

**DARWIN CITY COUNCIL**

**TWENTY FIRST ORDINARY MEETING OF THE TWENTIETH COUNCIL**

**TUESDAY, 17 MARCH, 2009**

**MEMBERS:** The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member J D Bailey; Member R T Dee; Member R K Elix; Member H I Galton; Member G M Jarvis; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg.

**OFFICERS:** Chief Executive Officer, Mr B P Dowd; Acting General Manager Corporate Services, Mr L Carroll; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Acting Committee Administrator, Ms L Elmer.

**GUESTS:** The following officers of the Australian Government Department of Families, Community Services and Indigenous Affairs (FaCSIA), will be in attendance from 5.15 p.m. to brief Council on the Federal Government Emergency Response/Intervention in relation to the Darwin Locale:

Mr Brian Stacey, Deputy Commander Northern Territory  
Emergency Response Operations;

Mr Brendan Higgins, A/Manager Darwin Indigenous Coordination  
Centre, and

Ms Sandra Mitchell, Manager NT Emergency Response Law &  
Order.

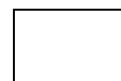
The Commander Greater Darwin Region, NT Police, Rob Kendrick will be in attendance from 5.45 p.m. to brief the Council on the NT Police Response to Law and Order in Darwin.

**Enquiries and/or Apologies: Linda Elmer**  
***E-mail: [l.elmer@darwin.nt.gov.au](mailto:l.elmer@darwin.nt.gov.au)***  
***PH: 89300 685***

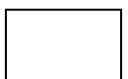
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**1 LORD'S PRAYER**

**2 MEETING DECLARED OPEN**

**3 APOLOGIES AND LEAVE OF ABSENCE**

**3.1 Apologies**

**3.2 Leave of Absence Granted**

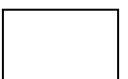
THAT it be noted that Member H I Galton is an apology due to a Leave of Absence being previously granted on 17 February 2009 for the period 12 - 19 March 2009.

THAT it be noted that Member K M Moir is an apology due to a Leave of Absence being previously granted on 11 March 2009 for the period 12 - 23 March 2009.

DECISION NO.20\() (17/03/09)

**3.3 Leave of Absence Requested**

**4 DECLARATION OF INTEREST OF ELECTED MEMBERS**

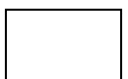


**5 CONFIDENTIAL ITEMS**

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 following Items:

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C17.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

DECISION NO.20\() (17/03/09)

**6 MATTERS OF PUBLIC IMPORTANCE**

**7 REPORTS OF COMMITTEES****7.1 CORPORATE & ECONOMIC DEVELOPMENT (17/02/09)****Presentation of Report by Acting Chairman - Member J D Bailey**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 17 February, 2009

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**1. Corporate Services Directorate Monthly Report for November 2008**  
Report No. 08A0247 Common No.339108

THAT Report Number. 08A0247 entitled, Corporate Services Directorate Monthly Report - November 2008, be received and noted.

DECISION NO.20\() (17/03/09)

**2. Corporate Services Directorate Monthly Report for December 2008**  
Report No. 08A0248 Common No.339108

THAT Report Number 08A0248 entitled, Corporate Services Directorate Monthly Report - December 2008, be received and noted.

DECISION NO.20\() (17/03/09)

**3. Corporate Services Directorate Monthly Report for January 2009**  
Report No. 09A0015 Common No. 339108

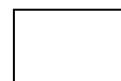
THAT Report Number 09A0015 entitled, Corporate Services Directorate Monthly Report - January 2009, be received and noted.

DECISION NO.20\() (17/03/09)

**4. January 2009 - Approval of Cheques/EFT Payments**  
Report No. 09A0016 Common No. 339125

THAT Report Number 09A0016 entitled, Approval of Cheques / EFT Payments January 2009, be received and noted.

DECISION NO.20\() (17/03/09)



**7 REPORTS OF COMMITTEES****7.1 CORPORATE & ECONOMIC DEVELOPMENT (17/02/09)****Presentation of Report by Acting Chairman - Member J D Bailey**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 17 February, 2009

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**5. January 2009 - Financial Report to Council**

Report No. 09A0027 Common No.339122

THAT Report Number 09A0027 entitled, Financial Report to Council – January 2009, be received and noted.

DECISION NO.20\() (17/03/09)

**6. Political Candidate Canvassing at the Community Markets during Territory Elections**

Report No. 09A0026 Common No.1477192

A. THAT Report Number 09A0026 entitled, Political Candidates Canvassing at the Community Markets during Territory Elections, be received and noted.

