an approved establishment full time equivalent of 349.48 staff, noting that short-term projects may temporarily change the actual full time equivalent.*
- E. *THAT **Attachment B**, as amended, to Report Number 16TC0032 SJ:as entitled Draft 2016/17 City Of Darwin Municipal Plan, and this Decision be available to the media under embargo from*

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9.00am on Wednesday 18 May 2016 and along with Report Number 16TC0032 be moved into 'Open' at 10.30am on Wednesday 18 May 2016.

DISCUSSION

The City of Darwin Municipal Plan provides the framework for all Council activities and determines what Council needs to do to achieve the goals of the *Evolving Darwin Towards 2020 Strategic Plan*. Council has prepared a budget for the 2016/17 financial year which seeks to balance the demand for services and infrastructure with the community's capacity to pay. Key budget information is provided in the 2016/17 City of Darwin Municipal Plan and includes rate increases, operating results, service levels, cash and investments, capital works, financial position, financial sustainability and key strategic activities of the Council.

The Draft 2016/17 Municipal Plan was open for public consultation for a period of 21 days from 18 May to 8 June 2016. There were five submissions received and considered. Three of the submissions raised objections to the proposed Smith St/Daly St intersection upgrade, one submission was seeking to work with City of Darwin to improve waste and recycling at the Nightcliff Community Centre and one submission dealt with a number of criticisms about:

- information contained in the section on the economic and social impact of Council's rating strategy
- public consultation and how Council takes account of ratepayer concerns
- funding of the capital works program through external borrowing to achieve intergeneration equity
- the level of reserves

Similar criticisms were made by this ratepayer about the 2015/16 draft municipal plan and as a result considerable effort has gone into revising the wording describing Council's assessment of the social and economic impacts of its rating strategy in the 2016/17 draft municipal plan.

With respect to the other issues raised, borrowing and inter generation equity are not synonymous but borrowing may be a tool in some cases. Intergeneration equity is about charging the current generation for the costs of that generation. The Council's financial results and budgets substantially demonstrate that principle. The Plan makes clear that \$10.5m of the capital works program is funded from external grants not rates revenue. The On and Off street Car-parking Reserve funds utilised for internal loans come from user pays fees and will be repaid to assist construction of additional multi storey car parking. The other Car-parking Shortfall Reserves have been funded through developer contributions to be used for the creation of additional car parking spaces and rates assessment charges.

It is considered prudent for Council to always have at least one month of operational expenditure available in reserves. The amount in the internal reserves meets that requirement.

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 SUBJECT: ADOPTION OF THE 2016/17 MUNICIPAL PLAN AND BUDGET

No amendment to the Municipal Plan is considered necessary.

CONSULTATION PROCESS

This report was considered by the Executive Leadership Team on 20/06/2016 and now referred to Council for consideration.

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

- General Manager Corporate Services
- Manager Finance

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

- The Draft 2016/17 Municipal Plan was open for public consultation for a period of 21 days from 18 May to 8 June 2016.

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

The 2016/17 Budget is contained within the 2016/17 City of Darwin Municipal Plan (**Attachment A**).

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

In accordance with the Local Government Act Council must:

- Adopt a Municipal Plan - Section 24 (1)
- Adopt the Budget – Section 128 (1)
- The CEO must certify the Rates Assessment Record – Regulation 24 of the Local Government (Accounting) Regulations)

The relevant sections of the Local Government Act and Regulations have been followed.

Municipal Plan Requirements

The Local Government Act requires the Municipal Plan to contain the following items:

- A service delivery plan for the period of the plan;
- Indicators for judging the standard of the Council's performance; and
- Council's Budget.

The Municipal Plan must also contain or incorporate by reference:

- Any long term community or strategic plans relevant to the period of the plan;
- The Council's Long Term Financial Plan; and

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 SUBJECT: ADOPTION OF THE 2016/17 MUNICIPAL PLAN AND BUDGET

- The Council's most recent assessments of:
 - Constitutional arrangements their adequacy for representation for the Council's area;
 - Opportunities and challenges for local government service delivery in the Council's area;
 - Possible changes to the regulatory and administrative framework for delivering services in the Council's area; and
 - Whether possibilities exist for improving local government service delivery by co-operation with other councils, government agencies or other organisations.

The 2016/17 City of Darwin Municipal Plan which is at **Attachment A** complies with all of the above requirements.

ENVIRONMENTAL IMPLICATIONS

There are no specific environmental implications with Council adopting the 2016/17 City of Darwin Municipal Plan. The Plan does maintain a balanced approach to sustainability by considering social, cultural and environmental implications in setting the activities it plans to deliver over the next financial year.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

SHEREE JEEVES
SENIOR COMMUNITY
ENGAGEMENT OFFICER

MARK BLACKBURN
EXECUTIVE MANAGER

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

Attachments:

Attachment A: City of Darwin 2016/17 Municipal Plan

(Submitted under separate cover)

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.1.2
 NO

2016-2017 DECLARATION OF RATES AND CHARGES

REPORT No.: 16A0069 MC:je COMMON No.: 3292358 DATE: 28/06/2016

Presenter: Manager Finance, Miles Craighead

Approved: General Manager Corporate Services, Diana Leeder

PURPOSE

The purpose of this report is to provide for the adoption of 2016-17 Rates and Charges that support the Budget contained in the City of Darwin 2016-17 Municipal Plan.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

KEY ISSUES

The Declaration of Rates is scheduled to be published on 30 June 2016 in accordance with the budget timetable.

RECOMMENDATIONS

- A. THAT Report Number 16A0069 MC:je entitled 2016-2017 Declaration Of Rates And Charges, be received and noted.
- B. THAT pursuant to Section 149 of the *Local Government Act* ("the Act"), Council adopts the Unimproved Capital Value method as the basis of the assessed value of allotments within the Darwin Municipality.

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 REPORT NUMBER: 16A0069 MC:je
 SUBJECT: 2016-2017 DECLARATION OF RATES AND CHARGES

- C. THAT pursuant to Sections 155-157 of the Act, Council declares that it intends to raise, for general purposes by way of rates, the amount of \$59,575,000 which will be raised by the application of differential valuation-based charges (“differential rates”) with differential minimum charges (“minimum amounts”) being payable in application of each of those differential rates. Council hereby declares the following differential rates and minimum amounts payable in the application of those differential rates for the financial year ending 30 June 2017;

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

<u>RATES</u>	<u>ALLOTMENTS OF LAND TO WHICH RATES APPLY AND MINIMUM AMOUNTS</u>
i) 0.412733%	<p>of the assessed value of all rateable land within the municipality zoned SD, RR, R or RL under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,071.00 multiplied by :-</p> <p>(a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(b) the number 1, whichever is the greater.</p>
ii) 0.412733%	<p>of the assessed value of all rateable land within the municipality zoned MD, MR or HR under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,126.00 multiplied by :-</p> <p>(c) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(d) the number 1, whichever is the greater.</p>
iii) 0.392465%	<p>of the assessed value of all rateable land within the municipality zoned CV under the <i>NT Planning Scheme</i>, with the minimum amount payable in the application of that differential rate being \$1,071.00 multiplied by :-</p> <p>(a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or</p> <p>(b) the number 1, whichever is the greater.</p>

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 SUBJECT: 2016-2017 DECLARATION OF RATES AND CHARGES

- iv) 0.476371% of the assessed value of all rateable land within the municipality zoned CB under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,355.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- v) 0.367170% of the assessed value of all rateable land within the municipality zoned PS or CN under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- vi) 0.332207% of the assessed value of all rateable land within the municipality zoned OR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$442.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- vii) 0.412733% of the assessed value of all rateable land within the municipality zoned FD, SU, CP, CL, RD or U under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,126.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.

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 SUBJECT: 2016-2017 DECLARATION OF RATES AND CHARGES

- viii) 0.545357% of the assessed value of all rateable land within the municipality zoned C, or SC under the *NT Planning Scheme* other than those classes of allotments described in paragraphs (ix) and (x) below, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- ix) 0.983465% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area equal to or greater than 40,000m² and being allotments on which is situated a major shopping centre, with the minimum amount payable in the application of that differential being \$1,117.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- x) 0.545357% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area less than 40,000m² and being allotments on which is situated a major shopping centre, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.
- xi) 0.555826% of the assessed value of all rateable land within the municipality zoned TC or HT under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-
- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.

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 SUBJECT: 2016-2017 DECLARATION OF RATES AND CHARGES

xii) 0.334143% of the assessed value of all rateable land within the municipality zoned LI under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-

- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.

xiii) 0.282772% of the assessed value of all rateable land (other than the small allotments identified below) within the municipality zoned GI or DV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,117.00 multiplied by :-

- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.

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

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

Council considers that an inequity would result if the minimum amount declared in respect of rateable land within Zone GI were applied to these small allotments, and accordingly, Council declares a lesser minimum amount, being \$278.00, to be payable in respect of each of these small allotments.

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xiv) 0.412733% of the assessed value of every allotment of rateable land within the municipality not otherwise described above, with the minimum amount payable in the application of that differential rate being \$1,071.00 multiplied by :-

- (a) the number of separate residential parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment of land; or
 - (b) the number 1,
- whichever is the greater.

D. THAT pursuant to Section 156 of the Act Council declares the following special rate ("the Parking Local Rate"):

- i). The purpose for which the Parking Local Rate is to be imposed is to defray the expense of and in relation to on-street and off-street parking within the central business district ("the Central Business District") as defined in Schedule 1 of the *Local Government (Darwin Parking Local Rates) Regulations* ("the Regulations"), it being the opinion of the Council that such on-street and off-street parking is and will be of special benefit to the ratepayers of the Central Business District.
- ii). The amount to be raised by the Parking Local Rate is \$1,034,380.
- iii). The Parking Local Rate is to be an amount of \$241.48 per car parking space which will be assessed and levied in accordance with the Regulations. Notification of the parking usage schedule 2016-17 has been duly prepared in accordance with Regulation 4 of the Regulations and notified in the Northern Territory Government Gazette and in the Northern Territory News on 8 June 2016.
- iv). The Parking Local Rate will be levied on all rateable land in the Central Business District in accordance with the Regulations.
- v). Appeals against the assessment of the Parking Local Rate may be made in accordance with regulation 7 of the Regulations. The period for appeals under regulation 7 of the Regulations expires on 7 July 2016.
- vi). Proceeds of the Parking Local Rate shall be applied by the Council for the provision, operation and maintenance of land, facilities, services and improvements for and in connection with the parking of vehicles in the Central Business District, including both on-street and off-street parking facilities.

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- E. THAT pursuant to Section 157 of the Act, Council declares that it intends to raise \$6,627,762 and makes and declares the following charges for the financial year ending 30 June 2017 for the purpose of enabling or assisting Council to meet the cost of the garbage collection and recycling collection services and the waste disposal services it provides for the benefit of residential land within the municipality and the occupiers of such land.

For the purposes of this paragraph E:

- “Residential dwelling” means a dwelling house, flat or other substantially self-contained residential unit or building on residential land and includes a unit within the meaning of the *Unit Titles Act* and the *Unit Title Schemes Act*.
 - “Residential land” means land used or capable of being used for residential purposes (but does not include land on which there is no residential dwelling).
 - “SBDWS” means the Shoal Bay Waste Disposal Site located at Lot 3952 Town of Sanderson.
- i). A charge of \$246.00 per annum per residential dwelling in respect of kerbside garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality other than a residential dwelling as described in Parts 1, 2 and 3 of the Schedule below and the occupiers of such land.

The services are –

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

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

- Access to the SBDWS, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBDWS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.
- ii). A charge of \$225.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is

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willing and able to provide for the benefit of, each residential dwelling within the municipality where the number of residential dwellings (as the case may be) exceeds three (3) other than a residential dwelling as described in Parts 2 and 3 of the Schedule below and the occupiers of such land.

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

- iii). A charge of \$225.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality where:

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

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

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

The services are as described in Part 2 of the Schedule below.

- iv). A charge of \$225.00 per annum per residential dwelling in respect of non-kerbside (communal) garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality where:

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

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

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

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

- v). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative recycling service is being provided to that residential dwelling, a charge of \$108.00 per annum shall apply to that residential dwelling in respect of the garbage collection service and waste disposal service provided for the benefit of, or which Council is willing and

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able to provide for the benefit of all or any such residential dwellings within the municipality.

- The garbage collection service shall be a kerbside collection service of one garbage collection visit per residential dwelling per week, with a maximum of one 240 litre mobile garbage bin per visit and the waste disposal service shall be access to the SBDWS by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBDWS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.
- vi). Where the person otherwise liable to pay a charge in respect of a residential dwelling referred to in this paragraph E (other than a residential dwelling as described in paragraphs (ii) to (iv)), satisfies Council that a comparable alternative garbage collection service is being provided to that residential dwelling, a charge of \$108.00 per annum shall apply to that residential dwelling in respect of recycling collection service and waste disposal service provided, or which Council is willing and able to provide for the benefit of all or any such residential dwellings within the municipality.
- The recycling collection service shall be a kerbside collection service of one recycling collection visit per residential dwelling per fortnight, with a maximum of one 240 litre mobile recycling bin per visit and the waste disposal service shall be access to the SBDWS by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of the SBDWS from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

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SCHEDULE
CITY OF DARWIN
GARBAGE AND RECYCLING COLLECTION SERVICES

PART 1 –

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

The services are –

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

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

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

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

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PART 2 –

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

The services are –

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

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

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

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

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

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PART 3 –

Communal Services for more than 40 residential dwellings that meet the requirements of Council (refer paragraph E (iv) of declaration)

The services are –

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

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

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

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

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

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

- First Instalment: 30 September 2016
- Second Instalment: 30 November 2016
- Third Instalment: 31 January 2017
- Fourth Instalment: 31 March 2017

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

- (a) Details of due dates and specified amounts will be listed on the relevant Rates Notice.
- (b) Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.

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- (c) A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges. If rates are payable by the owner of the land and are not paid by the due date, they become a charge on the land to which they relate, except within an Aboriginal community living area. In addition, Council may apply to register its charge over the land and sell the land to recover unpaid rates and charges.

BACKGROUND

Council has now adopted the City of Darwin 2016-17 Municipal Plan and Budget pursuant to Section 128 of the *Local Government Act*.

DISCUSSION

The City of Darwin 2016-17 Municipal Plan contains Council's key rating proposals for the 2016-17 financial year.

The General Rate for rateable properties within the Municipality has been increased by 2.75%

The rate for the domestic Garbage and Recycling collection service in 2015/2016 was originally \$235.00 for Kerbside Collection and \$214.00 per service for Manual Collection.

The rates declaration now recognises and incorporates as part of the charges imposed under Section 157 of the Act, the waste disposal service, namely access to the Shoal Bay Waste Disposal Site, provided to each residential dwelling.

The rates for Kerbside collection services (now including the waste disposal service) has been increased by 4.68% and Manual Collection by 5.14%, which after rounding, increase the rate for Kerbside Collection to \$246.00 per service and for Manual Collection to \$225.00 per service.

The rate applied for Car Parking Shortfall has increased by 0.5% to \$241.48 in line with the Consumer Price Index applicable to Darwin for the period December 2014 to December 2015 and the decision of Council 17/4383 which stated as follows:-

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

Council has previously recognised that strata titled Self-Storage Units should attract a lesser Minimum General Rate than other strata titled units situated within the GI Town Planning Zone. A General Rate of \$271.00 was levied for 2015-16, this has been increased for the 2016-17 rating year to \$278.00, being approximately one quarter of the standard non-residential minimum rate of \$1,117.00. A lesser Minimum General Rate may be declared for these types of properties in accordance with Section 148 (3)(b) of the *Local Government Act*.

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

CONSULTATION PROCESS

Internal Consultation

The budget estimates have been discussed in depth with Council and the Chief Officers Group. The estimates were published in the City of Darwin 2016-17 Draft Municipal Plan and Budget and made available for public inspection and comment for a period of 21 days following publication on Council’s website on Thursday, 19 May 2016 and advertisement in the NT News on Thursday, 19 May 2016.

External Consultation

The draft Declaration of Rates and Charges report and public notice has been reviewed by HWL Ebsworth Lawyers to ensure compliance with the requirements of the Local Government Act.

POLICY IMPLICATIONS

Nil

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BUDGET AND RESOURCE IMPLICATIONS

General Rate	\$59,575,000	Zone	<u>Rate (%UCV)</u>	Minimum
		SD, RR, R, RL	0.412733%	\$1,071.00
		MD, MR, HR	0.412733%	\$1,126.00
		CV	0.392465%	\$1,071.00
		CB	0.476371%	\$1,355.00
		PS, CN	0.367170%	\$1,117.00
		OR	0.332207%	\$442.00
		FD, SU, CP, CL, RD, U.	0.412733%	\$1,126.00
		Major Shopping Centres over 40,000m ² in parcel area	0.983465%	\$1,117.00
		Major Shopping Centres less than 40,000m ² in parcel area	0.545357%	\$1,117.00
		C, SC	0.545357%	\$1,117.00
		TC, HT	0.555826%	\$1,117.00
		LI	0.334143%	\$1,117.00
		GI, DV	0.282772%	\$1,117.00
All other land	0.412733%	\$1,071.00		
Garbage/Recycling Charges:	\$6,627,762	\$246.00	Detached Dwellings and Flats/Units Receiving a Kerbside Service	
		\$225.00	Flats/Units Receiving a Communal Service	
		\$225.00	Flats/Unit development exceeding Twelve (12) Residential Units or Dwellings that have requested the provision of a 1,100 Litre Bin	
		\$225.00	Flats/Unit development exceeding Forty (40) Residential Units or Dwellings that have requested the provision of a 3 Metre Bin	
		\$ 108.00	Weekly Waste Collection Service Only	
		\$ 108.00	Fortnightly Recycling Collection Service Only	
Parking Local Rate:	\$1,034,380	\$241.48	Per shortfall space	

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RISK/LEGAL/LEGISLATIVE IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MILES CRAIGHEAD
MANAGER FINANCE

DIANA LEEDER
GENERAL MANAGER
CORPORATE SERVICES

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

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 16.1.3
YES

CLIMATE CHANGE AND ENVIRONMENT GRANTS 2016/2017

REPORT No.: 16TC0039SG:nj **COMMON No.:** 3284258 **DATE:** 28 June 2016

Presenter: **Manager Climate Change & Environment, Shenagh Gamble**

Approved: **Executive Manager, Mark Blackburn**

PURPOSE

The purpose of this report is to present for approval the recommended recipients of the Climate Change and Environment Grants Program.