B. THAT Council Officers negotiate with each of the Community Markets for a suitable area to be identified and included in the license agreement for candidates standing for Territory, Federal and Local Government elections.

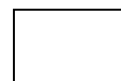
DECISION NO.20\() (17/03/09)

**7. Invitations Accepted or Declined by the Lord Mayor During December 2008 and January 2009**

Report No. 09TC0005 Common No. 381402

THAT Report Number 09TC0005 entitled, Invitations Accepted or Declined by the Lord Mayor During December 2008 and January 2009 be received and noted.

DECISION NO.20\() (17/03/09)



## **8 PUBLIC SAFETY**

### **8.1 INFORMATION ITEMS**

Nil

## **8 PUBLIC SAFETY**

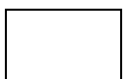
### **8.2 OFFICER'S REPORTS**

Nil .

## **8 PUBLIC SAFETY**

### **8.3 GENERAL BUSINESS**

Nil





**9 GOVERNANCE**

**9.1 INFORMATION ITEMS**

Nil

**9 GOVERNANCE**

**9.2 OFFICER'S REPORTS**

Nil .

**9 GOVERNANCE**

**9.3 GENERAL BUSINESS**

Nil



**10 DELEGATIONS AND DEPUTATIONS****10.1 Federal Government Emergency Response/ Intervention*****From 5.15pm***

*The following officers of the Australian Government Department of Families, Community Services and Indigenous Affairs (FaCSIA), will be in attendance from 5.15 p.m. to brief Council on the Federal Government Emergency Response/Intervention in relation to the Darwin Locale:*

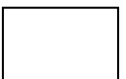
*Mr Brian Stacey, Deputy Commander Northern Territory Emergency Response Operations;*

*Mr Brendan Higgins, A/Manager Darwin Indigenous Coordination Centre, and*

*Ms Sandra Mitchell, Manager NT Emergency Response Law & Order.*

THAT the presentation by the officers of the Australian Government Department of Families, Community Services and Indigenous Affairs (FaCSIA), in relation to the Federal Government Emergency Response/Intervention, be received and noted.

DECISION NO.20\() (17/03/09)



## 10 DELEGATIONS AND DEPUTATIONS

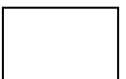
### 10.2 NT Police Response to Law and Order in Darwin.

***From 6.15 p.m.***

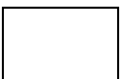
*Commander Greater Darwin Region, NT Police, Rob Kendrick will be in attendance to brief the Council on the NT Police Response to Law and Order in Darwin.*

THAT the presentation by Commander Rob Kendrick on the NT Police Response to Law and Order in Darwin, be received and noted.

DECISION NO.20\() (17/03/09)



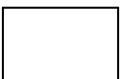
## 11 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED



## 12 OFFICER'S REPORTS

### 12.1 Report on the Impact of the Federal Government's Emergency Response/ Intervention Upon the Darwin Locale Report No. 09C0020 Common No. 1526418

*Report Number 09C0020 is attached.*



ENCL: YES

## DARWIN CITY COUNCIL

DATE: 06/03/09

## REPORT

TO: 1<sup>st</sup> ORDINARY COUNCIL/OPEN

APPROVED: JB

FROM: GENERAL MANAGER COMMUNITY &  
CULTURAL SERVICES

APPROVED: AF

REPORT NO: 09C0020 AF:kl

COMMON NO: 1526418

SUBJECT: REPORT ON THE IMPACT OF THE FEDERAL GOVERNMENT'S  
EMERGENCY RESPONSE/INTERVENTION UPON THE DARWIN  
LOCALE

## ITEM NO: 12.1

**SYNOPSIS:**

This reports provide comment to Council on the impact of the Federal Government's Emergency Response (or Intervention) upon the Darwin locale.

**GENERAL:**

In June 2007, the Federal Government declared, primarily in relation to the abuse of children, an "emergency" across all land held under the *Aboriginal Land Rights Act (Northern Territory) 1976* comprising approximately 500 Aboriginal Communities.

The implementation of legislative, policy and regulatory changes to address the perceived "emergency" ensued including, at least upon its inception, the "income-managing" (or "quarantining") of Centrelink payments, compulsory health checks for children, the cessation of permits required to access Aboriginal Communities and a commitment to the stricter enforcement of the prohibition of alcohol, non-prescribed or illicit drugs and pornography via the demarcation of "prescribed areas". This response was subsequently characterised by the Federal government as the Northern Territory Emergency Response (NTER) or the "intervention".

This brief endeavours to inform elected members of the impact of the "intervention" upon the City of Darwin by providing empirical, research and anecdotal information from a range of sources including Larrakia Nation Aboriginal Corporation, Charles Darwin University (CDU), Centre for Aboriginal Economic and Policy Research (CAEPR) of the Australian National University, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), NT Treasury and Darwin City Council (DCC).

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## Larrakia Nation

In March 2009 Larrakia Nation's research division will publish a comprehensive study into the impact of the "intervention" upon Aboriginal people and the effects upon the Darwin locale. Until this information is available, this brief draws upon a preliminary inquiry<sup>1</sup> undertaken in September 2007 only months after the "intervention" was announced.

*This early inquiry confirms an increase in primary homelessness in Darwin between July and August, 2007. The announcement of the Federal Government's interventions in Northern Territory (NT) communities has been a key contributor to this increase, influencing Aboriginal people's decision to leave their home communities and stay in Darwin's Long Grass. More than half of the individuals interviewed through this inquiry have indicated their intention to never return home. They are now displaced and homeless and spiritually, culturally and physically disconnected from their families and country.*

According to Larrakia Nation this assertion is based on reportage from the NT police service (Vanderlan, 2007, pers com) and is clearly reflected in the service demands made on the Larrakia Nation Aboriginal Corporation. For example, Larrakia Nation issues 'proof of identity' cards to Aboriginal Territorians to facilitate access to Centrelink, banks and other services. In 2007, in the six month period following the announcement of the intervention, there were approximately 500 more cards issued than were issued in the first six months of the year. Other agencies have reported similar trends pointing to an increase in mobility into Darwin. The evidence suggests this trend has continued to the present day, however ongoing research by the Larrakia Nation will provide insight into current population estimates. Consequently, the 2006 Census count will not reflect the impact of changed social policy in the Territory which has direct implications for Darwin's Long Grass population size.

Furthermore, Larrakia Nation asserts that its inquiry confirmed an influx of visitors, with more than half of participants indicating they would never return home. It is difficult to accurately estimate the proportion of the visitor population surveyed in this inquiry. Together with the inherent challenges of recruitment from this population, it was unlikely to have exceeded 30% of the total influx. This suggests the total number of visitors to Darwin at the time of the inquiry was considerably greater, perhaps around 150 people.

*This is a conservative estimate only, yet significant in itself. With over half of participants stating their intention to remain in Darwin's Long Grass, a permanent influx of a minimum of 75 people has serious resource implications for agencies that provide essential basic services to this population. To put this into perspective, the 2001 census counted more than 400 Aboriginal people in the primary homeless*

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<sup>1</sup> Problem solving or problem shifting?: Unintended consequences of the Federal interventions in the Northern Territory: Holmes C, Ahmat S, Henry A, Manhire J, Mow M, Shepherd J and Williams G on behalf of Larrakia National Aboriginal Corporation, September 2007

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*category in the Darwin area (MacKenzie & Chamberlain, 2004). This recent influx may have conservatively increased this permanent Long Grass population by 20%.*

*With an increase in homelessness, as evidenced by this preliminary inquiry, it is reasonable to conclude that the stigma of shame will be increasingly felt, reinforced by and reinforcing homelessness and displacement. With this, violence, alcohol dependency and compromised health and wellbeing can be expected.*

Larrakia Nation has established significant insights in to the vulnerabilities and disadvantage of Aboriginal people both usually in and travelling to Darwin from regional and remote locales. Its service provision and research divisions have developed a raft of strategies and programs which seek to remedy concerns relating to its constituents' housing, health and general emotional, social and cultural well-being.

Given the short-fall in resources and infrastructure to achieve these outcomes, Larrakia Nation continues to endeavour to engage with all tiers of government to progress these strategies.

## **CDU Research**

Andrew Taylor, Research Fellow, CDU, provides anecdotal information drawn from unpublished research<sup>2</sup> which, according to the researchers, demonstrates the difficulty in collecting data which properly captures the demographics of mobility (short-term movement) and migration (long-term movement) prior to and subsequent to the instituting of the "intervention" in order to evaluate its impact.

However, the following three methodological approaches to ameliorate this limitation were undertaken by the researchers:

- collation of NT News articles since 2001 regarding Aboriginal people and the consumption of alcohol in the Darwin area
- analysis of ABS Census data over a 30-year period relating to demographics and shifts in residential populations of Aboriginal people between their Communities of origin and Darwin
- rigorous interviews with Aboriginal people regarding their views and observations of patterns of mobility and migration and whether the "intervention" has impacted upon these patterns and behaviours.