LINK TO STRATEGIC PLAN

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

Goal

3. Environmentally Sustainable City

Outcome

3.2 Darwin community's carbon footprint reduced

Key Strategies

3.2.1 Increased community understanding of climate change and environment issues and mitigation and adaption actions

KEY ISSUES

- Applications for funding through Council's Climate Change and Environment Grants Program were invited on 7 May 2016.
- Applications received by the advertised closing date of 1 June 2016 were assessed and are presented to Council for approval.
- The projects recommended for funding or part funding meet the Climate Change and Environment Grants Program Guidelines
- 12 applications were received, seeking a total of \$82,937.00
- Nine applications are recommended for funding, totalling \$50,516

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 2016/2017

RECOMMENDATIONS

- A. THAT Report Number 16TC0039 SG:nj entitled Climate Change and Environment Grants 2016/2017, be received and noted.
- B. THAT the following grant applications for the Climate Change and Environment Grants for community projects be approved:
- | | |
|---|-----------------|
| i) Girl Guides NT Incorporated | \$ 3,480 |
| ii) Australian Trust for Conservation Volunteers | \$10,000 |
| iii) Nightcliff Arts, Music & Culture Incorporated | \$ 7,000 |
| iv) OzGreen Global Rivers Environmental Education Network | \$ 7,500 |
| v) Wildcare Inc | \$ 3,581 |
| vi) National Trust of Australia (Northern Territory) | \$ 1,375 |
| vii) Ark Aid Inc | \$ 4,000 |
| viii) Darwin Wildlife Sanctuary | \$ 6,080 |
| ix) Australian Youth Climate Coalition (AYCC) | \$ 7,500 |
| Total | \$50,516 |

BACKGROUND

A previous decision on Climate Change and Environment grants was made by the Community & Cultural Service Committee on 22 June 2015:

DECISION NO.21\3425 (22/06/15)

2015/2016 Community Grants Program Round 1

Report No. 15C0069 AH:es (22/06/15) Common No. 3036430

THAT the Committee resolve under delegated authority:-

- A. *THAT Report Number 15C0069 AH:es entitled 2015/2016 Community Grants Program Round 1, be received and noted.*
- B. *THAT the following grant applications for the 1st Round of the 2015/2016 Community Grants Program for community projects be recommended for approval:*
- | | |
|---|-----------------|
| <i>i) Pensioners' Workshop Association Inc</i> | <i>\$2,432</i> |
| <i>ii) Integrated disability Action Inc</i> | <i>\$1,000</i> |
| <i>iii) Mental Illness Fellowship of Australia Northern Territory</i> | <i>\$8,400</i> |
| <i>iv) The Darwin Fringe Festival</i> | <i>\$10,000</i> |
| <i>v) Royal Life Saving Society (Australia) NT Branch Inc</i> | <i>\$5,707</i> |
| <i>vi) Bollywood Dance and Cultural Academy</i> | <i>\$1,000</i> |
| <i>vii) United Nations Association of Australia NT (UNAANT) Inc</i> | <i>\$4,000</i> |
| <i>viii) HPA Incorporated</i> | <i>\$5,000</i> |
| <i>ix) Darwin Pride Festival Committee</i> | <i>\$5,000</i> |
| <i>x) Malak Marketplace Traders Association</i> | <i>\$7,150</i> |

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Total \$49,689

C. *THAT the following grant applications for the Climate Change and Environment Grants for community projects be recommended for approval:*

i) <i>FrogWatch Nth Incorporated</i>	\$10,000
ii) <i>Charles Darwin University, Carthew Lab</i>	\$9,990
iii) <i>Nightcliff Family Centre</i>	\$5,500
iv) <i>Environment Centre NT (on behalf of COOLmob program)</i>	\$6,850
v) <i>Environment Centre NT</i>	\$4,250
vi) <i>Dripstone Children's Centre Inc</i>	\$5,470
vii) <i>Greening Australia</i>	\$7,490
Total	\$49,550

D. *THAT a Report be presented on the options available for the advertising, processing and assessment of the Community Grants Program and the Climate Change and Environment Grants*

Ordinarily the Environment & Infrastructure (E&I) Committee would approve grant recipients under delegated authority, however due to a cancellation of the June E&I Committee meeting and due to the process of allocating funds to community groups in a timely fashion this recommendation falls directly to Council.

DISCUSSION

Each year Council allocates \$50,000 for community based climate change and environment projects.

Applications for funding of community projects occurring in the 2016/2017 financial year were invited on 7 May 2016 with a closing date of 1 June 2016. 13 applications were received, seeking \$82,937 for climate change and environment projects.

A summary detailing the applications for funding is presented in **Attachment A** and includes Council Officers' recommendations.

Nine applications for climate change and environment grants are recommended for funding to the value of \$50,516. These projects have been recommended on the basis of outcomes in context of Council's strategic direction, environmental benefit and benefit to the Darwin community, organisational capacity to deliver outcomes and value for money. All applications were independently reviewed by panel members.

Some projects have been recommended for partial funding. In this instance, the panel deemed some element of the project to be ineligible or did not believe it was the best value for money. This is further explained in **Attachment A**.

Six applications were initially submitted to the community grants round, however that panel deemed these projects more appropriate for the climate change and

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environment grants round. These applicants were provided an opportunity to submit additional information on the environmental benefit of their project and were assessed along with the original applications.

CONSULTATION PROCESS

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

- Manager Strategy & Outcomes
- Senior Climate Change & Environmental Officer
- Community Development Officer
- Research and Project Coordinator

POLICY IMPLICATIONS

“Provide climate change and environment grant funding” is an action under the Climate Change Action Plan 2011 – 2020.

BUDGET AND RESOURCE IMPLICATIONS

The funds allocated for climate change and environment grants are within the 2016/2017 operational budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

All climate change and environment grants are assessed based on their environmental benefit and those that have been recommended for funding are deemed to provide a definite environmental benefit.

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COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

SHENAGH GAMBLE
MANAGER CLIMATE CHANGE &
ENVIRONMENT

MARK BLACKBURN
EXECUTIVE MANAGER

For enquiries, please contact Shenagh Gamble on 89300530 or email:
s.gamble@darwin.nt.gov.au.

Attachments:

Attachment A: Climate Change and Environment Grants Matrix

CLIMATE CHANGE AND ENVIRONMENT GRANTS 2016/2017

MATRIX

Total Number of Applications: 12
 Total Amount of Funding sought: \$81,717.00

Number of Organisations Recommended for funding: 9
 Amount of Funding Recommended: \$50,516

NO.	Organisation	Title of Project	Project Category and Type	Environmental Benefit	Amount Sought (excl GST)	Meets Grant Criteria	Council Funding in the past 3 years?	Panel Comment
1	The Scout Association of Australia Northern Territory Branch	Replacement of Louvres at Alawa Scout Hall This grant funding is to replace a large number of aluminium window louvres that are damaged and the handles are stiff, preventing them to be opened or closed properly and repair the irrigation system that is damaged and presently working inefficiently.	Energy Water Built Environment	<ul style="list-style-type: none"> Increase natural ventilation reducing heat in the building, thus lowering the overall use of electricity. Allow the effective use of daylighting. Create air movement. Prevent water leakage into the building. Increase water coverage. Improve plant health. 	\$5,266 (Funding requested for removal of old louvres, supply and install new louvres, repair sprinkler heads and install irrigation timer).	NO	Nil.	RECOMMENDATION: NO FUNDING This is a capital improvement on private property
2	Girl Guides NT Incorporated	Monkani Guide Hall Sustainable and Friendly Garden In conjunction with renovating the buildings on site, we are looking to develop a master plan for the garden areas to create fun, friendly and sustainable open spaces that include a fairy garden, edible garden, campsites, campfire circle, car parking and other activity based spaces.	Biodiversity Water Waste Built Environment	<ul style="list-style-type: none"> Biodiversity – reduce risk – we have a large number of trees on the site with a number requiring removal due to termite damage or they threaten infrastructure or they are listed as pests (Neme trees). Biodiversity – opportunity to plant new trees, develop a native garden and provide a habitat for the native fauna already onsite including bird life (nesting curlews) and frilled neck lizards. Water – opportunity to install water tanks and use collected rainwater for garden maintenance. Waste – opportunity to develop composting processes to use in an edible garden. Built environment – opportunity to redefine space, especially development of car parking space. 	\$10,000 (Funding requested for development of master plan, tree maintenance, plants and materials).	PARTIALLY	Nil.	RECOMMENDATION: PARTIAL FUNDING \$3,480 Partial funding to cover the development of the master plan only. Removal of trees considered capital works on private property.
3	Australian Trust for Conservation Volunteers	Darwin Urban Cane Toad Survey This project will comprise of 26 evening cane toad (Rhinella marina; formerly Bufo marinus) surveys over a 6 month period, specially to provide increased on ground survey capacity to Biodiversity Watch NT.	Biodiversity	<ul style="list-style-type: none"> Cane Toads have directly contributed to population declines of reptiles in urban areas of Darwin with particular concern for the Yellow Spotted Monitor and Mitchells Water Monitor which have been extirpated from key urban reserves. The work of Biodiversity Watch NT campaigning for stronger action against Cane Toads in the area is reliant on sound and regular data of cane toad numbers and patterns. 	\$10,000 (Funding requested for project officer expenses, project vehicle and expenses, project tools and equipment).	YES	Nil.	RECOMMENDATION: FULL FUNDING \$10,000 This project addresses a critical environmental threat Organisation utilises volunteers and has proven track record with good project delivery

CLIMATE CHANGE AND ENVIRONMENT GRANTS 2016/2017

Total Number of Applications: 12
Total Amount of Funding sought: \$81,717.00

Number of Organisations Recommended for funding: 9
Amount of Funding Recommended: \$50,516

NO.	Organisation	Title of Project	Project Category and Type	Environmental Benefit	Amount Sought (excl GST)	Meets Grant Criteria	Council Funding in the past 3 years?	Panel Comment
4	Darwin Tennis Association Inc	Greening Gardens Tennis Centre – Solar Hot Water Upgrade The aims are to reduce power consumption and associated greenhouse gas emissions from water heating by upgrading to a solar hot water system at the Gardens Tennis Complex and to reduce water consumption by installing water saving flow restrictors and aerators in all shower heads.	Energy Water	<ul style="list-style-type: none"> At present, the DTA committee is initiating an energy efficiency infrastructure upgrade as the Gardens Tennis complex uses ~50,0000 MWh of power per year, a considerable greenhouse gas emission. This application is a component of this strategy, which also includes the conversation of all lighting at the complex to high efficiency, low greenhouse gas emission LED lights. 	\$4,477 (Funding requested for solar hot water system, and flow shower heads and restrictors).	NO	Nil.	RECOMMENDATION: NO FUNDING This is a capital improvement on private property
5	Nightcliff Arts, Music & Culture Incorporated	Nightcliff Seabreeze Festival – Elimination of Plastic Bottles Program, Guided Walks and the Inaugural Green Pavilion To establish the Nightcliff Seabreeze Festival as a 'single use plastic bottle' free event, offer our local community a closer look at our natural environment with Guided Walks on the Big Day and throughout the Festival Week and inaugurate 'The green Pavilion' on the Big Day.	Energy Water Waste Biodiversity Transport Built environment	<ul style="list-style-type: none"> Eliminating single use plastic bottles from the foreshore in 2017 and providing volunteers and visitors with another option; reusable, ecologically friendly, environmentally sustainable water bottles, will place a standard on the Festival and the people to hold to for future Seabreeze Festival events and will contribute to changing behaviour of our Stall Holders, Staff, Crew, Volunteers, Artists and Audience alike. 	\$7,000 (Detailed budget provided).	YES	Receives annual operational funding from City of Darwin for the running of this event \$20,000 cash \$2,000 in kind	RECOMMENDATION: FULL FUNDING \$7,000 Funding on the proviso that all vendors participating in the event are prohibited from selling bottled water Additionally, paid staff are not provided with a free water bottle in the first instance It is expected that staff (and volunteers) would provide their own water bottles in the first instance, and all the funding is to go to community provision

CLIMATE CHANGE AND ENVIRONMENT GRANTS 2016/2017

MATRIX

Total Number of Applications: 12
Total Amount of Funding sought: \$81,717.00

Number of Organisations Recommended for funding: 9
Amount of Funding Recommended: \$50,516

NO.	Organisation	Title of Project	Project Category and Type	Environmental Benefit	Amount Sought (excl GST)	Meets Grant Criteria	Council Funding in the past 3 years?	Panel Comment
6	Oz Green-Global Rivers Environmental Education Network (Australia) Incorporated	Youth Leading the World – Darwin, educating and empowering the next generation of environmental youth leaders	Energy Water Waste Biodiversity Transport	<ul style="list-style-type: none"> In 2016/2017, YLTW Darwin aims to directly engage approximately 100 youth and through them reach 500 youth and community members via youth led action plans and projects. As part of the YLTW process, young people are required to assess their current ecological footprint and learn how to reduce their own and their families eco-footprints, resulting in environmental benefits across all areas. 	\$10,000 (Funding requested for facilitator training, trainers, travel and accommodation, YLTW congress, community forum and celebration event, mini-grants to support projects, project management, accounting and reporting).	YES	Nil.	RECOMMENDATION: PARTIAL FUNDING \$7,500 Partial funding is recommended as this organisation has committed to working with a local group (also recommended for partial funding in this grants round) Funding to be provided for trainers, travel & accommodation and some project management.
7*	Wildcare Inc	'Living with' Brochures Wildcare would like to professionally print brochures on how to live with/or what to do if brochures on our native wildlife.	Drafts of the brochures have been completed so if the grant was approved we would be able to print as soon as the printing company was available.	<ul style="list-style-type: none"> We hope to encourage and inform the public on how to live with our wildlife and what they can do in certain circumstances. 	\$5,310 (Funding requested for final design in 2 sided glossy colour. 5,000 each of the 7 brochures).	YES	Successful 2014/2015 Climate Change & Environment Grant for \$950 – Replacement of equipment for public education and Wildcare activities Project.	RECOMMENDATION: PARTIAL FUNDING \$3,581 Partial funding based on number of flyers 1000 x 7 flyers @ \$2818 2500 x 7 flyers @ \$3581 5000 x 7 flyers @ \$4827
8*	Nightcliff Orchid Society Inc	Nightcliff Orchid Society Spring Show Nightcliff Orchid Society Spring Show is a not-for-profit orchid show. The show is open to all members of the public and anyone can bring orchids along (free) should they wish their orchids to complete for prizes.	The Spring Show takes place at Tracy Village Social and Sports Club (function room). It is open to the public on Saturday 10 and Sunday 11 September 2016.	<ul style="list-style-type: none"> We are aiming to encourage all members of the public to learn more about orchids in general, as well as their care and how best to grow them in Darwin. Orchid Club members are available all weekend to interact with members of the public and answer any questions that may occur. The event also acts as a focus for people to meet and socialise in pleasant surroundings. 	\$1,592 (Funding requested for hire of Tracy Village Social and Sports Club function room, prizes and 2 x new banners).	YES	Nil.	RECOMMENDATION: NO FUNDING There is no demonstrated environmental benefit from this funding initiative.

CLIMATE CHANGE AND ENVIRONMENT GRANTS 2016/2017

MATRIX

Total Number of Applications: 12
Total Amount of Funding sought: \$81,717.00

Number of Organisations Recommended for funding: 9
Amount of Funding Recommended: \$50,516

NO.	Organisation	Title of Project	Project Category and Type	Environmental Benefit	Amount Sought (excl GST)	Meets Grant Criteria	Council Funding in the past 3 years?	Panel Comment
9*	National Trust of Australia (Northern Territory)	Audit House – The Giese Legacy The Giese family occupied the house from 1954 until Nan's death and Nan very much enjoyed her garden, originally set out by Harry. That was a time when there were very standard plants available for Darwin gardens and the plants were supplemented with a large number of palms and trees.	Saturday 10 September 2016, 5pm-7pm.	<ul style="list-style-type: none"> Bringing local people to the garden to explain change and acknowledge Nan Giese's role at the house will bring information to newcomers and also appeal to the many residents who knew or who knew of Nan. 	\$3,775 (Funding requested for staff costs and event costs).	PARTIALLY	Nil.	RECOMMENDATION: PARTIAL FUNDING \$1,375 Event activities will be funded but staff cost funding is not deemed eligible
10*	Ark Aid Inc	Wildlife in our Backyard Ark Aid is a diverse and dedicated veterinary team and supporters united by a deep passion for wildlife and conservation. Every single person in our team is either working as a veterinarian, vet nurse or wildlife carer.	Ark Aid Inc proposed to produce and run five courses for the general public over the next financial year.	<ul style="list-style-type: none"> Darwin people love their outdoor lifestyle; they love the weather, the nature, their green backyard and the wildlife. Our organisation would like to contribute and give some advice and practical tips how to attract wildlife, what to do if you find injured wildlife and identifying what you might find in your back yard. 	\$6,000 (Funding requested for production and delivering of 5 courses, production and printing of booklet – 300px, promotional seed sticks – 1000px).	YES	Nil.	RECOMMENDATION: PARTIAL FUNDING \$4,000 Seed sticks products are not supported as none of the species are locally native
11*	Darwin Wildlife Sanctuary (DWS)	Wildlife in Gardens Program This community based project is about engaging with the community to protect and conserve the native wildlife that live within the urban areas of Darwin.	This project will be launched in late July, depending on the release of funding. Palmerston mens shed area ready to take our order of nesting boxes, Green Australia area ready to take orders for plants. DWS aims to get 10 gardens in 12 different suburbs signed up and participating by the end of this year.	<ul style="list-style-type: none"> This project aims to increase community awareness of the different species of native wildlife living in the urban areas of Darwin and by doing this increase the numbers of native wildlife frequenting urban gardens. 	\$8,780 (Funding requested for nesting boxes, plants, wages for consultants, travel and administration costs).	YES	Successful 2014/2015 Climate Change & Environment Grant for \$3,893 – Darwin Wildlife Sanctuary Schools Wildlife Project.	RECOMMENDATION: PARTIAL FUNDING \$6,080 Partial funding based on a reduced number of targeted households; 60 households rather than 120.

Total Number of Applications: 12
Total Amount of Funding sought: \$81,717.00

Number of Organisations Recommended for funding: 9
Amount of Funding Recommended: \$50,516

NO.	Organisation	Title of Project	Project Category and Type	Environmental Benefit	Amount Sought (excl GST)	Meets Grant Criteria	Council Funding in the past 3 years?	Panel Comment
12*	Australian Youth Climate Coalition (AYCC)	Darwin Seed Mob – Indigenous Youth Climate Network Seed is a branch of the AYCC run by Aboriginal and Torres Strait Islander young people, which aims to provide the access to training and support for Indigenous young people to lead change in their communities for a safe and sustainable future.	The exact start date of this project is to be determined based on secured funding. This project will technically be completed in just over 4 months.	<ul style="list-style-type: none"> Indigenous communities are at the forefront of climate change and young people are the generation that will inherit the consequences of the decisions made today. We aim to fill this gap by providing access to the training and support Indigenous young people need to actively lead change. 	\$10,000 (Detailed budget provided).	YES	Successful 2014/2015 Climate Change & Environment Grant for \$8,500 – Darwin Climate Leadership Project.	RECOMMENDATION: PARTIAL FUNDING \$7,500 Partial funding is recommended as this organisation has committed to working with another group with similar goals (also recommended for partial funding in this grants round)

* Applications 7 - 12 were initially applied for under the Community Grants Round 1 funding. These projects were considered by Community Grants Review Panel to be more appropriate for Climate Change and Environment Funding. Applicants were contacted and provided an opportunity to submit details on environmental benefit of their project.

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.1.4
NO

NIGHTCLIFF CAFE - ALFRESCO AREA

REPORT No.: 16TS0118 NK:jg COMMON No.: 3033559 DATE: 28/06/2016

Presenter: Manager Design Planning and Projects, Drosso Lelekis

Approved: Acting General Manager Infrastructure, Nadine Nilon

PURPOSE

The purpose of this report is to inform Council of options for the rectification of aesthetic cracking defects identified in the concrete alfresco area of the Nightcliff Cafe.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.2 Desirable places and open spaces for people

Key Strategies

1.2.4 Provide for diversity of uses and experiences in public places and open spaces

KEY ISSUES

- Construction of the Nightcliff Cafe building was completed in December 2015.
- Visible cracking of the concrete in the alfresco dining area has been identified as a building works defect.
- A 12 month defect and liability period is held over the building which includes a \$25,355 retention held by Council until 11 January 2017.
- Independent expert advice received has determined that the cracking is aesthetic in nature and is not considered to be a structural defect of the building.
- Replacement of the concrete is not considered to be a viable option.
- Overlaying the concrete with tiles is considered the best option, from which Council could require works to occur immediately, or receive payment from the builder for the work to occur in conjunction with future refurbishment works.

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REPORT NUMBER: 16TS0118 NK:jg
SUBJECT: NIGHTCLIFF CAFE - ALFRESCO AREA

RECOMMENDATIONS

- A. THAT Report Number 16TS0118 NK:jg entitled Nightcliff Cafe - Alfresco Area, be received and noted.
- B. THAT Council receive a payment of \$9,361.00 for the rectification works as identified in Report Number 16TS0118 NK:jg entitled Nightcliff Cafe - Alfresco Area from Ray Laurence Constructions, with the works to occur as part of a future refurbishment of the building.

BACKGROUND

Construction of the Nightcliff Cafe building was completed in December 2015. Visible cracking in the finish of the external concrete (alfresco dining) area was identified as a building works defect during the defects and liability period.

The Cafe's operator has not raised the cracking as a concern and has identified that it does not impact on the daily operations of the venue.

This report considers Council's options for rectification.

DISCUSSION

Independent expert advice has been obtained that concludes that the cracking is not detrimental to the structural integrity of the building and is considered an aesthetic building works defect. The cracking does not pose an operational or safety issue to the daily functioning of the cafe.

Options to rectify the cracking are limited due to the non-slip surface required in the outdoor alfresco area. The options considered include;

- Removing and replacing the concrete. This is not possible due to the slab being a structural element of the building.
- Regrinding of the concrete finish and grout the cracking in the external area to reduce visibility. Independent advice received is that this method of rectification would not maintain the required cover of concrete to the reinforcement and that this methodology would affect the structural integrity of the concrete slab. Therefore, this is not recommended.
- Grind the surface of the concrete area and lay a selected external tile to suit. Independent advice received has confirmed that a 10mm grind with a waterproofing membrane and tiles will provide adequate cover to maintain the structural durability of the slab. The cost of these works has been identified as \$9,361.00. This is the preferred option.

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REPORT NUMBER: 16TS0118 NK:jg
SUBJECT: NIGHTCLIFF CAFE - ALFRESCO AREA

The cafe operator has indicated that tiling of the alfresco area in its existing configuration would have a detrimental effect on the continuity of finishes applied to the building.

Works undertaken to rectify the cracking would have an impact on the operations of the cafe. The current lease agreement requires that on the anniversary of 6 years of the lease a refurbishment of the building is undertaken at the operator's expense. This refurbishment work would provide an opportunity to rectify the cracking defect at a time that does not impact on the cafes' operations.

The Builder is aware that they are required to pay for the grinding and tiling works, and can either undertake the works or provide the funds to Council.

Payment for the works to Council so that it may undertake the rectification in conjunction with future refurbishment is considered the most suitable option and is therefore being recommended to Council.

CONSULTATION PROCESS

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

- Team Leader Capital Works
- Property Officer

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

- Ray Laurence Constructions
- ANCON Beaton
- The Foreshore Restaurant & Cafe

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Funds to undertake the rectification works can be put into the Asset Refurbishment Reserve to be withdrawn at a later date when the works are scheduled.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There is a risk that should Council elect to undertake the rectification works at this current time, that operations of the cafe will be disrupted and that the proprietor would have recourse for lost income. The cafe operator is not requesting the works to occur so there is a low risk of lease issues if the works are not completed at this time.

PAGE: 4
REPORT NUMBER: 16TS0118 NK:jg
SUBJECT: NIGHTCLIFF CAFE - ALFRESCO AREA

There is a risk to Council that the cost to undertake the rectification works could increase over time and that additional funds may be required to complete the works in the future.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of these works.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

DROSSO LELEKIS
MANAGER DESIGN PLANNING
AND PROJECTS

NADINE NILON
ACTING GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Drosso Lelekis on 89300414 or email:
d.lelekis@darwin.nt.gov.au.

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.1.5
 YES

PROPOSED CONTENT OF NEW LOCAL GOVERNMENT LEGISLATION

REPORT No.: 16TC0040 MB:as COMMON No.: 2972100 DATE:28/06/2016

Presenter: Executive Manager Mark Blackburn

Approved: Chief Executive Officer Brendan Dowd

PURPOSE

The purpose of this report is to seek Council's comments on proposed changes to the Local Government Act.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.2 Display contemporary leadership and management practices

KEY ISSUES

- In April 2015 Council made a submission to the Review of the Local Government Act.
- The Local Government Working Group has considered the three matters raised by the City of Darwin as shown in **Attachment A**:
 - That standard guidelines be prepared for the review of constitutional arrangements for each local government (**See Page 6 Attachment A**)
 - A Local Government Remuneration Tribunal be established (**See Page 10 Attachment A**)
 - A review of other jurisdictions disciplinary procedures should be undertaken to ensure the most efficient and effective process is in place in the Northern Territory (**See Page 11 Attachment A**)

PAGE: 2
 REPORT NUMBER: 16TC0040 MB:as
 SUBJECT: PROPOSED CONTENT OF NEW LOCAL GOVERNMENT LEGISLATION

RECOMMENDATIONS

- A. THAT Report Number 16TC0040 MB:as entitled Proposed Content of New Local Government Legislation, be received and noted.
- B. THAT Council endorse the submission to the Review of the Local Government Act at **Attachment B** to Report Number 15TC0037 MB:as entitled, Proposed Content of New Local Government Legislation.

BACKGROUND

The Department of Local Government and Community Services is reviewing the Local Government Act. The Local Government Act was passed in 2008 with major amendment in 2013 and more recent amendments in 2015 which is the subject of another report at this meeting.

The Local Government Act 2008 has been operating for over six years and the NT Government has determined that it is timely for a review of the entire Act to ensure the legislation is effective and up to date.

The Minister for Local Government appointed Mr Brendan Dowd to the Local Government Working Party. The Working Party has completed its Review which is **Attachment A** to this report.

The Local Government Working Party in its deliberations considered the City of Darwin submission.

DECISION NO.21\3266 (28/04/15)

Review of the Local Government Act

Report No. 15TC0037 MB:as (28/04/15) Common No. 2972100

- A. *THAT Report Number 15TC0037 MB:as entitled Review of the Local Government Act, be received and noted.*
- B. *THAT Council endorse the submission to the Review of the Local Government Act, **Attachment A** to Report Number 15TC0037 MB:as entitled, Review of the Local Government Act*

PAGE: 3
 REPORT NUMBER: 16TC0040 MB:as
 SUBJECT: PROPOSED CONTENT OF NEW LOCAL GOVERNMENT LEGISLATION

DISCUSSION

The City of Darwin has previously advised the Department of Local Government and Community Services that Council believes the Local Government Act does provide a legislative framework for a democratic system of local government that recognises the diversity of communities in the Northern Territory. In general, the City of Darwin supported the current legislative framework and considers there is no need for a total rewrite of the Act.

Council's April 2015 submission provided comment on the Review of the Local Government Act and advised the following areas should be considered for change (The suggestions made by the City of Darwin are in italics and the references by the Local Government Working Group are underlined).

- Section 23 (2) Contents of the Municipal Plan

That standard guidelines be prepared for the review of constitutional arrangements for each local government

Page 6 Attachment A: The new legislation will provide that representation reviews will be conducted by the NT Electoral Commission. Final determinations will be made by a panel that includes a representative of LGANT, the Electoral Commissioner (as chair and having a casting vote), the Surveyor –General and the Auditor General.

- Section 71 Allowances

That a Local Government Remuneration Tribunal be established to determine the allowances for Elected Members.

Page 10 Attachment A: The new legislation will provide that council members' allowances are to be set by a remuneration tribunal.

- Section 79 Disciplinary Proceedings

There is an opportunity to investigate best practices in other jurisdictions to ensure that the fairest, most efficient and effective process is undertaken in the Northern Territory.

Page 11 Attachment A. It is recommended that LGANT coordinate a panel to deal with code of conduct complaints. Complaints will initially be directed to the relevant council. If the council cannot resolve the matter, the council may refer the matter to LGANT. LGANT will have a panel constituted of representatives of LGANT and the Director of Legislation and Policy from Department of Local Government and Community Services.

PAGE: 4
REPORT NUMBER: 16TC0040 MB:as
SUBJECT: PROPOSED CONTENT OF NEW LOCAL GOVERNMENT LEGISLATION

The Local Government Working Group has considered all submissions made to the Review of the Local Government Act. The Department of Local Government is largely in agreement with the Local Government Working Group recommendations.

Attachment A has been prepared to inform stakeholders of intended policy changes and provide them with an opportunity to comment on the intended policy.

There have been no additional matters raised by Council to suggest that it does not require any further major changes to the Local Government Act and it is recommended that Council endorse **Attachment B**. However should Council have any further suggestions these can be made at the meeting and the letter amended accordingly.

CONSULTATION PROCESS

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

- General Manager Corporate Services

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

- Manager Policy Development and Corporate Services LGANT

POLICY IMPLICATIONS

City of Darwin Policies are based on the legislative framework of the Local Government Act. The City of Darwin may be required to amend any relevant policies subject to any changes arising from the review of the Local Government Act.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

PAGE: 5
REPORT NUMBER: 16TC0040 MB:as
SUBJECT: PROPOSED CONTENT OF NEW LOCAL GOVERNMENT LEGISLATION

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MARK BLACKBURN
EXECUTIVE MANAGER

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

For enquiries, please contact Mark Blackburn ph89300516 or email:
m.blackburn@darwin.nt.gov.au.

Attachments:

- Attachment A:** Consultation Paper : Proposed content of New Local Government Legislation.
- Attachment B:** Letter of response to the Department of Local Government and Community Services.

CONSULTATION PAPER:

Proposed content of New Local Government Legislation

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Introduction

The current *Local Government Act* (the Act) has been in place for a number of years and the Department of Local Government and Community Services (DLGCS) is conducting a comprehensive review of local government legislation.

The culmination of the review will be new and improved legislation for local government.

The purpose of this consultation paper is to inform stakeholders of the review's progress and to invite comment on the proposed content of the new legislation. This paper is written in the form that the "new legislation will", but the actual final policy will be dependent on submissions received and government's decision. Drafting of the legislation is anticipated to commence in late 2016.

While the effect of many parts of the current legislation will be retained, this paper highlights the intended differences which would be encompassed in the new legislation.

All comments, including further proposals for change, are welcome and encouraged. Please see information on how to have your say at page 19 below.

Background

The Act commenced in 2008, bringing local government reforms across the Territory into effect. As the reformed system of local government has developed over recent years, including the introduction of local authorities, the Act has provided a robust regulatory environment. However, local government councils, DLGCS and others have identified areas where the legislation could be strengthened to work effectively for the benefit of Territorians and the sector.

Consultation for the introduction of local authorities involved Territory-wide community consultation with the results fed through to a working group. The working group had extensive stakeholder representation, including representatives from all of the Land Councils.

In late 2014, DLGCS announced a wholesale review of the Act. Consultation continues to be a major focus for this review. Submissions were sought from all stakeholders, including the general public, by April 2015. All sorts of submission were received – from informal phone conversations to formal written submissions. Apart from submissions from individuals, submissions were received from:

- Central Desert Regional Council
- City of Darwin
- Katherine Town Council
- Local Government Accounting Advisory Committee (LGAAC)
- Local Government (Administration and Legislation) Advisory Committee
- Local Government Association of the Northern Territory (LGANT)
- MacDonnell Regional Council
- Northern Territory Electoral Commission
- Victoria Daly Regional Council
- West Arnhem Regional Council

The Local Government Working Party (LGWP) was formed to consider topics identified through the submissions and to make recommendations to DLGCS and the Minister regarding the contents of a new Act. The LGWP had representation from LGANT, regional and municipal councils and DLGCS staff with responsibilities for local government. The LGWP also consulted with the Northern Territory Electoral Commission regarding the electoral provisions in the Act and the *Local Government (Electoral) Regulations*.

The LGWP met four times from mid-2015 until early 2016. In addition, late submissions were consistently encouraged. Issues raised by late submissions were considered by the LGWP right up until early 2016. Any further submissions are still welcome (refer to 'How to have your say' at page 19 below).

DLGCS is largely in agreement with the LGWP's recommendations (which can be found at Attachment A). The LGWP's recommendations form the bulk of the intended changes set out in this consultation paper (in many cases the wording of the intended change is practically the same as the LGWP's recommendation). Where an intended change is not consistent with a recommendation of the LGWP, this is identified.

DLGCS also consulted with, and received recommendations from, LGAAC regarding the content of new *Local Government (Accounting) Regulations*. LGAAC's recommendations can be found at Appendix B. DLGCS agrees with many of LGAAC's recommendations but where an intended change is not consistent with a recommendation of LGAAC, this is also identified.

It should be noted that where proposed changes would require agreement or negotiation with other Agencies, or other Ministerial portfolios, the positions set forward in this paper are subject to such agreement.

Readers should be aware that this paper is concerned with informing stakeholders of intended policy changes and giving everybody an opportunity to comment on the intended policy. Ultimately, the precise wording in the new Act will be a matter for the legislative drafters.

For ease of reference, the intended policy differences from the current regime are set out in accordance with where the relevant provisions currently appear in the Act or Regulations.

Local Government Act

Chapter 1: Preliminary

Some definitions will change. Intended changes related to definitions are discussed under chapters where the affected provisions sit.

Chapter 2: System of local government

Constitutive powers

While the current Act allows for creation of a new council, there is no provision for a Manager to be appointed prior to elections being held. A Manager is needed to organise elections and open bank accounts to get a new council started. Without a manager to start it off, a new council would be unworkable.

The new legislation will provide that if a new council is created, the Minister must call a general election for the council within 12 months of the gazettal creating a council. The

Minister must also appoint a Manager to manage the affairs of the council until council members are elected. The Manager will have full power to transact any business of the council and do anything the council can do. The Manager will be able to get the council set up with staff, bank accounts, offices and other necessities to enable elected members to take control of a functioning council. This accords with the recommendation of the LGWP (topic 11.5).

Chapter 3: Planning at the local level

Representation reviews

Currently, a council must review its constitutional arrangements and whether they provide the most effective possible representation for the area, including ward boundaries, at least once in its term.

In line with the recommendation of the LGWP (topic 9.1), the new legislation will provide that representation reviews will be conducted by the Northern Territory Electoral Commission. Final determinations will be made by a panel that includes a representative of LGANT, the Electoral Commissioner (as chair and having a casting vote), the Surveyor-General, and the Auditor-General. The issues for the panel to consider (such as population, geographic and social factors) will be set out within the legislation.

Core services

Currently there are no core services gazetted by the Minister that regional or shire councils must consider when adopting or renewing their regional or shire plans. Submissions are sought as to whether it would be beneficial for there to be a prescribed list of core services for all councils.

Chapter 4: Council and its members

Conducting commercial business

Most other Australian jurisdictions either require Ministerial approval before a council can form or participate in a corporation, partnership or other trading body, or require Ministerial approval for expenditure on such activities over a certain amount.

The new legislation will provide that Ministerial approval will be required before a council can form or participate in a corporation, partnership or other trading body. This accords with the recommendation of the LGWP (topic 2.1).

Local government subsidiaries

Currently, it is optional for the constitution of a local government subsidiary to provide that its liabilities are guaranteed by the constituent council or councils. Under the new legislation this will be a mandatory requirement. This accords with the recommendation of the LGWP (topic 2.3). Councils are expected to be in control of, and take responsibility for, their subsidiaries.

Delegation by council

As recommended by the LGWP (topic 2.4), the new legislation will make it clear that the power to adopt or amend a budget cannot be delegated by a council.

The legislation will also provide that the power to enter into a transaction that is not of an arm's length nature cannot be delegated. A transaction that was not on commercial terms would not be of an arm's length nature. For example, if a council sold a good or service at significantly less than market value, or provided payment terms of one year for a good or service where the payment terms would usually be for one month, these transactions would not generally be of an arm's length nature. Entering into such a transaction would require a council resolution and could not be decided by council staff.

Professional development of members

As recommended by the LGWP (topic 8.6), the legislation will provide that councils must have a professional development policy for members.

In line with the recommendation of the LGWP (topic 8.5), council members will complete specified training after each general election. For a member who is elected through a by-election, the training will be undertaken within 12 months of election. The training would be for up to two days and could cover topics such as: roles and responsibilities of elected members; relationships with other members, CEO and council staff; council finances and budgets; conflicts of interest; effective meetings; and other relevant subjects. Recognition of prior learning (education or work experience) will be given.

Resignation of members

Currently, a council member may only give up to 14 days' notice of resignation. This can put pressure on a council to arrange a by-election in a short space of time.

The new legislation will provide that a council member may give up to three months' notice when resigning. A by-election may be called within the period of notice, provided the polling day is after the notice period expires. This accords with the LGWP recommendation (topic 8.7).

Disqualification

Currently, a person can be disqualified from being a council member if they fail to discharge a debt to the council for rates or surcharges within six months of the debt being due and payable. It is not clear what proof regarding the debt is required.

As recommended by the LGWP (topic 8.3), the new legislation will provide that disqualification for having an outstanding debt due and payable to council for six months is not triggered unless the debt is evidenced by a court order, i.e. a judgment debt and the person cannot produce a receipt showing that the amount has been paid. This will apply for any type of debt to council (not just rates and surcharges).

A person will be disqualified from being a council member if they are disqualified from managing a corporation under the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Currently, if a council member is convicted of an offence and is sentenced to a term of imprisonment for one year or more, the member is automatically disqualified under section 37(1)(c) of the Act. If a member is convicted of an offence but not sentenced to a term of imprisonment for one year or more, a decision to remove the member because the conviction makes that member unfit for office can be made by the Minister.

In other Australian jurisdictions removal from office due to conviction for an offence can only occur if:

- an offence specified in the Act has been committed; or
- a court or tribunal orders the removal from office.

The LGWP recommended that where a member is convicted of an offence and is not automatically disqualified, a decision about whether the conviction makes that member unfit for office should be made by NTCAT (topic 8.8). However, this could create practical difficulties in a situation where a member is imprisoned and a council has to wait a number of months for an NTCAT determination before finding out if a by-election is required. Constituents have a right to be represented and deserve a representative that is free to perform his or her role.

It is intended that if a member is convicted of an offence and serves any term of imprisonment, that person will be disqualified from being a member for five years after they are released.

However, if a member is convicted of an offence and does not serve any term of imprisonment (for example, the member is given a suspended sentence), a decision about whether the conviction makes that member unfit for office may be made by NTCAT. If NTCAT dismisses a member it will have the ability to disqualify that person from being a council member for up to five years.

In addition, where a member is convicted of an offence, the member must notify the council CEO of the conviction. If a member fails to notify the CEO of the conviction, the member commits an offence. The CEO must notify DLGCS of the member's conviction.

Casual vacancies

The new legislation will provide that if a casual vacancy occurs within 18 months prior to the next general election, a council will have the option of holding a by-election or co-opting a person to fill the vacancy. In the event that a casual vacancy occurs within six months of the next general election, a council will have the above options as well as the option to not fill the vacancy.

Chapter 5: Local authorities, local boards and council committees

Local authority appointments and quorums

The new legislation will provide that a council must appoint at least one elected member to a local authority. The member(s) for the ward in which the local authority is located and the principal member will not automatically be members of the local authority. A quorum will be the majority of appointed members. (See LGWP recommendation at topic 7.2.)

Local boards

The new legislation will provide that any council may have a local board. (See LGWP recommendation at topic 7.3.)