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<sup>2</sup> Discussions with Andrew Taylor drawn from research to be published in March 2009: Taylor A and Carson D, School for Social and Policy Research. It is important to note that part of this study was commissioned by FaHCSIA to address claims of increased mobility and migration as a result of the Intervention but that broader mobility research was undertaken by these researchers independently of the FAHCSIA commission.



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The broad conclusions of this research are:

- there is no current evidence that sustained mobility and migration has occurred as a result of the “intervention” but that “intervention”-associated demographic impacts, if any, will not be firmly understood until the release of 2011 Census data in 2013
- that whilst there may have been a “spike” in mobility to Darwin as a result of the “intervention”, it was short-term and probably based on the sourcing of inaccurate information regarding the income-management mechanism. That is, if a person left their Community to reside in Darwin they would not be subject to income “quarantining” and hence this relocation would be, in their view, favourable for them.
- that, indeed, the “intervention” may have caused a reduction in mobility and migration to Darwin as a result of the introduction of the requirement to purchase prescribed goods via a card system from nominated outlets only of which there are very few in Darwin due to the onerous requirements of registration.
- Aboriginal people continue to cite that they strongly wish to access infrastructure and services for medical and shopping purposes in the same or similar manner as other citizens and that this imperative has been significantly evident prior to the “intervention”.

### **Centre for Aboriginal Economic and Policy Research (CAEPR) - Australian National University**

Whilst mobility and migration data particular to Darwin is not readily available from CAEPR, some commentary from the Centre regarding both the impact of the “intervention” and the broad issue of Aboriginal disadvantage in the NT, including Darwin, is useful.

Jon Taylor, CAEPR Deputy Director and Senior Fellow, asserts that there are *high levels of Indigenous social exclusion reflected in the evident mismatch between population growth, services and infrastructure that has so obviously accumulated in (...) the Northern Territory (and that) the level of government intervention aimed at overcoming key underlying causes of disadvantage among the region’s growing Indigenous population would be found wanting.*<sup>3</sup>

Jon Altman, CAEPR Professor and Director, has consistently asserted that the structural and historical causes of Aboriginal disadvantage in the NT require remedying beyond the political imperative of the looming 2008 Federal election which coincided with the announcement of the “intervention”.

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<sup>3</sup> *Demography is Destiny, Except in the Northern Territory* Taylor J, 2007

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Notwithstanding his lack of support for the “intervention” as such, what is primarily of interest regarding Professor Altman’s report is that he proposes the following five requirements, based on what he describes as *principles of participatory development*, as essential to address these issues:

1. *Recognising Indigenous diversity and difference as a positive that benefits the Australian nation*
2. *Partnerships with communities and the establishment of appropriate channels to hear Indigenous aspirations*
3. *Building local intercultural organizations and institutions and capabilities*
4. *Realistic investments, in catch up to close the gaps and to support innovative programs to enable local livelihood opportunity*
5. *Planning for sustainable outcomes based on rigorous needs-based analysis with ongoing and transparent evaluation.*<sup>4</sup>

## FaHCSIA

With the change of Federal government in 2008, a review of the “intervention” was undertaken by the NTER Review Board<sup>5</sup> which found that:

*the situation in remote communities and town camps was—and remains—sufficiently acute to be described as a national emergency (and that) the NTER should continue” whilst acknowledging that “(t)here is a need for a bipartisan commitment to a sustained national effort, and a sustained commitment of the funds necessary, to provide Aboriginal children and families in these communities with a level of safety and wellbeing comparable to any other Australian community.*

*The single most valuable resource that the NTER has lacked from its inception is the positive, willing participation of the people it was intended to help.*

*The most essential element in moving forward is for government to re-engage with the Aboriginal people of the Northern Territory.*

A key recommendation emerging from the Review is for;

*(t)he Australian and Northern Territory Governments (to) endorse the need to reset the relationship with Aboriginal communities in the Northern Territory and move in partnership to develop and maintain a community development framework within which a genuine engagement with communities can develop and be maintained.*

Whilst this review does not specifically reference the role of local government or the locale of Darwin, it implies the requirement for all tiers of government to facilitate effective engagements and partnerships with each other and with Aboriginal people, Communities and organisations to ensure that multi-faceted disadvantage is addressed.