This differs from the current provisions which exclude regional councils from having local boards.

Chapter 6: Meetings

First ordinary meeting of a council

The new legislation will provide that after a general election, a council meeting must be held within 21 days. This aligns with the current meeting postponement provision and provides more time than the current 14 day limit. (See LGWP recommendation at topic 3.1.)

Notice of council meetings

The new legislation will provide that a notice convening an ordinary council meeting (including the agenda and relevant business papers) must be published on the council's website and be accessible at the council's public office at least two full business days before the meeting. (See LGWP recommendation at topic 3.4.)

Currently, a notice convening an ordinary meeting must be given to members at least three business days before the date of the meeting, while it must only be accessible on the council's website a 'reasonable time' before the meeting. 'Reasonable time' is not defined. In addition, the current Act requires the notice must be posted on a notice board at the council's public office but there is no specification as to when.

Postponement of meetings

As recommended by the LGWP (topic 11.1), the new legislation will provide that if a quorum is not present for a meeting of a council, council committee, local board or local authority within 30 minutes after the scheduled start time, the meeting may be postponed to a time later that day by:

1. the Chair;
2. if the Chair is not present, the majority of members present; or
3. if no members are present, the CEO or someone authorised by the CEO.

Reasonable efforts must be made to notify all members of the new meeting time. If a meeting is not held later that day, existing requirements will apply and the CEO is responsible for postponing the meeting to a time within the next 21 days.

This will provide clarity and more flexibility than is currently available.

Confidential business

In line with the recommendation of the LGWP (topic 3.5), the new legislation will provide that if a council closes a portion of a meeting to discuss confidential business, the agenda for that meeting must identify the type of matter that is to be discussed in the closed portion of the meeting. Publicly available minutes for that meeting must specify the type of confidential business discussed and which particular section of the legislation was relied upon to keep the matter confidential. Minutes must be kept in respect of the confidential business but the confidential portion of the minutes is not to be publicly available.

Not all matters kept confidential must remain confidential forever. At least once per year councils will review items previously declared confidential, and decide, according to council policy, whether to release the information included in the confidential business section of meetings.

Chapter 7: Rights and obligations of members

Council member allowances

The new legislation will provide that council members' allowances are to be set by a remuneration tribunal. (See LGWP recommendation at topic 8.1.)

Conflict of interest

In accordance with the LGWP recommendations regarding conflicts of interest and related matters (topics 1.1-1.6), the legislation will require the CEO to keep a register of council members' interests. Members will be required to complete an annual return. The register must be available for inspection by the public but will not have to be on a council's website.

A separate register of relevant gifts and benefits must be kept and each member will be responsible for ensuring the CEO is informed as soon as practicable after a gift or benefit is received.

To assist members with this new requirement, a council must have a policy on gifts and benefits that, among other matters, differentiates between what is given to a member for the council and what is given to a member as a gift or benefit to that member. The legislation will include the parameters of that policy to give councils some guidance.

Responsibility for declaring a conflict of interest during a meeting or on other relevant occasions will remain with the individual member.

Where a member is required to leave a meeting due to a conflict of interest, the member must leave the meeting without any comment on the matter in which they have a conflict.

The following categories of interest will be used to determine what interests should be declared by members of councils, local authorities, council committees or local boards:

Direct interest – occurs when the member is likely to be directly affected if the matter is decided in a particular way.

Example: a company controlled by the member is tendering for a contract being discussed by council.

Indirect interest by close association – occurs if an associate of the member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Example: the member's sibling is suing council and council is considering whether to settle the matter.

Example: a resident of the member's household is tendering for a contract being discussed by council.

Indirect financial interest – occurs if the member is likely to receive a benefit or incur a loss because another person has an interest.

Example: the member has shares worth \$5 000 in a company that is tendering for a contract being discussed by council.

Indirect interest because of conflicting duties – occurs if the member is a director, partner, agent, trustee or employee of a person or entity (including a non-profit) that has a direct interest.

Example: the member is a director of a non-profit entity that is seeking a sponsorship or donation being discussed by council.

Example: the member is a director of a non-profit entity that is tendering for a contract being discussed by council.

Indirect interest because of a gift – occurs if the member received a gift of more than trivial or nominal value in the last three years from a person with a direct interest.

Example: the member recently received a gift of concert tickets from a local business operator who is negotiating a lease of a property from council.

Currently, a member who fails to disclose an interest may be prosecuted in court and, if found guilty, a penalty may be imposed. The Northern Territory Civil and Administrative Tribunal (NTCAT), as opposed to a court, may declare a council decision resulting from an undeclared interest, void. To avoid the need for dual proceedings, the new legislation will provide that where a court finds that a member has failed to disclose an interest, the court will also be able to declare a decision void.

Code of conduct

The new legislation will prescribe a code of conduct that applies to elected members of all councils without modification. The prescribed code will be substantially the same as the existing code in schedule 2 of the Act. (See LGWP recommendation at topic 4.3.)

Disciplinary proceedings

The Territory is the only jurisdiction that does not provide for a disciplinary panel to make remedial orders such as requiring someone to attend mediation or counselling.

It is common in other jurisdictions for complaints to be heard by a panel established by the peak body for council members. It is also common in other sectors for complaints to be heard by a panel established by a peak body for those professionals, such as a Law Society or Dental Board. The LGWP recommended that LGANT coordinate a panel to deal with code of conduct complaints (topic 4.1).

The new legislation will provide that where a breach of the code of conduct is alleged:

1. Complaints must initially be directed to the relevant council. The council will seek to resolve the matter according to council policy.
2. If the council cannot resolve the matter, the council may refer the matter to LGANT.
3. LGANT will have a panel constituted of representatives of LGANT and the Director of Legislation and Policy from DLGCS. The LGANT panel may:
 - reprimand a person;
 - order a person to attend training, mediation or counselling; and
 - order a person to make an apology.
4. A party to the complaint can appeal a decision of the LGANT panel to NTCAT and NTCAT will be able to make any order that could be made by the LGANT panel. If a member does not comply with an order from the LGANT panel, LGANT can apply to NTCAT to deal with the failure to comply. In determining such an application, NTCAT will be able to make any order that could be made by the LGANT panel and may also order that the

member be suspended or dismissed. If NTCAT dismisses a member it will have the ability to disqualify that person from being a council member for up to five years.

Chapter 8: Elections and polls

In accordance with the LGWP recommendation (topic 9.3), where a candidate is declared ineligible after an election (and was ineligible at the time of the election), NTCAT will have discretion to order that votes be recounted and that a vote for the ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper.

Please note that intended changes to the *Local Government (Electoral) Regulations* are set out below on page 17.

Chapter 9: Council staff

Remuneration policy

In accordance with the LGWP recommendation (topic 5.3), councils will be required to have a remuneration policy for all staff, including the CEO.

CEO recruitment

As recommended by the LGWP (topic 5.4), the new legislation will set out compulsory due diligence steps that must be taken before a CEO may be appointed, including but not limited to:

- a. written references covering a shortlisted applicant's past three years of work history must be obtained from the applicant's manager or supervisor;
- b. positions must be advertised externally;
- c. qualifications and professional memberships must be verified; and
- d. a criminal history check must be conducted.

Contracts for new CEOs must include a probation period and a review of the CEO's performance must be undertaken before the end of the probation period. A CEO will be set performance criteria for his or her probation period and the review of the CEO must consider his or her performance against those criteria. The review must be undertaken by a panel that includes a person independent from council (unless DLGCS approves an exemption). The independent person on the review panel must be approved by LGANT.

CEO responsibilities

Currently CEOs are required to appoint staff in accordance with a staffing plan. However, there are different understandings of what a staffing plan actually means.

In accordance with the LGWP recommendation (topic 5.3), the requirement to appoint staff in accordance with a staffing plan will no longer be compulsory. Instead, a CEO will be required to keep council expenditure on staff within an approved staffing budget, as well as having to keep other expenditure within an approved non-staffing budget (all other operational and capital expenditure).

The legislation will explicitly require CEOs to ensure that spending does not exceed the budget adopted or amended by council.

Conflict of interest

The legislation will provide that council CEOs and senior staff who report directly to the CEO must complete an annual declaration of interests, using a prescribed form similar to that used by Northern Territory Public Sector CEOs and executives. The current requirement that all staff members (including the CEO) disclose a conflict of interest when it arises will remain. These interests and conflicts must be recorded on a non-public register. (See LGWP recommendation at topic 5.1.)

Chapter 10: Financial management

There are no anticipated changes to the requirements under this chapter. Please note that intended changes to the *Local Government (Accounting) Regulations* are set out below on pages 15-17.

Chapter 11: Rates and charges

Conditional rating

Submissions were received that suggested the removal of conditional rating. The LGWP did not reach a consensus regarding conditional rating, however a significant number of the LGWP members supported the following recommendations (topic 6.4):

- Conditional rating must be removed and all rateable land must be subject to general and special rates; and
- In the event that conditional rating remains, where land is held under a pastoral lease or mining tenement but is used for two or more different purposes, including a commercial activity that is not pastoral or mining, the land is to be rateable rather than conditionally rateable.

While there is no intention to remove or change conditional rating provisions, the legislation will align the definition of 'mining tenement' with titles described in the *Mineral Titles Act*. (See LGWP recommendation at topic 6.1)

Exemptions

The LGWP recommended (topic 6.2) that there not be any exemption from rates for land used for residential purposes by a charity or public benevolent institution. Further consideration will be given to the effect of such a change and whether it should be confined to certain types of housing, for example, staff housing. Submissions are invited on this particular issue.

All rateable land must be rated

In line with the recommendation of the LGWP (topic 6.9), the legislation will make it explicit that a council must rate all rateable land within its area.

Assessment record

Currently a copy of the assessment record must be available for inspection, free of charge, by any member of the public. In dealing with information available to the public, it is important that the principles of both freedom of information and protection of privacy are carefully balanced.

In accordance with the LGWP recommendation (topic 6.6), it is intended that the public will be able to inspect or obtain copies of all or part of the assessment record and councils may charge a fee for the provision of this service. No fee is to be payable for inspecting or obtaining copies of part of the record for land by:

- an owner, occupier or lessee of the land or of adjoining land;
- an agent of an owner, occupier or lessee of the land or of adjoining land; or
- a Northern Territory Government agency.

Councils must redact personal information (name, contact details, postal address, etc.) from any copies of the record inspected or provided unless the person seeking the copy of the record is an owner, occupier or lessee of the land; an agent of an owner, occupier or lessee of the land; or a Northern Territory Government agency. The proposed rules concerning personal information differ slightly from the recommendation of the LGWP and are intended to provide clear direction for council staff.

The requirement for a CEO to suppress a person's name and address on request will be retained.

Chapter 12: Council property

There are no anticipated changes to the requirements under this chapter.

Chapter 13: Regulatory powers

By-laws

The legislation will explicitly provide that by-laws may not operate retrospectively or impose a tax.

Chapter 14: Reporting and public disclosure

Public availability of information

The Act sets out the time that information that must be publically available on council websites. The *Local Government (Accounting) Regulations* require a notice of a successful tender to be published on a council's website but do not give a timeframe.

The legislation will provide that a notice of a successful tender must remain on a council's website for a minimum of three years after the financial year in which the tender was awarded.

Chapter 15: Compliance reviews and investigations

Investigations

Similarly to other Australian jurisdictions, it is intended that inspectors of local government appointed under the Act will have a general power to investigate the administration of the Act. Investigations will not connote a suggestion of wrongdoing.

Commencing proceedings to recover loss

The current Act provides that DLGCS may, if satisfied that a council has suffered a loss as a result of an irregularity and that the loss is recoverable in court, bring an action in the name of the council to recover the loss. The provision has not been used. The new legislation will omit this provision. (See LGWP recommendation at topic 11.2.)

Surcharges

The current Act allows a council to impose a surcharge on a person for the council's loss if DLGCS is satisfied that the council suffered loss as a result of dishonesty or serious illegality by the person. The existing surcharge provision reverses the onus of proof in legal proceedings to recover a loss. The onus of proof should only be reversed where there are compelling public policy reasons for doing so. The provision has not been used.

In accordance with the recommendation of the LGWP (topic 11.3), the new legislation will not have such a provision. Where it is suspected that a council has suffered a loss due to dishonesty or illegality, a court or tribunal must find that the allegation is proved before a person is held liable for a council's loss.

Chapter 16: Inquiries

There are no anticipated changes to this chapter.

Chapter 17: Defaulting councils

Official management

The new legislation will provide that the Minister must make a decision to either reinstate or dismiss the suspended members within 12 months after the council has been placed under official management. Dismissal would then automatically trigger a general election.

Chapter 18: Review and appeal

Administrative review committee

Currently the initial application for review must be made within 14 days of the decision, which is significantly shorter than the equivalent time periods in other Australian jurisdictions. Under the new legislation, the time for making an initial application for a review will be within 28 days of the decision.

Chapter 19: Miscellaneous

Offences

In accordance with the recommendation of the LGWP (topic 10.2), under the new legislation the offence for making a misleading representation will:

- extend to representations made to local authorities;
- extend to representations made to an inspector under the Act; and
- not require an intention to gain an advantage or cause a detriment, but instead require that a written or oral statement is false or misleading in a material particular.

Further, as recommended by the LGWP (topic 10.1), the corruption and ‘abuse of office’ offences in the *Northern Territory Criminal Code* that apply to public servants will also apply to council staff.

Service of documents

The legislation will clarify that councils may serve notices electronically where the recipient has consented to the particular means of electronic communication. (See LGWP recommendation at topic 6.3.)

Local Government (Accounting) Regulations

Financial administration

To reduce red tape, the new legislation will specify that an accounting and policy manual must include (but is not limited to) the following:

- the council’s accounting policies and procedures;
- the council’s internal control policies and procedures;
- the council’s fraud protection plan;
- a statement of the duties and responsibilities of the CEO and other officers;
- details of all delegations; and
- any other information required in a guideline issued by the Minister.

This is less prescriptive than current regulation 9(2).

Budget and allocation of money

Currently the Regulations provide that a council must not budget for a deficit and that a deficit occurs if overall expenditure for a financial year (disregarding depreciation) exceeds income. LGAAC have recommended that the depreciation exception be extended to all non-cash expenditure.

Even if LGAAC’s recommendation is taken up, this may not remove the potential issue where a council receives grant funding at the end of a financial year but does not expend some or all of the funds until the next financial year. The Australian Accounting Standards generally require the funds to be recognised as income in the year they are received. This can create a situation where a council will have a deficit in a year because it expends funds carried forward from the previous year.

In order to address such situations and to broaden the depreciation exception when calculating overall expenditure in a financial year, it is intended to expand the exception to include depreciation, amortisation, asset write downs and the expenditure of carried forward tied grant funding.

It is intended that the restriction under regulation 14 regarding allocation of money will be replaced by a restriction to the effect that a council cannot allocate (commit) money that has not been budgeted for in an adopted or amended budget, unless the expenditure:

- has been approved by council resolution; or
- is within the terms of a grant accepted by council or its delegate (and such spending is reported to council at the earliest opportunity); and

- the budget is adopted or amended at the earliest opportunity.

LGAAC also recommended that another exception should be where the expenditure was within the terms of a commercial contract entered into by council (and such spending is reported to council at the earliest opportunity). A council may resolve to try and enter into a contract and to expend money in the event that the contract is entered into. Expenditure not resolved by council or outside of a budget approved by council should be minimised as far as possible. For those reasons, it is not intended that a 'contract exception' be created.

With the above restrictions in place, the requirement that unbudgeted spending does not exceed 25 per cent of expected budgetary provision will be unnecessary. Accordingly, it is intended that this requirement will be removed.

Annual financial statement

In order to reduce red tape, it is intended that the current requirements for a council's annual financial statement will be replaced and a council's annual financial statement will have to:

- comply with the Australian Accounting Standards;
- include rates collected; and
- state the nature (capital or operating) and amounts of grants and subsidies received and identify the grantors.

Financial reports to council

Currently, the financial report that the CEO must lay before a meeting of council (or a council finance committee) each month requires, among other things, a statement of the debts owed to council and an indication of the age of the debts. There is no requirement that the debts owed **by** council are included in the report. To enhance transparency, it is intended that the monthly report must include the following information about debtors and creditors:

- total debts owed to council (other than rates) categorised by age – 30 days, 60 days and 90 or more days;
- total rates owed to council categorised by financial year (e.g. 2014-15, 2015-16, 2016-17); and
- total debts owed by council categorised by age – 30 days, 60 days and 90 or more days.

Authorised accounts and expenditure

Cheques issued on behalf of council must be signed by at least two people and electronic disbursements from an authorised account of council must be processed by at least two people.

The legislation will provide that the CEO is authorised to sign cheques and process electronic disbursements. The CEO, rather than council, will be responsible authorising other council staff members, or staff members of a subsidiary, to sign cheques and process electronic disbursements. In the event that a staff member of a subsidiary has been authorised by the CEO for this purpose, any cheque signed or electronic disbursement processed by that person must also be signed or processed by the CEO or an authorised member of the council's staff.

The intended changes are similar to the recommendation of the LGWP (topic 11.6) but also allow for a staff member of a subsidiary to assist a council in making payments.

Property

The legislation will explicitly require councils to undertake regular stocktakes of council property, ensuring that all categories of council property are the subject of a stocktake at least once every three years.

Quotations and tenders

LGAAC has recommended that the threshold value of a supply where a council must obtain tenders be increased from over \$100 000 (including GST) to over \$150 000 (excluding GST).

The legislation will provide that where supplies have a value over \$100 000 (including GST) but under \$150 000 (including GST), a public quotation process will be required. Where supplies have a value over \$150 000 (including GST), a council must obtain tenders.

Local Government (Administration) Regulations

Confidential information

As recommended by the LGWP (topic 3.7), classes of confidential information for council meetings will include advice in anticipation of litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Local Government (Electoral) Regulations

Tied candidates

To minimise instances where lots are drawn to decide the outcome of an election, where two candidates remain in the count and have the same number of votes, all preceding counts/transfers will be able to be used to determine which candidate is elected (i.e. the candidate with larger number of votes at last count or transfer is elected, if votes are even at that last count/transfer then the second to last count/transfer can be used, and so on).

Death of a candidate

Currently if any candidate dies before polling day, a vote for the deceased candidate is distributed to the candidate next in order of the voter's preferences on the ballot paper. There is always a possibility that someone may not have stood as a candidate because of the popularity of the deceased candidate who was running, particularly where the deceased candidate was running for the principal member position.

As recommended by the LGWP (topic 9.2), if a principal member candidate dies after nominations are declared and prior to the declaration of results, the election for the principal member will fail and a new election will be held.

Postal voting

In order to maximise opportunities to vote in council elections, it is intended to extend the deadline to receive postal votes by one week, until the second Friday after polling day.

How to have your say

The general public, local government sector and other industry sectors are encouraged to provide written comments on any of the intended content for the new Act. Please provide any comments by 24 June 2016. Comments may be emailed to localgovernment.dlgcs@nt.gov.au.

Should you require further information in relation to this consultation paper, please contact Hugh King, Manager Legislation and Policy Projects by email (hugh.king@nt.gov.au) or telephone (08 8995 5118).

Appendix A – Recommendations of the Local Government Working Party

Introduction

To commence the review of the *Local Government Act* (the Act), in late 2014 the Department of Local Government and Community Services (DLGCS) invited submissions from stakeholders and the general public on changes to the *Local Government Act* to ensure it is working effectively for the benefit of local people and the sector generally. The initial cut-off date for submissions was 30 April 2015 but late submissions have been accepted.

The Local Government Working Party (LGWP) was established with representation from regional and municipal councils, the Local Government Association of the Northern Territory (LGANT) and DLGCS staff with responsibilities for local government.

The LGWP made recommendations to DLGCS and the Minister regarding possible changes to the Act on all the topics it considered. All the recommendations of the LGWP are set out within this document.

Working Party Members¹

Chair: Damien Ryan (President – LGANT; Mayor – Alice Springs Town Council)

Brendan Dowd (CEO – City Of Darwin)

Chris Kendrick (Director Corporate Services – MacDonnell Regional Council)

Tony Tapsell (CEO - LGANT)

David Willing (Executive Director Local Government – DLGCS)

Lee Williams (Director Legislation and Policy – DLGCS)

Nathanael Knapp (Regional Manager, Big Rivers Region – DLGCS)

Hugh King (Manager Legislation and Policy Projects – DLGCS)

Recommendations

Topic 1: Conflict of Interest

1. A register of council members' interests must be kept. This would involve an annual return by members. The register must be available to the public but would not have to be on a council's website.
2. A register of relevant gifts and benefits must be kept that is separate to the register of council members' interests.
3. Councils must have a policy on gifts and benefits that, among other matters, differentiates between what is given to a member for the council and what is given to a member as a gift or benefit to that member. The Act or Regulations must include the parameters of that policy to give councils some guidance.

¹ Some members were represented by proxy at one or more meetings.

4. Responsibility for declaring a conflict of interest during a meeting or on specific occasions must remain with the individual member.
5. Where a member is required to leave a meeting due to a conflict of interest, the member must leave the meeting without making statements or answering questions regarding the matter in which they have a conflict.
6. The following categories of interest must be used to determine what interests should be declared by members of councils, local authorities, council committees or local boards:

Direct interest – occurs when the member is likely to be directly affected if the matter is decided in a particular way.

Example: a company controlled by the member is tendering for a contract being discussed by council.

Indirect interest by close association – occurs if an associate of the member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Example: the member's sibling is suing council and council is considering whether to settle the matter.

Example: a resident of the member's household is tendering for a contract being discussed by council.

Indirect financial interest – occurs if the member is likely to receive a benefit or incur a loss because another person has an interest.

Example: the member has shares worth \$5 000 in a company that is tendering for a contract being discussed by council.

Indirect interest because of conflicting duties – occurs if the member is a director, partner, agent, trustee or employee of a person or entity (including a non-profit) that has a direct interest.

Example: the member is a director of a non-profit entity that is seeking a sponsorship or donation being discussed by council.

Example: the member is a director of a non-profit entity that is tendering for a contract being discussed by council.

Indirect interest because of a gift – occurs if the member received a gift of more than trivial or nominal value in the last 3 years from a person with a direct interest.

Example: the member recently received a gift of 5 boxes of chocolates from a local business operator who is negotiating a lease of a property from council.

Topic 2: Council as a Body Corporate

1. Ministerial approval is required before a council can form or participate in a corporation, partnership or other trading body.
2. Current restrictions on changes to the constitution of a local government subsidiary must be maintained.
3. The constitution of a local government subsidiary must provide that its liabilities are guaranteed by the constituent council or councils.
4. The power to adopt or amend a budget must not be able to be delegated.

5. The Act must ensure that delegation and sub-delegation powers are clear.

Topic 3: Council Meetings

1. The maximum period for holding a meeting after a general election must be extended to 21 days, which aligns with the current meeting postponement provision.
2. Frequency of meetings must remain at a minimum of one in every two months.
3. The rule that a member present at a meeting (including the chair) must exercise his or her vote should not be changed.
4. A notice convening an ordinary council meeting (including the agenda and relevant business papers) must be published on the council's website and be accessible at the council's public office at least two business days before the meeting. For example, the legislation should ensure that for a Tuesday meeting, the papers are required to be accessible on the Friday before the meeting.
5. If a council intends to close a portion of a meeting to discuss confidential business, the agenda for that meeting must identify the type of matter that is to be discussed in the closed portion of the meeting. Publicly available minutes for that meeting must specify the type of confidential business discussed, which particular section of the legislation was relied upon to keep the matter confidential and why it was in the public interest for a portion of the meeting to be closed. Minutes must still be kept in respect of the confidential business but the confidential portion of the minutes is not to be publicly available.
6. There must be a review period, at least once a year, for maintaining the confidentiality of the information included in the confidential business section of meetings in accordance with council policy. For example, contracts and agreements may lose confidentiality over time but information on financial hardship of ratepayers would generally remain confidential.
7. Classes of confidential information must also include advice in anticipation of litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
8. There are not to be motions of no confidence.

Topic 4: Code of Conduct

1. The current disciplinary proceedings must be replaced with the following processes:
 - a. Complaints must initially be directed to the relevant council. The Council would seek to resolve the matter.
 - b. If the Council cannot resolve the matter or wishes not to, the Council can refer the matter to LGANT.
 - c. LGANT would have a panel constituted of representatives of the Department of Local Government and Community Services, The Department of the Attorney-General and LGANT. The LGANT panel may:
 - reprimand a person;
 - order a person to attend training, mediation or counselling (at the council's expense);
 - order a person to make an apology; and/or

- refer the matter to the Department if it is an appropriate matter for an investigation under section 208 of the Act.
- d. If a person does not comply with an order from the LGANT panel, the matter may be referred to NTCAT, which may make any order that could be made by the LGANT panel and may also order that the member be suspended or dismissed.
2. Councils must have a code of conduct complaint resolution policy.
 3. To encourage consistent disciplinary processes and outcomes throughout the Territory, the Act must prescribe a code of conduct that applies to elected members of all councils without modification. The code prescribed should be substantially the same as the existing code in schedule 2 of the Act.

Topic 5: CEO

1. Council CEOs and senior staff who report directly to the CEO must complete an annual declaration of interests, using a prescribed form similar to that used by Northern Territory Public Sector CEOs and executives. The current requirement to disclose conflicts of interest must remain. These interests and conflicts must be recorded on a non-public register.
2. Council CEOs must be required to ensure that spending does not exceed the budget adopted or amended by council. This clarifies current practice.
3. Instead of being required to appoint staff in accordance with a staffing plan, a CEO must be required to keep council expenditure on staff within an approved staffing budget, as well as having to keep other expenditure within an approved non-staffing budget (all other operational and capital expenditure). A council must also be required to have a remuneration policy that covers all council staff.
4. Regulations or guidelines under the Act must set out compulsory due diligence steps that must be undertaken before a CEO can be appointed, including, but not limited to:
 - a. written references covering a shortlisted applicant's past three years of work history must be obtained from the applicant's manager or supervisor;
 - b. positions must be advertised externally;
 - c. qualifications and professional memberships must be verified; and
 - d. a criminal history check must be conducted.
5. Contracts for new CEOs must include a probation period and a review of the CEO's performance must be undertaken before the end of the probation period. A CEO is to be set performance criteria for his or her probation period and the review of the CEO must consider his or her performance against those criteria. The review must be undertaken by a panel that includes a person independent from council (unless the Department approves an exemption). The person independent from council on the review panel must be approved by LGANT.

Topic 6: Rates

1. The definition of 'mining tenement' should be amended to align with the *Mineral Titles Act*.
2. There must not be any exemption from rates for land used for residential purposes by a charity or public benevolent institution. "Non-commercial purpose" in section 144(1)(f) should be clarified and tightened.

3. The Act should expressly clarify that councils may serve notices electronically where the recipient has consented to the particular means of electronic communication.
4. The LGWP did not reach a consensus regarding conditional rating, however the following recommendations were supported by a significant number of the LGWP members:

Conditional rating must be removed and all rateable land must be subject to general and special rates.

In the event that conditional rating remains, where land is held under a pastoral lease or mining tenement but is used for two or more different purposes, including a commercial activity that is not pastoral or mining, the land is to be rateable rather than conditionally rateable.

6. The public must continue to be able to obtain copies of all or part of the assessment record and council may charge a fee for the provision of this service. No fee is to be payable for obtaining copies of part of the record for land by:
 - an owner, occupier or lessee of the land or of adjoining land;
 - an agent of an owner, occupier or lessee of the land or of adjoining land; or
 - a Territory Government agency.

Councils must redact personal information (name, contact details, postal address, etc.) from copies of the record unless:

- the person seeking the copy of the record is an owner, occupier or lessee of the land; an agent of an owner, occupier or lessee of the land; or a Territory Government agency; or
- for any other person, that person makes a written application in the form of a statutory declaration and provides a legitimate reason for wanting the personal information. For example, if an applicant wanted the personal information for marketing reasons, this would generally be legitimate, i.e. not illegal. However, if the applicant did not provide a reason or provided a reason which raised concerns of illegality (e.g. violence against a former partner), council would have the discretion not to release the personal information.

A council's decision not to provide requested personal information would be a reviewable decision.

The ability for someone to require that their name and address is suppressed must be retained.

7. Councils must not have rate increases capped.
8. Councils' existing ability to declare special rates at any time must remain.
9. A Council must rate all rateable land within its area.

Topic 7: Meetings of Local Authorities, local boards and council committees

1. Guideline 8 should be amended so that local authorities only have to meet a minimum of four times per year.
2. Principal members and ward members are not to automatically be local authority members. A council must appoint one or more elected members to the local authority. A quorum is the majority of appointed members.
3. The local board concept should not be limited to municipal or shire councils only and should be extended to regional councils.

4. Recommended amendments to the conflict of interest provisions for council members (annual disclosure of all interests, etc.) are not intended for members of local authorities, local boards or council committees. Otherwise, unnecessary red tape could be created. Accordingly, current conflict/disclosure of interest requirements in the Act must continue to apply to members of local authorities, local boards or council committees. However, the Act must clarify that these are minimum standards. For example, in the event that a council wanted to impose stricter requirements for members of a particular committee, such as requiring full disclosure of interests by the committee members, it would be free to do so.
5. All local authority members should be paid the same allowance for attending meetings, irrespective of any employment they have.

Topic 8: Terms and Conditions of Membership

1. Members' allowances must be set by the Remuneration Tribunal established under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.
2. A member must be disqualified if they are disqualified from managing a corporation under the *Corporations Act 2001* (Cth).
3. Disqualification for having an outstanding debt due and payable to council for six months is not to be triggered unless the debt is evidenced by a court order, i.e. a judgment debt. This applies for any type of debt to council (not just rates and surcharges).
4. Suspended members must not be paid allowances.
5. Council members must complete specified training after each general election. For a member who is elected through a by-election, the training must be undertaken within 12 months of election. The training could cover topics such as: roles and responsibilities of elected members; relationships with other members, CEO and council staff; council finances and budgets; conflicts of interest; effective meetings; and other relevant topics. Recognition of prior learning (education or work experience) would be given.
6. Councils must have a professional development policy for members.
7. A council member must be able to give up to three months' notice when resigning. A by-election could be called within the period of notice, provided the polling day is after the notice period expires.
8. If a member is convicted of an offence and is not sentenced to a term of imprisonment for one year or more and automatically disqualified under section 37(1)(c), a decision about whether the conviction makes that member unfit for office should be made by the Northern Territory Civil and Administrative Tribunal (NTCAT).

If NTCAT dismisses a member it must have the ability to disqualify that person from being a council member for up to five years.

Topic 9: Elections

1. Representation reviews must be conducted by the Electoral Commission and final determinations made by a panel that includes the Electoral Commissioner (as chair and having a casting vote), the Surveyor-General, the Auditor-General and a representative of LGANT. The issues for the panel to consider must be set out within the Act.
2. An election for a principal member must be deemed to fail if a principal member candidate dies after nominations are declared and prior to the declaration of results.

3. The Northern Territory Civil and Administrative Tribunal must have wide discretionary powers where an elected candidate is declared ineligible after an election. Such powers should be clearly identified in the Act. This would include the ability to order that votes be recounted and that a vote for the ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper.

Topic 10: Offences

1. The corruption and 'abuse of office' offences in the Northern Territory Criminal Code that apply to public servants must apply to council staff.
2. The offence for making a misleading representation must:
 - extend to representations made to local authorities;
 - extend to representations made to an inspector under the Act; and
 - not require an intention to gain an advantage or cause a detriment, instead require that a written or oral statement is false or misleading in a material particular (or words of equivalent effect).

Topic 11: Miscellaneous

1. If a quorum is not present for a meeting of a council, council committee, local board or local authority within 30 minutes after its scheduled start time, the meeting must be able to be postponed to a time later that day by:
 - a. the Chair;
 - b. if the Chair is not present, the majority of members present; or
 - c. if no members are present, the CEO or someone authorised by the CEO.

Reasonable efforts must be made to notify all members of the new meeting time. If a meeting is not held later that day, existing requirements apply and the CEO is responsible for postponing the meeting to a time within the next 21 days.

2. A council must be wholly responsible for commencing civil proceedings to recover its own loss.
3. The Department must not make a decision, for the purpose of allowing a council to surcharge a person, about whether it is satisfied that a person acted dishonestly or illegally. Where it is suspected that a council has suffered a loss due to dishonesty or illegality, a court or tribunal must find that the allegation is proved before a person is held liable for a council's loss.
4. Territory councils' existing powers to enter property must not be expanded.

As there is a significant risk that a definition could limit the powers in an emergency situation, the word 'emergency' must not be defined.
5. For a new council, the Minister must be able to appoint an official manager who will act as the council until the results of the first election are declared. The polling day for the first election must be set by the Minister and occur within 12 months of the council being established.
6. Authorisations by a council under regulation 20 of the *Local Government (Accounting) Regulations*, to sign cheques or process electronic disbursements on council's behalf, are to be given to the CEO and council staff, not elected members. The CEO is to be automatically authorised and the CEO, rather than council, must be responsible for other authorisations.

Appendix B – Local Government Accounting Advisory Committee Recommendations

Information about LGAAC

The Local Government Accounting Advisory Committee (LGAAC) is established under the Local Government (Accounting) Regulations. Its role is to provide advice to the Minister and DLGCS on:

- contemporary financial management and accounting practices relevant and appropriate to local government; and
- appropriate legislative changes necessary to improve standards of local government financial management and accounting.

Current members of LGAAC are:

- Chair: Chris Kendrick (MacDonnell Regional Council)
- Deputy Chair: Miles Craighead (City of Darwin)
- Tony Tapsell (LGANT)
- Diana Leeder (City of Darwin)
- Greg Arnott (Roper Gulf Regional Council)
- Lawrence Autencio (Merit Partners)
- Matthew Kennon (Merit Partners)
- Muhammad Waqas (West Arnhem Regional Council)
- Meeta Ramkumar (DLGCS)
- Jocelyn Nathanael-Walters (DLGCS)

Recommendations

Membership of LGAAC

LGAAC should have:

- 2 members appointed by the Department who are employees of the Department and responsible for local government;
- 2 members appointed by LGAAC with suitable accounting qualifications;
- 2 members appointed by LGANT;
- 2 members appointed by Local Government Professionals NT Incorporated (formerly Local Government Managers Australia); and
- up to 2 further members appointed by the Minister who work in local government.

In the event that the above recommendation is not accepted, LGAAC's alternative recommendation is that no change should be made to the current membership structure.

LGAAC should appoint its own chair every 12 months, with an existing chair able to be re-appointed.

The appointment process for LGAAC members should reflect the streamlined process used for the Local Government (Administration and Legislation) Advisory Committee and ensure a balanced mix between representatives from regional or shire councils and representatives from municipal councils.

Prescribed reporting formats

Council annual financial statements should:

- comply with the Australian Accounting Standards;
- include rates levied; and
- state the nature (capital or operating) and amounts of grants and subsidies received and identify the grantors.

Other requirements in regulation 15 should be removed. The ABS Local Government Purpose classification information would still be required to be provided to the NT Grants Commission but does not need to be part of the annual financial statement (noting that the accounting standards still require function reporting).

Accounting policy manual

Instead of the list of requirements set out in regulation 9(2), the regulations should require that a council must maintain an accounting and policy manual that conforms to the minimum standards in any relevant Minister's guideline issued by the Department.

Finance committee meetings

Where a council normally meets monthly but its monthly meeting is postponed to another month or cancelled, there should not be any compulsory requirement that the council have a finance committee meet during that month.

Allocation of money

The current requirement that a council must adopt a budget for a financial year by July 31 of the financial year should not be changed.

The restrictions under regulation 14 should be replaced by a restriction to the effect that a council cannot allocate (commit) money that has not been budgeted for in an adopted or amended budget, unless the spending:

- has been approved by council resolution;
- is within the terms of a grant accepted by council or its delegate (and such spending is reported to council at the earliest opportunity); or
- is within the terms of a commercial contract won by council (and such spending is reported to council at the earliest opportunity).

The requirement under regulation 14(2) that unbudgeted spending does not exceed 25 per cent of expected budgetary provision should be removed.

Stocktake of property

Councils should carry out regular stocktakes of council property, ensuring that all categories of council property are the subject of a stocktake at least once every three years.

Tendering and procurement

Tenders should be invited for a contract over \$150 000 (GST exclusive). The regulations should indicate that the amount is GST exclusive.

Written quotations should be required for obtaining supplies at a cost of more than \$10 000 (GST exclusive). The regulations should indicate that the relevant amount is GST exclusive.

Deficit budgeting

Non-cash expenditure should not be included in the calculation of a deficit in regards to budgeting.

General instructions

Matters currently covered by general instructions should be included in the Regulations.

Please quote: 2972100 MB:as

Mr David Willing
Executive Director
Department Local Government

localgovernment.digcs@nt.gov.au

Dear David

Proposed Content New Local Government Legislation

I write to advise that the Council formally considered the Consultation Paper: Proposed content of New Local Government Legislation at the Ordinary Meeting on 28 June 2016.

As you are aware the City of Darwin had previously made a submission to the Review of the Local Government in April 2014. The Council noted the Consultation Paper specifically addresses the three Sections of the Act, Section 23(2) Contents of the Municipal (constitutional arrangements), Section 71 Allowances (Council Members) and Section 79 Disciplinary Proceedings that Council had recommended be reviewed.

The City of Darwin supports the proposed amendments to Local Government Act as outlined in the consultation paper and considers they do provide greater clarity to the sections of the Local Government.

Yours sincerely



BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 16.1.6
YES

COUNCIL RESPONSES TO LIQUOR LICENCE APPLICATIONS - JUNE 2016

REPORT No.:16C0057 TM:kl

COMMON No.: 3301182

DATE:28/6/2016

Presenter: Manager Darwin Safer City Program, Tracey McNee

Approved: General Manager Community & Cultural Services,
 Anna Malgorzewicz

PURPOSE

The purpose of this report is to present to Council for consideration, responses to Liquor Licence applications, for Stock Standard and More Pty Ltd and The Coffee Guru (NT) Pty Ltd.

LINK TO STRATEGIC PLAN

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

Goal

5. Effective and Responsible Governance

Outcome

5.4 Effective leadership and advocacy

Key Strategies

5.4.1 Exhibit leadership on community issues

KEY ISSUES

- Council received 2 new liquor licence applications for comment. The applications are for The Coffee Guru (NT) and Stock Standard and More Pty Ltd.
- This report presents City of Darwin Officers’ recommended responses to the Northern Territory Government for the above licence applications.
- Council has endorsed its ‘Safer Vibrant Darwin Plan 2016-2019’, which outlines strategic directions and actions that contribute to a safer, more vibrant community. Recommendations within this report align with this framework.

PAGE: 2
 REPORT NUMBER: 16C0057
 SUBJECT: COUNCIL RESPONSES TO LIQUOR LICENCE APPLICATIONS - JUNE 2016

RECOMMENDATIONS

- A. THAT Report Number 16C0057 TM:kl entitled Council Responses To Liquor Licence Applications – June 2016, be received and noted.
- B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to Report Number 16C0057 TM:kl entitled Council Response To Liquor Licence Applications - June 2016, noting Council has not identified any grounds for objection under Section 47F(2) of the Liquor Act to the application from Coffee Guru (NT) Pty Ltd .
- C. THAT Council endorse the letter to the Director-General of Licensing at **Attachment B** to Report Number 16C0057 TM:kl entitled Council Response To Liquor Licence Applications - June 2016, noting Council objects to the request to trade on Good Friday and Christmas Day made by Stock Standard and More Pty Ltd.

BACKGROUND

City of Darwin received 2 liquor licence applications for comment during the period 1 June 2016 – 28 June 2015.

Council has received applications for a new Restaurant Liquor Licence from Coffee Guru (NT) Pty Ltd and Stock Standard and More Pty Ltd.

Considerations under the Liquor Act

Licensing NT has advised City of Darwin that the following sections of the Liquor Act are relevant to these applications:

Under section 32A(5) of the Liquor Act, “If the application relates to premises within the area of a shire council or a regional council, the Director-General must, as soon as reasonably practicable, inform the CEO of the council that the application has been made.”

Grounds For Objection Under Section 47F(2) Of The Liquor Act

Pursuant to Section 47F(2) of the Liquor Act, an objection may only be made on the grounds that the grant of the licence may or will adversely affect:

- (a) The amenity of the neighbourhood where the premises the subject of the application are or will be located; or
- (b) Health, education, public safety or social conditions in the community.

Under Section 32A(2) of the Liquor Act, where the Director-General deems that the notice of publication is not required Section 47F does not apply. The Director-General may seek advice from stakeholders, but an objection under Section 47F(2) is not available as the application is not required to be published.

The Director-General has determined it to be in the public interest to publish notice of these two applications.

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 REPORT NUMBER: 16C0057
 SUBJECT: COUNCIL RESPONSES TO LIQUOR LICENCE APPLICATIONS - JUNE 2016

DISCUSSION

Liquor Licence Applications that City of Darwin Officers cannot identify grounds for objection under Section 47F(2) of the Liquor Act.

Council has received an application for a new Restaurant Liquor Licence from Coffee Guru (NT) Pty Ltd. A response to this application is provided in **Attachment A** to this report.

Applicant	Description of Application
Coffee Guru (NT) Pty Ltd "The Coffee Club Casuarina Square 2" Shop GD 379, Monterey House, Darwin NT 0810	Application for a new Restaurant Liquor Licence. Coffee Guru (NT) Pty Ltd has applied for a Restaurant Liquor Licence for the premises to be known as "The Coffee Club Casuarina Square 2". A European style café, with both indoor and alfresco dining, breakfast, lunch and dinner will be available. Alcohol will be ancillary to a meal. Liquor may be sold only for consumption on the premises seven days a week from 11:00 hours until 22:00 hours. No trading Good Friday or Christmas Day. No Council owned or controlled land is affected by the proposal. Council Officers do not identify any grounds for objection under section 47F(2) of the Liquor Act.

Liquor Licence Applications that City of Darwin Officers recommend Council endorse but object to conditions contained within the application.

Council has received an application for a new Restaurant Liquor Licence from Stock Standard and More Pty Ltd. A response to this application is provided at **Attachment B** to this report.

The application from Stock Standard and More Pty Ltd has sought a liquor licence for 365 days of the year, including Good Friday and Christmas Day.

PAGE: 4
 REPORT NUMBER: 16C0057
 SUBJECT: COUNCIL RESPONSES TO LIQUOR LICENCE APPLICATIONS - JUNE 2016

Applicant	Description of Application
<p>Stock Standard and More Pty Ltd</p> <p>“SweetBrew Dining Room”</p> <p>45 Stuart Highway, Stuart Park 0820</p>	<p>Application for a new Restaurant Liquor Licence.</p> <p>Stock Standard and More Pty Ltd has applied for a Restaurant Liquor Licence for the premises to be known as “SweetBrew Dining Room”.</p> <p>SweetBrew Dining Room is a café style restaurant, dining room with a bakery and education centre offering sourdough, barista and pickling classes.</p> <p>Liquor may be sold only for consumption on the premises seven days a week from 11:00 hours until 23:59 hours.</p> <p>The proposed conditions require that liquor is sold ancillary to a meal.</p> <p>No Council owned or controlled land is affected by the proposal.</p> <p>Council Officers sought clarification from Licensing NT, Department of Business regarding the kinds of liquor that may be sold and have been advised that boutique wines, beers, ciders and rare spirits will accompany meals.</p> <p>The licence sought is for 365 days of the year, including Good Friday and Christmas Day.</p> <p>Trading on Good Friday and Christmas Day does not align with the standard Liquor Licences issued to other merchants in the Darwin municipality.</p> <p>Council Officers recommend Council objects to the request for a licence for Good Friday and Christmas Day.</p>

CONSULTATION PROCESS

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

- Manager Community Development

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

- Licensing Officer, Client Engagement – Licensing NT, Department of Business

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REPORT NUMBER: 16C0057
SUBJECT: COUNCIL RESPONSES TO LIQUOR LICENCE APPLICATIONS - JUNE 2016

POLICY IMPLICATIONS

Council has endorsed the Safer Vibrant Darwin Plan 2016-2019. This Plan provides Council a framework to work towards a safer, healthier and more inclusive community. Underpinning the Plan is a focus on reducing the harms associated with excessive alcohol consumption and abuse. Council advocates for supply reduction, demand reduction and harm minimisation to meet the objectives of the Safer Vibrant Darwin Plan.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

TRACEY McNEE
MANAGER SAFER CITY PROGRAM

ANNA MALGORZEWICZ
GENERAL MANAGER COMMUNITY &
CULTURAL SERVICES

For enquiries, please contact Anna Malgorzewicz on 8930063 or email:
a.malgorzewicz@darwin.nt.gov.au.

Attachments:

- Attachment A:** Draft letter(s) to the Director-General that does not identify grounds for objection under Section 47F(2) of the Liquor Act from Coffee Guru (NT) Pty Ltd.
- Attachment B:** Draft letter to the Director-General objecting to the request for a liquor licence for Good Friday and Christmas Day contained within the application from Stock Standard and More Pty Ltd.

29 June 2016

Please quote: 3301182 AM:kl

Director-General
Gambling and Licensing Services
GPO BOX 1154
DARWIN NT 0801

Dear Director-General

RESTAURANT LIQUOR LICENCE APPLICATION - COFFEE GURU (NT) PTY LTD

At the 2nd Ordinary Council meeting on 28 June 2016, Council considered the above liquor licence application.

Council wishes to advise it has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act for the application for a new Restaurant Liquor Licence for Coffee Guru (NT) Pty Ltd in which liquor may only be sold for consumption on the licenced premises ancillary to a meal.

Yours sincerely

ANNA MALGORZEWICZ
GENERAL MANAGER
COMMUNITY & CULTURAL SERVICES

29 June 2016

Please quote: 3301182 AM:kl

Director-General
Gambling and Licensing Services
GPO BOX 1154
DARWIN NT 0801

Dear Director-General

RESTAURANT LIQUOR LICENCE APPLICATION - STOCK STANDARD AND MORE PTY LTD

At the 2nd Ordinary Council meeting on 28 June 2016, Council considered the above liquor licence application.

Council notes that the applicant has requested a Liquor Licence that permits trading on Good Friday and Christmas Day. Council objects to this condition of the application. Restaurant Liquor Licences do not permit trading on Good Friday or Christmas Day for the majority of Restaurant in the Darwin municipality.

Council has endorsed the 'Safer Vibrant Darwin Plan 2016-2019', this plan provides Council the framework to work towards a safer, healthier and more inclusive community. Underpinning this plan is a focus on reducing the harms associated with excessive alcohol consumption and abuse. Council advocates for supply reduction, demand reduction and harm minimisation to meet the objectives of the Safer Vibrant Darwin Plan.

Yours sincerely

ANNA MALGORZEWICZ
GENERAL MANAGER
COMMUNITY & CULTURAL SERVICES

16.2 OFFICERS REPORTS (RECEIVE & NOTE)

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.2.1
 YES

MONTHLY FINANCIAL REPORT - MAY 2016

REPORT No.: 16A0045 MC:sg COMMON No.: 2476534 DATE: 28/06/2016

Presenter: Manager Finance, Miles Craighead

Approved: General Manager Corporate Services, Diana Leeder

PURPOSE

The purpose of this report is to provide a comparison of income and expenditure against the budget for the period ended 31 May 2016 in accordance with the Local Government (Accounting) Regulations.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

KEY ISSUES

- The monthly report meets Council's statutory requirements.
- The quarterly budget reviews provide additional accountability information to supplement the monthly financial reports.
- Rates revenue will not be achieved due to reduced developments/growth.
- Sales of assets proceeds will not be achieved.
- There are no overall concerns with Council's financial position.

RECOMMENDATIONS

THAT Report Number 16A0045 MC:sg entitled Monthly Financial Report - May 2016, be received and noted.

PAGE: 2
REPORT NUMBER: 16A0045 MC:sg
SUBJECT: MONTHLY FINANCIAL REPORT - MAY 2016

BACKGROUND

Council has endorsed the format of the Monthly Financial Report.

DISCUSSION

The following statements are included at **Attachment A**.

Overall Income Statement

All sources of Council's income (revenue) and all operating expenses.

Municipal Plan Summary

The Municipal Plan Summary follows a similar format to the statement of cash flows, but is based on working capital rather than cash. The actual transfers to and from cash backed reserves are up to date. Elected Members can refer to the quarterly budget reviews for more detailed information on reserves.

Investments Report

Details all cash and investments held by institution and this also provides information on interest rate returns and maturities.

Accounts Receivable Report

Details rate receipt collection, outstanding general debtors and performance on rates recovery compared to the previous year. The report includes additional information on infringement debtors, rates arrears, rates struck and rates outstanding (bar chart).

CONSULTATION PROCESS

The preparation of this report was informed by the monthly management reporting (internal) and the preceding quarterly budget review. Executive Leadership Team was consulted throughout those processes.

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

There are no overall concerns in relation to the original budget although it should be noted that rates revenue is significantly less than original budget and asset sales will not be achieved.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The monthly financial reporting is now reduced in favour of the quarterly budget reviews. However, the information that is provided is considered to more than achieve statutory compliance as set out below:

PAGE: 3
 REPORT NUMBER: 16A0045 MC:sg
 SUBJECT: MONTHLY FINANCIAL REPORT - MAY 2016

Part 8 of the Local Government (Accounting) Regulations require that a monthly financial report is presented to Council.

Regulation 18 states:-

1. The CEO must, in each month, lay before a meeting of the council a report, in a form approved by the council, setting out:
 - a) The actual income and expenditure of the council for the period from the commencement of the financial year to the end of the previous month; and
 - b) The forecast income and expenditure for the whole of the financial year
2. The report must include:
 - a) Details of all cash and investments held by the council (including money held in trust); and
 - b) A statement on the debts owed to the council including the aggregate amount owed under each category with a general indication of the age of the debts; and
 - c) Other information required by the Council.
3. If a council does not hold a meeting in a particular month, the report is to be laid before the council committee performing the council's financial functions for the particular month.

It should be noted that monthly financial reports are not independently audited, but are subject to internal control and review processes.

ENVIRONMENTAL IMPLICATIONS

Nil.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MILES CRAIGHEAD
MANAGER FINANCE

DIANA LEEDER
GENERAL MANAGER
CORPORATE SERVICES

For enquiries, please contact Miles Craighead on 89300523 or email: m.craighead@darwin.nt.gov.au.

Attachments:

Attachment A: Overall Income Statement, Municipal Plan Summary, Investments Report, Accounts Receivable Report

Income Statement
For the Period Ended 31/05/2016



	<u>2015/16</u>				
	Full Original Budget \$'000	Full Amended Budget \$'000	YTD Actual \$'000	YTD v FAB %	
% of year elapsed				92%	
Income from Continuing Operations					Comment
Rates & Annual Charges	65,362	64,876	64,707	100%	Less revenue
User Charges, Fees & Other	26,902	26,778	23,207	87%	Less revenue
Interest & Investment Revenue	2,700	2,651	2,451	92%	No issues
Grants & Contributions - Operating	5,929	5,483	5,666	103%	No issues
Total Income from Continuing Operations	100,893	99,788	96,032	96%	
Less Expenses from Continuing Operations					
Employee Costs	30,419	30,049	25,909	86%	Possible savings
Borrowing Costs	309	256	242	95%	Possible savings
Materials and Services	50,199	52,480	45,684	87%	Possible savings
Depreciation and Amortisation	21,146	21,146	19,348	91%	No issues
Total Expenses from Continuing Operations	102,073	103,931	91,183	88%	
Operating Result - Continuing Operations	(1,180)	(4,143)	4,849		
Grants & Contributions - Capital	3,033	6,912	6,089	88%	No issues
Income (Loss) from Asset Disposal	-	-	(192)	1000%	Additional expense
Net Operating Result For the Year	1,853	2,769	10,745		

Income Statement

Explanation of Columns: "Full Original Budget" and "Full Amended Budget" are full year. YTD Actual is year to date. YTD v FAB is the % of actuals achieved against the full year amended budget.

Outlines income and operating expenses. Excludes capital expenditure and instead recognises depreciation expense. The net operating surplus or deficit for the reporting period is a measure of Council's financial performance. This figure is determined by deducting total operating expenses including depreciation from total operating revenue.

Operating income: Rates are recognised at the beginning of the year. The actuals will fall short of original and possibly also revised budget mainly due to assumed growth from developments not eventuating. User Charges, Fees and Other Revenue is currently below target and is largely due to a decrease in tonnage passing through the Weighbridge not yet recognised via budget variations. The original budget for parking revenue has already been significantly downgraded. Operational grant income is exceeding YTD target due to funding received from the Department of Health for Mosquito Control. Interest from investments are expected to be achieved (interest on overdue rates will exceed budget and bank/investment interest will be less than budget). The rows commented as "Less revenue" are not considered to pose an overall immediate concern.

Operating expenses: Overall expenditure trends indicate some savings at year end on revised budget. Employee Costs are below target due to staff vacancies and timing of leave entitlements. This is off-set by an increase in temporary labour/contractor costs. Borrowing Costs will be a saving on budget (minor). Materials and Services are expected to yield savings compared to revised budget. The revised budget was increased from original (this included refunds of carbon tax collected). An offsetting saving is the decision by the NTG to defer full cost recovery of street light repairs and maintenance.

Capital income: Actual capital income includes the following: Road Works Capital Projects, including R2R - Esplanade project (\$4.0M), Stormwater Developer contributions (\$0.13M) and Muirhead Stage 6 (\$1.2M) additional contribution received for Lee Point and contributed assets (non cash) (\$0.345M). The budget will not be achieved as the Black Spot Program and related grant/s will be deferred to 2016/17.

Loss on Asset Disposal: This amount includes the write of the carrying value of assets disposed (such as driveways when replaced).

Finance: There are no overall concerns in relation to the original budget, noting significant savings from street light repairs and maintenance will off-set to some degree the original budgets for rates growth not being achieved. Most of this has been addressed in the 3rd quarter budget variations.



**Municipal Plan Summary
For the Period Ended 31/05/2016**

	Full Original Budget \$'000	2015/16 Full Amended Budget \$'000	YTD Actual \$'000	YTD v FAB %
% of year elapsed				92%
Funds From Operating Activities				
Net Operating Result From Above	1,853	2,769	10,745	
Add back depreciation (not cash)	21,146	21,146	19,348	
Add back Loss on Asset Disposal (non cash)	-	-	192	
Contributed assets (non cash)	-	(345)	(345)	
Net Funds Provided (or used in) Operating Activities	22,999	23,570	29,940	
Funds From Investing activities				
Sale of Infrastructure, Property, Plant & Equipment	553	553	277	50%
Sale of Land	500 -	0	(0)	0%
Purchase of Infrastructure, Property, Plant & Equipment	(26,046)	(37,324)	(21,724)	58%
Net Funds Provided (or used in) Investing Activities	(24,993)	(36,771)	(21,447)	
Funds From Financing Activities				
Repayment of borrowings & advances	(318)	(211)	(211)	100%
Net Funds Provided (or used in) Financing Activities	(318)	(211)	(211)	
Net Increase (-Decrease) in Funds Before Transfers	(2,312)	(13,412)	8,282	
Transfers from (-to) Reserves	2,312	12,860	4,719	
Net Increase (-Decrease) in Funds After Transfers	-	(552)	13,001	

Municipal Plan Summary Comments

This statement outlines Councils entire budget in accordance with the published municipal plan. It shows the effect on General Funds (original budget - break even/nil). It groups items into operating, investing and financing and has a very close relationship to cash flows, which is why it is presented in the same international format. It eliminates the depreciation calculation and discloses totals for asset sales and purchases as well as loan raising and repayments. Finally it discloses the transfers to & from cash backed reserves which are detailed in the quarterly budget review reports.

Manager Finance: There are no overall concerns in relation to the budgets. Capital expenditure achieved is 58%, whereas 92% of the year has elapsed and is indicative of carry-overs into the following year for completion. Transfers (net) from reserves are considerably less than budget. Waste capital upgrade budgets for example are now not expected to be fully spent within this financial year, therefore the funds will remain in the Waste Reserve until actually required.


CITY OF DARWIN
CASH AND INVESTMENTS SUMMARY

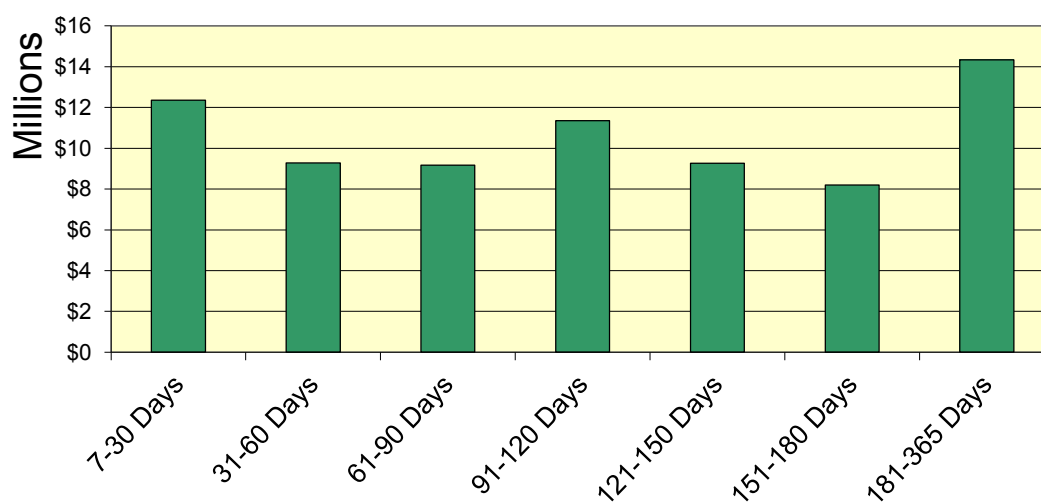
As at 31 May, 2016 Council's short term cash position was as follows:

1. General Fund

Cash at Bank	\$ 3,294,258
Short Term Investments	\$ 72,574,074
Total Funds	\$ 75,868,332

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

FUNDS INVESTED MATURITY PROFILE
As at 31 May 2016



As at 31 May 2016

2. Trust Account	\$	Institution	Value	Interest Rate	Maturity Date	Days to Maturity
Cash at Bank	\$620,463.52	COMMONWEALTH		n/a	n/a	n/a
Short Term Investments		n/a	\$0.00	n/a	n/a	n/a
Total Trust Funds	\$620,463.52					



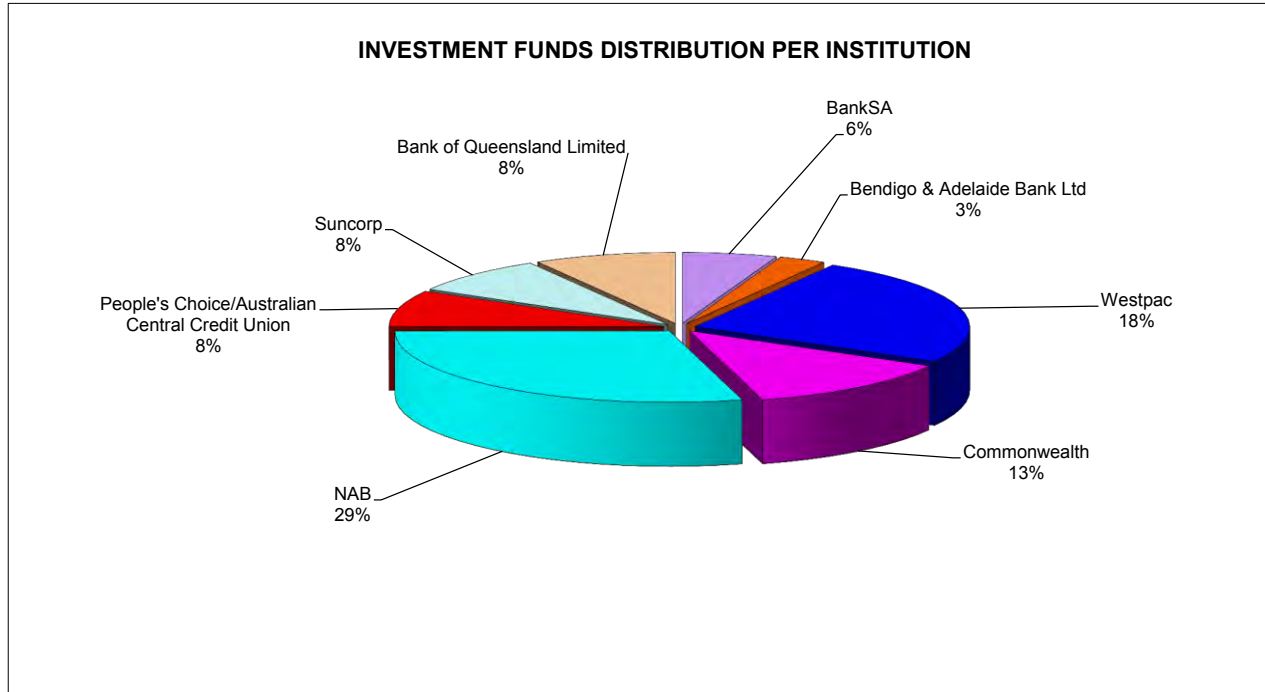
INVESTMENTS REPORT TO COUNCIL AS AT 31 MAY 2016

Investment Policy Limits

Short Term	Policy Max.	Actual Portfolio
A1+	100%	67%
A1	45%	14%
A2	25%	19%
Unrated*	10%	0%

Counterparty	Policy Min.	Policy Max.	Actual Portfolio
Major Banks	15%	100%	67%
Regional Banks	0%	45%	25%
Credit Unions/Building Societies/ Other ADI's	0%	45%	8%

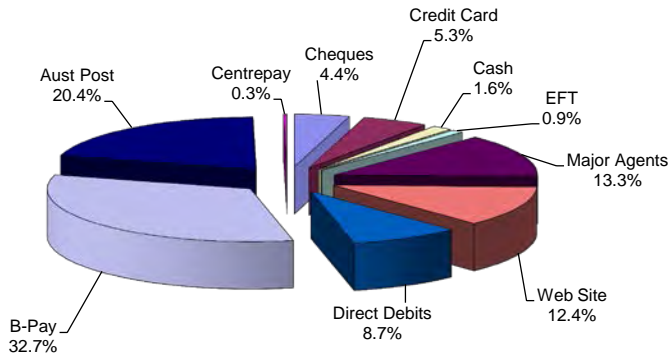
Note: City of Darwin's investment policy limit with any one bank cannot exceed 30% of the entire investment portfolio.
 *unrated institutions must be an "ADI" with an asset base greater than \$1B.



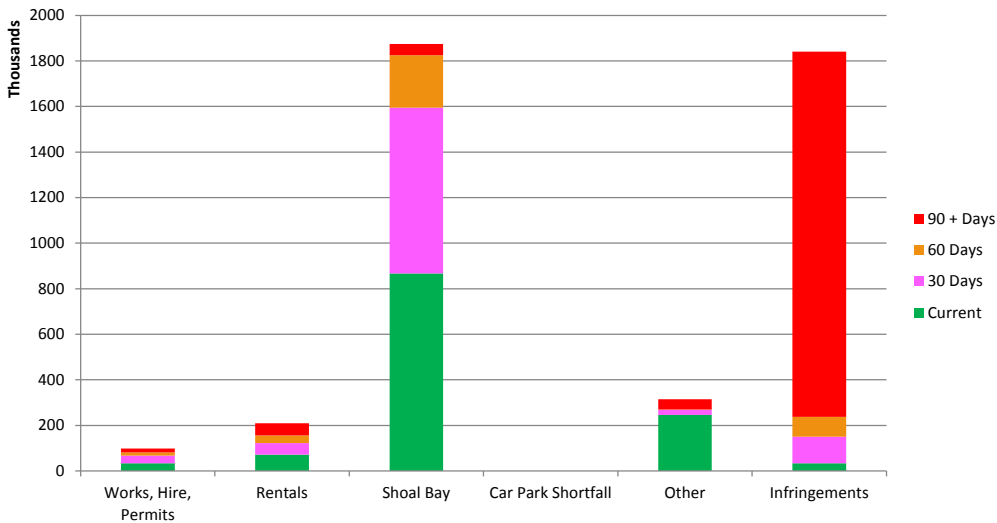


**FINANCE DEPARTMENT
SERVICE LEVEL REPORT TO COUNCIL
FOR THE MONTH OF MAY 2016**

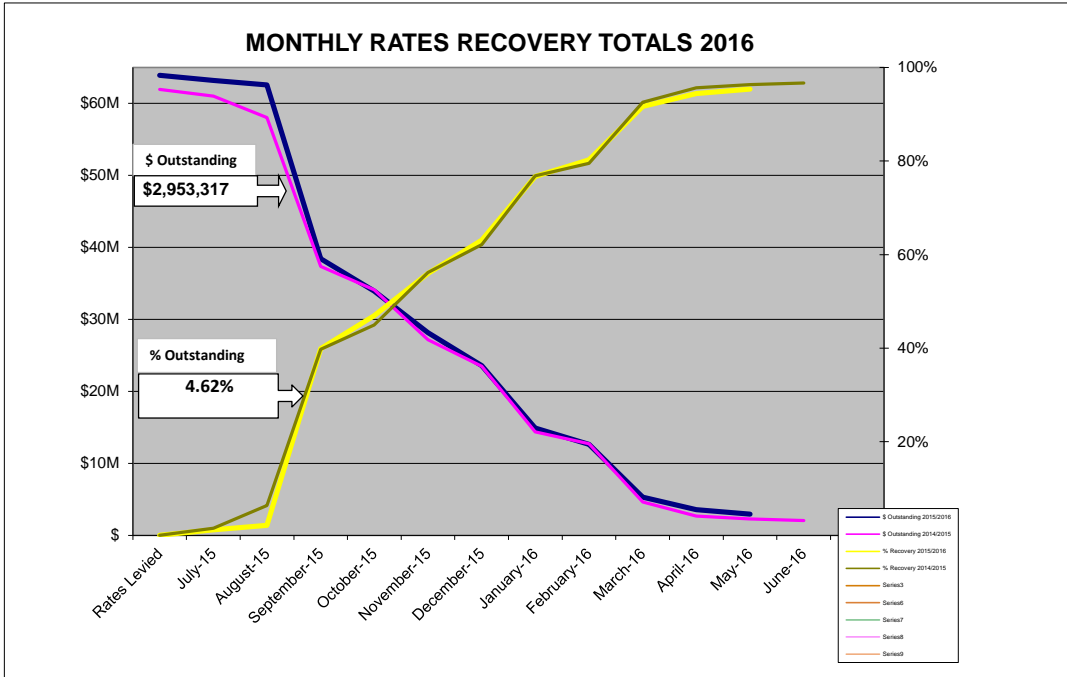
RATE RECEIPTS BY PAYMENT TYPE LAST 12 MONTHS



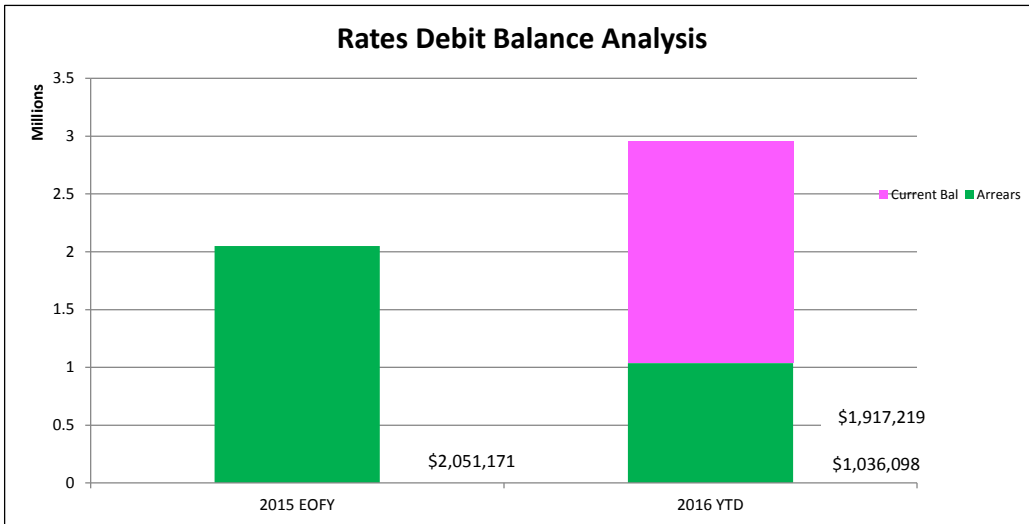
ACCOUNTS RECEIVABLE OUTSTANDING DEBTORS



Pursuant to Local Government (Accounting) Regulations Sec 18(2)(b) the chart labelled "Accounts Receivable Outstanding Debtors" represents sundry debts owed to Council on "aged" basis.



The chart labelled "Monthly Rates Recovery Totals" represents the amounts currently outstanding in Rates to Council, rates are either due or overdue and no further "ageing" is possible.



ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 16.2.2
NO

PARAP POOL REDEVELOPMENT PROGRESS REPORT - JUNE 2016

REPORT No.: 16C0060 AM:kl COMMON No.: 2918032 DATE: 28/06/2016

Presenter: General Manager Community & Cultural Services,
Anna Malgorzewicz,

Approved: Chief Executive Officer, Brendan Dowd

PURPOSE

The purpose of this report is to provide Council with a progress report on the Parap Pool Redevelopment Project.

LINK TO STRATEGIC PLAN

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

Goal

2 Vibrant, Flexible and Tropical Lifestyle

Outcome

2.3 Increased sport, recreation and leisure experiences

Key Strategies

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

KEY ISSUES

- The Northern Territory Government transferred the capital grant of \$5.5 M (GST inclusive) to the City of Darwin.
- Tenders for the project close on Thursday 30 June 2016.
- Arrangements for the closure of the Parap Pool continue, including alternative arrangements for swimming clubs and patrons and a free community event.
- The first progress report to the Commonwealth Government is due on 31 July 2016.

PAGE: 2
 REPORT NUMBER: 16C0060 AM:kl
 SUBJECT: PARAP POOL REDEVELOPMENT PROGRESS REPORT - JUNE 2016

RECOMMENDATIONS

THAT Report Number 16C0060 AM:kl entitled Parap Pool Redevelopment Update - June 2016, be received and noted.

BACKGROUND

PREVIOUS DECISIONS

DECISION NO. 21\4489 (31/05/16)

Parap Pool Redevelopment – Progress Report

Report No. 16C0052 AM:kl (31/05/16) Common No. 2918032

THAT Report Number 16C0052 AM:kl entitled Parap Pool Redevelopment – Progress Report, be received and note4d.

DECISION NO. 21\4351 (26/04/16)

Parap Pool Redevelopment – Progress Report

Report No. 16C0043 AM:kl (26/04/16) Common No. 2918032

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

DECISION NO. 21\4069 (09/02/16)

Parap Pool Redevelopment – Master Plan

Report No. 16TS0030 LC:jw (09/02/16) Common No. 2918032

*B. THAT Council endorse the Parap Pool Redevelopment Master Plan Stage 1, being **Attachment B** to Report Number 16TS0030 LC:jw entitled Parap Pool Redevelopment – Master Plan, and notes that the design and lodgement of a Development Application is proceeding.*

C. THAT Council note that the new amenities facility and the following community elements are estimated to cost \$5 million;

- a. Children's water play area (wet activity)*
- b. Children's playground (dry activity area)*
- c. Shaded facilities to prepare and share food (community space)*
- d. Aquatic activity for children and youth (leisure water)*
- e. Outdoor shaded area for community and group exercise*

PAGE: 3
 REPORT NUMBER: 16C0060 AM:kl
 SUBJECT: PARAP POOL REDEVELOPMENT PROGRESS REPORT - JUNE 2016

D. THAT Council not proceed with the new amenities facility and community elements unless the Northern Territory Government commits to substantially funding these components of the project.

DISCUSSION

Since the previous report to Council, the Northern Territory Government transferred an amount of \$5.5 M (GST inclusive) to the City of Darwin. These funds represent the Northern Territory Government's co-investment in the total redevelopment project and funds are unconditional. A reporting schedule was also negotiated to ensure progress reports were provided at key milestone points in the project, consistent with the reporting schedule to the Commonwealth Government. This will ensure efficient and coordinated reporting to funding partners.

The public tender for the project was released on Thursday 26 May 2016 via Council's online tenderlink. Documents can be accessed at www.tenderlink.com/darwin/. Advertisements were also placed in the NT News, and notices issued through social media and Council's website. Correspondence promoting this important opportunity was also sent to the Industry Capability Network (ICN), NT Chamber of Commerce, Master Builders Association and the Civil Construction Federation NT as well as other industry peaks. The public tender closes on Thursday 30 June 2016 following which the tender assessment panel will meet to provide a considered recommendation to Council in July.

A free community event is being organised for Sunday 10th July 2016. This will be an opportunity for members of the community to mark the many years of service Parap Pool provided the community and celebrate the redevelopment of the facility. The Northern Territory Library is collaborating with the City of Darwin to utilise the event to capture images and moving footage and oral histories for incorporation in an opening installation in July 2017. A communications plan is currently being developed and further information regarding the event will be circulated to the community and stakeholder groups.

Planning continued regarding arrangements to accommodate the needs of clubs and patrons at Council's Nightcliff and Casuarina Pools. In addition, organisations are making arrangements to conduct social evenings to celebrate their presence at Parap Pool and the many achievements of members during their time there. The transition of clubs and patrons to Council's other pools will commence from Monday 11th July 2016. The final closure of the pool will follow shortly thereafter.

An audit of equipment and materials has also been completed and many items will be removed and repurposed at Council's other pools. These items include seating, lane ropes, etc. Following the removal of equipment, preparation for hand-over of the pool to the successful contractor will occur.

The opening hours at Council's Nightcliff and Casuarina Pools will also be extended during the construction period to accommodate the needs of clubs and users. Changes to operating hours will be broadly publicised to ensure the community is well informed of the choices available to them.

PAGE: 4
REPORT NUMBER: 16C0060 AM:kl
SUBJECT: PARAP POOL REDEVELOPMENT PROGRESS REPORT - JUNE 2016

CONSULTATION PROCESS

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

- Capital Works Coordinator
- General Manager, Infrastructure
- Manager, Recreation, Events and Customer Service

POLICY IMPLICATIONS

Council Policy No. 046 – Recreation and Healthy Lifestyle, provides a framework for the design, development and management of facilities that support pursuits to encourage healthy lifestyles and community connectedness.

BUDGET AND RESOURCE IMPLICATIONS

The total project budget is \$13.96 million (GST exclusive). The Commonwealth is providing \$4.48 million through the National Stronger Regions Fund, which is matched by Council, and the Northern Territory Government is providing \$5 M.

In addition, the public art component is to be funded through Council's Public Art Reserve to a total value of \$200,000.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There are a number of risks regarding the project including:

- Budget constraints;
- Timeframe for completion; and
- Community expectations.

Risks and mitigation measures are being continually monitored and reviewed as the project proceeds. Decision making points for the project have been identified to ensure critical milestones are presented to Council in a timely manner for resolution in order to comply with the conditions of the Australian Government funding agreement.

PAGE: 5
REPORT NUMBER: 16C0060 AM:kl
SUBJECT: PARAP POOL REDEVELOPMENT PROGRESS REPORT - JUNE 2016

ENVIRONMENTAL IMPLICATIONS

The design for the redevelopment will take into consideration environmental measures, subject to budget availability. This will include measures for temperature control of the two water tanks, solar power, energy and water efficient devices and pool shade. These measures will assist in modifying environmental conditions for the comfort of users and forms part of FINA compliance.

The Master Plan also includes the retention of the established Beauty Leaf trees.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

ANNA MALGORZEWICZ
GENERAL MANAGER
COMMUNITY & CULTURAL
SERVICES

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

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

17.1 TOWN PLANNING REPORTS/LETTERS (ACTION REQUIRED)

ENCL: 2ND ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 17.1.1
YES

COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2016

REPORT No.: 16TS0112 BS:hd **COMMON No.:** 2547669 **DATE:** 28/06/2016

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: Acting General Manager Infrastructure, Nadine Nilon

PURPOSE

The purpose of this report is to present to Council for consideration, responses to Development Applications and Community Land Grant Applications for the period 4 June 2016 to 17 June 2016.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- A summary of City of Darwin responses to the Northern Territory Government for development applications exhibited between 4 June 2016 to 17 June 2016 is provided.
- A summary of City of Darwin responses to the Crown Land Estate for Community Land Grant Applications, received between 4 June 2016 and 17 June 2016 is provided.
- A comparison of Council's responses to development applications and the Development Consent Authority outcomes is included as an attachment.

PAGE: 2
 REPORT NUMBER: 16TS0112 BS:hd
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2016

RECOMMENDATIONS

- A. THAT Report Number 16TS0112 BS:hd entitled Council Responses to Development Applications - June 2016, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A** and **B** to Report Number 16TS0112 BS:hd entitled Council Responses to Development Applications - June 2016.
- C. THAT Council endorse the responses to the Crown Land Estate within **Attachment C** to Report Number 16TS0112 BS:hd entitled Council Responses to Development Applications - June 2016.
- D. THAT Council note the cross-reference table of the Development Consent Authority outcomes within **Attachment D** to Report Number 16TS0112 BS:hd entitled Council Responses to Development Applications - June 2016.

BACKGROUND

The City of Darwin responded to four Development Applications and two Community Land Grant Applications, for the period of 4 June 2016 to 17 June 2016.

DISCUSSION

City of Darwin Officers recommend supporting all the development applications (either subject to normal or specific matters). This represents rates of 100% of the development applications being supported.

City of Darwin Officers recommend supporting the two Community Land Grant Applications.

Development Applications supported, subject to normal Council conditions:

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

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

PAGE: 3
 REPORT NUMBER: 16TS0112 BS:hd
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2016

Property Address	Description of Development Proposal
Lot 11147 – Town of Nightcliff 6 Lemke Street, Muirhead	2 x 4 bedroom multiple dwellings in a 2 storey building (Muirhead duplex)
Lot 9576 – Town of Nightcliff 247 Trower Road, Casuarina (Casuarina Shopping Centre)	Change of use from leisure and recreation to medical clinic (This does not result in a further car parking shortfall)

Development Applications supported subject to specific matters being adequately resolved:

The table below describes the Development Applications that are supported by City of Darwin officers subject to the following specific matters being adequately resolved.

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

Property Address	Description of Development Proposal	Specific Matters
Section 6411 - Hundred of Bagot 11 Miles Road, Berrimah	Change of use from warehouse to leisure and recreation (unit 3)	The City of Darwin does not support the use of on-street car parking to offset the four car parking shortfall bays required by this application.
Lot 2325 – Town of Darwin 35 Knuckey Street, Darwin	Alterations to an existing shop including an increased building height and façade upgrades	The City of Darwin does not object to the application, provided the following matters are addressed: the awning design is extended to full length and width and the facade is amended so that it does not protrude into the continuous accessible path of travel. The City of Darwin receives an annual levy for a car parking shortfall of seven bays as applied by the Local Government (Darwin Parking Local Rates) Regulations. This levy will be continued to be

PAGE: 4
 REPORT NUMBER: 16TS0112 BS:hd
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE 2016

Property Address	Description of Development Proposal	Specific Matters
		applied for the subject site. Council however requested a monetary contribution for the further 1.82 (2) car parking bay shortfall.

Community Land Grant Applications:

The table below describes Community Land Grant Applications that have been supported by City of Darwin officers.

Responses to these Community Land Grant Applications are provided as **Attachment C** to this report.

Property Address	Community Land Grant Applications
Lot 6652 – Town of Sanderson 40 Patterson Street, Malak	Supported accommodation and facilities to provide mental health services (General facilities and eight single bedroom units)
Lot 6264 – Hundred of Bagot 23 Abala Road, Marrara	Territory Tennis - Community & Events Centre <ul style="list-style-type: none"> • 15 international standard tennis courts; • a 3500 seat covered sporting and cultural events arena; • 4 covered ANZ Hot Shot tennis courts; • community meeting, program delivery and education rooms; • conference and function centre; • administrative and media facilities; and • landscaping.

PAGE: 5
REPORT NUMBER: 16TS0112 BS:hd
SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE
2016

Cross Reference Table

A comparison of Council letter responses and the Development Consent Authority outcomes is provided in **Attachment D**.

CONSULTATION PROCESS

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

- Strategic Town Planner
- Town Planner
- Planning Officer

POLICY IMPLICATIONS

Relevant Council policies are noted in individual letter responses.

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

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REPORT NUMBER: 16TS0112 BS:hd
SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - JUNE
2016

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

DROSSO LELEKIS
MANAGER DESIGN, PLANNING &
PROJECTS

NADINE NILON
ACTING GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Nadia Smith on 8930 0412 or email: n.smith@darwin.nt.gov.au.

Attachments:

- Attachment A:** Letters of support, subject to normal Council conditions, for Development Applications not yet considered by the Development Consent Authority
- Attachment B:** Letters of conditional support to Development Applications not yet considered by the Development Consent Authority.
- Attachment C:** Letters of support to the Crown Land Estate for Community Land Grant Applications
- Attachment D:** Cross reference table of City of Darwin responses and the Development Consent Authority outcomes.

10 June 2016

Please quote: 3297022 BS:hd
Your reference: PA2016/0340

Ms Adelle Godfrey
Acting Manager Urban Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Godfrey

Parcel Description: Lot 11147 – Town of Nightcliff
6 Lemke Street, Muirhead

Proposed Development: 2 x 4 bedroom multiple dwellings in a 2 storey building

Thank you for the Development Application referred to this office 26 May 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **The City of Darwin supports the granting of a Development Permit.**
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - b). **Site Construction**
The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
The ECMP should specifically address the following:
 - waste management,
 - traffic control,
 - haulage routes,
 - storm water drainage,
 - use of City of Darwin land, and

- how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

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

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

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

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

- a). **Protection of Street Trees**

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

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

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

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

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.

- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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

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

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

10 June 2016

Please quote: 3297357 BS:hd
Your reference: PA2016/0329

Ms Adelle Godfrey
Acting Manager Urban Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Godfrey

Parcel Description: Lot 9576 – Town of Nightcliff
247 Trower Road, Casuarina

Proposed Development: Change of use from leisure and recreation to
medical clinic

Thank you for the Development Application referred to this office 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

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

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

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

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

10 June 2016

Please quote: 3294714 BS:hd
Your reference: PA2016/0352

Ms Adelle Godfrey
Acting Manager Urban Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Section 6411 – Hundred of Bagot
11 Miles Road, Berrimah**

**Proposed Development: Change of use from warehouse to leisure and
recreation (unit 3)**

Thank you for the Development Application referred to this office 24 May 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

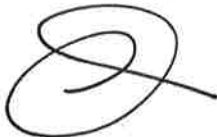
The following issues are raised for consideration by the Authority:

- i). **The City of Darwin does not support the use of on-street car parking to offset the four car parking shortfall bays required by this application.**

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

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

Yours faithfully



**CINDY ROBSON
STRATEGIC TOWN PLANNER**

9 June 2016

Please quote: 3292418 NS:hd
Your reference: PA2016/0327

Ms Adelle Godfrey
Acting Manager Urban Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Godfrey

**Parcel Description: Lot 2325 – Town of Darwin
 35 Knuckey Street, Darwin**

**Proposed Development: Alterations to an existing shop including an
 increased building height and façade upgrades**

Thank you for the Development Application referred to this office 19 May 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

i). **The City of Darwin does not object to the granting of a Development Permit provided the following issues are adequately addressed:**

- a). The proposed design has not included full length and width awnings to Knuckey Street.

Clause 8.2 of the Northern Territory Planning Scheme (the Scheme) states that the design of buildings should "provide protection for pedestrians from sun and rain".

Furthermore, *City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property* states that awnings are to satisfy the design and construction criteria of Council's Standard Drawings. The standard drawings require awnings to have a maximum height of 4.5m.

It is requested that awnings be provided to satisfy the above requirements.

- b). Council notes that there is a shortfall of 1.82 (2) car parking bays. Council requires a monetary contribution for any car parking shortfall.

- c). The façade includes an angular architectural element which protrudes into the City of Darwin road reserve to a maximum width of 1.2m at the height of approx. 5.8m.

Whilst the City of Darwin does not object in principle to the proposed architectural element, it must comply with Australian Standards related to 'design for access and mobility'.

It appears that the current design does not comply with Australian Standards as the structure protrudes into the continuous accessible path of travel. The applicant will be required to satisfy Council's requirements and Australian Standards prior to entering into any agreements for such works over the road reserve.

- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - b). **The crossover and driveway shall meet City of Darwin requirements.**
 - c). **All awnings and canopies over City of Darwin road reserves must be designed in accordance with City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property and are subject to the approval of the General Manager Infrastructure, City of Darwin.**
 - d). **Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval by Council is required for any element of the building (separate to awnings) that is designed to be constructed or installed over City of Darwin road reserve.**
 - e). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.**
 - 1). **The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate**

how stormwater will be collected on the site and connected underground to the City of Darwin's system.

- 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

f). **Waste**

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

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

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

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

g). **Site Construction**

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

The ECMP should specifically address the following:

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

to the satisfaction of the General Manager Infrastructure, City of Darwin.

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

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

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

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

a). **Awning Overhang**

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

b). **Protection of Street Trees**

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

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

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

c). **Building Identification**

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

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

- a). **The City of Darwin requests that the Authority require a monetary contribution is paid to the City of Darwin in accordance with its Car Parking Contribution Plan in lieu of the on-site car parking shortfall as a result of this development.**

- b). **The City of Darwin requests that the Authority require a monetary contribution is paid to the City of Darwin in accordance with its Stormwater Contribution Plan to upgrade stormwater infrastructure as a result of this development.** The site falls within the developer Contributions Plan for Stormwater Drainage – Darwin CBD CP 2015/01 – Policy Area A. The applicant will be required to pay the City of Darwin a contribution towards stormwater drainage works in accordance with the above plan.

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

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70(5) of the Planning Act a monetary contribution shall be paid to the City of Darwin for any determined parking shortfall.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed awnings at the site shall be subject to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property.
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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

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

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

Yours faithfully

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

CINDY ROBSON
STRATEGIC TOWN PLANNER

17 June 2016

Please quote: 3303465 NS:hd

Ms Deanna Klobas
Crown Land Estate
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Klobas

**Community Land Grant Application, Lot 6652 – Town of Sanderson (40)
Patterson Street, Malak**

Thank you for the application for the Community Land Grant referred to this office 3 June 2016, concerning the above.

The City of Darwin raises no issues to the proposed Community Land Grant in relation to matters that fall within the responsibility of Council. Council does however request that any future development complies with the applicable provisions of the *Northern Territory Planning Scheme*.

This letter will be placed before the City of Darwin's, 2nd Ordinary Council Meeting to be held on 28 June 2016. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

If you have any further queries please contact myself on 8930 0412 or n.smith@darwin.nt.gov.au.

Yours sincerely



NADIA SMITH
ATING STRATEGIC TOWN PLANNER

17 June 2016

Please quote: 3292889 NS:hd

Ms Nicole Churchett
Acting Senior Project Officer Crown Land Estate
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Churchett

**Community Land Grant Application, Section 6294 – Hundred of Bagot (23)
Abala Road, Marrara**

Thank you for the application for the Community Land Grant referred to this office, concerning the above.

Council is supportive of further regional, national and international sporting facilities, making Darwin attractive at a competitive level whilst developing sport at a local level.

Whilst the City of Darwin raises no issues to the proposed Community Land Grant in relation to matters that fall within the responsibility of Council, the following is offered for your consideration:

- Given the sites proximity to Henry Wrigley Drive (being the main thoroughfare from/to the Darwin International Airport), the final design should ideally provide a level of interaction and engagement with regional, national and international visitors passing and/or attending the proposed facility. It is offered that the façade of the building and the site be exciting/engaging and could include art;
- Car parking areas should not be the dominate feature of the site which is to be aimed at attracting regional, national and international audiences and competition, instead built form should interact/engage with its surroundings;
- Landscaping should be provided to soften the built form and car parking areas, provide shade and reduce heat sync;
- Provisions of large/small bus parking should be included, along with provisions for large service vehicles and disabled car parking bays;
- Shared paths internal to the site should be provided to allow for continuity for pedestrians and cyclists using existing networks to access the proposed facility; and
- Provision of bicycle racks and end of trip facilities for competitors, spectators and staff should be included to encourage alternate modes of transport.

Council requests that any future development complies with the applicable provisions of the *Northern Territory Planning Scheme* and notes for the Department's purposes that Council will continue to maintain existing tennis courts within the municipality for informal social community use.

This letter will be placed before the City of Darwin's, 2nd Ordinary Council Meeting to be held on 28 June 2016. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

If you have any further queries please contact myself on 8930 0412 or n.smith@darwin.nt.gv.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nadia Smith', with a long horizontal line extending to the right.

NADIA SMITH
ACTING STRATEGIC TOWN PLANNER

Note: City of Darwin requested standard precedent conditions have been included in each Development Permit issued.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 1</p> <p>PA2016/0006</p> <p>Lot 690 (3) Britannia Crescent, Anula</p> <p>Town of Sanderson</p>	<p>Carport addition to an existing single dwelling with a reduced front setback</p> <p>The City of Darwin objected to the granting of a Development Permit for the following reason:</p> <p>The City of Darwin considers that there is ample room onsite to place a carport within the required setbacks. The existing streetscape has consistent and complying setbacks.</p>	<p>The Development Consent Authority consented to the application and issued a Development Permit.</p>
<p>ITEM 2</p> <p>PA2016/0185</p> <p>Lot 2366 (43) Britomart Gardens, Alawa</p> <p>Town of Nightcliff</p>	<p>Independent unit addition to an existing single dwelling with reduced front and side setbacks</p> <p>The City of Darwin did not support the granting of a Development Permit for the following reason:</p> <p>The applicant is proposing one off-street car parking bay and two on-street car parking bays. The City of Darwin does not support the use of on-street car parking bays to offset car parking shortfalls on site.</p> <p>The City of Darwin will not support any further application for a carport, which requests a waiver to reduce the front setback requirements.</p>	<p>The Development Consent Authority consented to the proposed development and requested the following:</p> <p>A revised car parking layout which demonstrates the required three on-site car parking bays. The design should also include in principle agreement from the City of Darwin for any changes to the existing crossover (if proposed).</p> <p>The existing landscaping is to be retained adjacent the Britomart Street frontage and the north side boundary post development.</p> <p>Written confirmation from the adjoining landowners of Lot 2367 (41) Britomart Gardens that there are no issues with the proposed block work wall on the boundary.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 3</p> <p>PA2016/0138</p> <p>Lot 5292 (77) Ross Smith Avenue, Parap</p> <p>Town of Darwin</p>	<p>Alterations and additions to existing leisure and recreation facility (Parap Pool)</p> <p>The City of Darwin acknowledges that it is the land owner and applicant for the above proposal.</p> <p>Should the application be approved, the City of Darwin's standard policies and its responsibilities under the Local Government Act and the Planning Act will be appropriately implemented.</p>	<p>The Development Consent Authority consented to the application and issued a Notice of Determination.</p>

Note: City of Darwin requested standard precedent conditions have been included in each Development Permit issued.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 1</p> <p>PA2016/0265</p> <p>Lot 4538 (80) Rosewood Crescent, Leanyer</p> <p>Town of Sanderson</p>	<p>Verandah addition to an existing single dwelling with a reduced side setback</p> <p>The City of Darwin did not object to the granting of a Development Permit.</p>	<p>Development Consent Authority deferred the application and requested:</p> <p>Amended plans to address the treatment and the overall height of the blockwork wall on the side boundary.</p>
<p>ITEM 2</p> <p>PA2016/0200</p> <p>Lot 6536 (63) Reichardt Road, Winnellie</p> <p>Town of Darwin</p>	<p>35m high telecommunications facility with associated antennas and equipment shelter</p> <p>No issues were raised by the City of Darwin.</p>	<p>The Development Consent Authority consented to the application and issued a Development Permit.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 3</p> <p>PA2016/0157</p> <p>Lot 10562 (87) Woods Street, Darwin</p> <p>Town of Darwin</p>	<p>Change of use of an existing two storey building to 44 room hostel with a ground level shop/restaurant and office for a temporary period of 5 years</p> <p>The City of Darwin objected to the granting of a Development Permit for the following reasons:</p> <ul style="list-style-type: none"> • It is requested that the applicant clarify the maximum number of beds and that car parking generation rates should be provided on a number of beds basis • Amended plans to formalise the loading and unloading arrangements • Amended plans which provide further detail on the proposed landscaping 	<p>The Development Consent Authority consented to the application and issued a Development Permit.</p> <p>Condition Precedents relating to Council objections:</p> <ul style="list-style-type: none"> • The provision of a loading area • A landscape plan to the satisfaction of the consent authority
<p>ITEM 4</p> <p>PA2016/0125</p> <p>Lot 1762 (10) McLachlan Street, Darwin</p> <p>Town of Darwin</p>	<p>Change of use from office to multiple dwelling (unit 1)</p> <p>No issues were raised by the City of Darwin.</p>	<p>The Development Consent Authority consented to the application and issued a Development Permit.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 5</p> <p>PA2016/0048</p> <p>Lot 5021 (2) Railway Street, Parap</p> <p>Town of Darwin</p>	<p>Service Station</p> <p>The City of Darwin strongly objected to the granting of a Development Permit for the following reasons:</p> <ul style="list-style-type: none"> • Strategic Land Use • Setbacks for Commercial Uses • Traffic and Access • Access and Pedestrian / Cyclist Safety • Stormwater Drainage 	<p>The Development Consent Authority refused the application.</p>
<p>ITEM 6</p> <p>PA2015/0873</p> <p>Section 6467 (798) Vanderlin Drive, Wanguri</p> <p>Hundred of Bagot</p>	<p>Change of use from showroom sale to medical clinic</p> <p>The City of Darwin objected to the granting of a Development Permit due to a car parking shortfall of ten car park bays.</p>	<p>The Development Consent Authority consented to the application and issued a Development Permit.</p>

17.2 TOWN PLANNING REPORTS/LETTERS (RECEIVE & NOTE)

Nil

18. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

18.1 Universal Design Principles and the Development of an Age Friendly City

Document No. 3304319 (01/06/16) Common No. 1181168

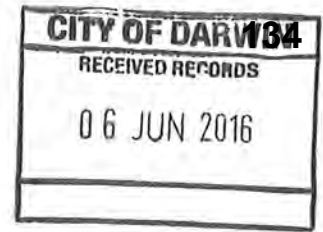
*The incoming letter from the Minister for Lands and Planning is **Attachment A**.*

ATTACHMENT A



MINISTER FOR LANDS PLANNING

Parliament House
State Square
Darwin NT 0800
minister.tollner@nt.gov.au



GPO Box 3146
Darwin NT 0801
Telephone: 08 8928 6553
Facsimile: 08 8928 6632

Her Worship the Lord Mayor of Darwin
Ms Katrina Fong Lim
City of Darwin
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor

Katrina

I thank you for your letter dated 14 April 2016, requesting the strengthening of the requirements of the NT Planning Scheme in relation to Universal Design Principles and the development of an Age Friendly City.

The Northern Territory Planning Scheme includes a range of principles and policies which guide the interpretation of the Scheme and the decisions made by the consent authority.

A number of these policies, although not specifically referenced as Universal Design Principles or focused on the creation of an Aged Friendly City, do establish a framework to encourage similar outcomes. These policies align with the strategic intent of this Government's planning policies in relation to provision of facilities and services for an ageing population.


The Darwin Regional Land Use Plan, a policy document within the Scheme, specifically encourages a diverse range of dwelling types and residential localities to cater for changing demographics including an ageing population. The plan also identifies the importance of a high standard of community service provision, through appropriate use of land for community purposes, including aged care and facilities for seniors.

Currently proposed Area Plans for the Inner and Middle Suburbs of Darwin include detailed planning principles to guide the provision of community facilities, such as residential care support services, seniors accommodation, retirement living, public housing, affordable housing and community accommodation services.

I welcome any suggestion from the City of Darwin around specific provisions you consider would encourage the development of Darwin as an inclusive and engaging city.

Should you wish to engage further on this issue, I encourage you to contact Mr Michael Holmes, A/Director Lands Planning on telephone 8999 6210.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Tollner', with a large circular flourish on the left side.

DAVID TOLLNER

01 JUN 2015

19. REPORTS OF REPRESENTATIVES

Common No. 1735503

20. QUESTIONS BY MEMBERS

21. GENERAL BUSINESS

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

Common No. 2695130

THAT the next Ordinary Meeting of Council be held on Tuesday, 12 July 2016, at 5:00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

23. CLOSURE OF MEETING TO THE PUBLIC

Common No. 2695131

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

24. ADJOURNMENT OF MEETING AND MEDIA LIAISON