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<sup>4</sup> *The Intervention is Unravelling* 28 November 2007, web accessed 11 February 2009: [www.crikey.com.au/NT-Intervention/20071128-Dismantling-the-NT-Intervention.html](http://www.crikey.com.au/NT-Intervention/20071128-Dismantling-the-NT-Intervention.html)

<sup>5</sup> Report of the NTER Review Board, FaHCSIA website accessed 11 February 2009: [www.nterreview.gov.au/docs/report\\_nter\\_review/summrec.htm](http://www.nterreview.gov.au/docs/report_nter_review/summrec.htm)

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## Darwin City Council/NT Treasury

Whilst DCC Public Places data (record of contacts with Aboriginal people possibly in breach of by-laws) is not collated into a weekly or monthly format and hence cannot be easily utilised for the purposes of this brief, the Manager of Regulation Services reports anecdotally<sup>6</sup> that his team experienced a significant “spike” in contacts with homeless Aboriginal people within three months of the announcement of the intervention. Aboriginal people spoken to during this period indicated to the team that they had travelled to Darwin at this juncture as they believed their access to alcohol would be reduced as a result of the more rigorous enforcement of its prohibition at their Communities. The Manager also estimates that the cohort of Aboriginal people referred to comprised 70% male and 30% female.

As the extract from NT Treasury’s collation of DCC Public Place contact records<sup>7</sup> demonstrates, there was a drop in the total number of “people observed or spoken to” from June 2007 to July 2007, a significant increase to August, minor variations to September and October, a further increase to November and significant declines over December and January and February of 2008.

### Darwin City Council patrol data

	People spoken to	People observed	People observed or spoken to	Notices issued	Infringements
Feb-08	320	636	956	19	0
Jan-08	437	1325	1762	45	0
Dec-07	361	1677	2038	26	0
Nov-07	659	2014	2673	28	0
Oct-07	811	1538	2349	54	0
Sep-07	775	1563	2338	62	0
Aug-07	633	2050	2683	111	0
Jul-07	425	1631	2056	94	0
Jun-07	733	1999	2732	58	0

<sup>6</sup> Discussions with David Neall, Manager, Regulation Services, DCC 12 February 2009

<sup>7</sup> Analysis of DCC patrol data analysis undertaken by the Social Analysis Section of NT Treasury, April 2008

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Whilst this data is probably useful for other research objectives, it does not, for the purpose of this brief, provide a breakdown of contacts with Aboriginal people and therefore cannot inform an analysis of the Aboriginal-specific demographic effects of the announcement of the “intervention”. Moreover, the data does not account for seasonal and staffing variations which would otherwise impact upon an interpretation of the data.

### **Current Interagency Approach**

In accordance with this approach (refer to Attachment 1), the Interagency Task Coordination Group has been formed. The group meets every fortnightly and seeks to provide a coordinated multi-agency approach to anti-social behaviour issues and to problem solve related matters.

### **Summary**

From this brief survey of research into and critique of the impact of the “intervention” it is clear that the assertion that the mobility and migration of Aboriginal people from their Communities to Darwin has increased as a result of the Federal intervention is contested.

However, what is not contested across all reportage is that significant numbers of Aboriginal people from regional Communities who travel to Darwin for myriad reasons and who reside in the city for longer or shorter periods of time are rendered highly vulnerable as a result of a lack of access to appropriate accommodation and culturally relevant and responsive services.

### **FINANCIAL IMPLICATIONS:**

Nil

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

#### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

1.1 Improve relations with all levels of Government

#### **Key Strategies**

1.1.3 Develop partnerships and joint projects with other levels of government

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### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

### **Outcome**

1.1 Improve relations with all levels of Government

### **Key Strategies**

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

### **Outcome**

1.2 Effectively engage with community

### **Key Strategies**

1.2.2 Develop ways in which Council can enhance relationships and work collaboratively with Community Groups

### **Goal**

5 Facilitate and Maintain a Cohesive Community

### **Outcome**

5.1 Facilitate community access and inclusion

### **Key Strategies**

5.1.1 Create more opportunities for the community to access services and facilities

### **LEGAL IMPLICATIONS:**

Nil

### **ENVIRONMENTAL IMPLICATIONS:**

Nil

### **PUBLIC RELATIONS IMPLICATIONS:**

Nil

### **COMMUNITY SAFETY IMPLICATIONS:**

Nil

### **DELEGATION:**

Nil

PAGE: 9  
 REPORT NUMBER: 09C0020 AF:kl  
 SUBJECT: REPORT ON THE IMPACT OF THE FEDERAL GOVERNMENT  
 EMERGENCY RESPONSE/INTERVENTION UPON THE DARWIN  
 LOCALE.

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**CONSULTATION:**

Nil

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil

**APPROPRIATE SIGNAGE**

Nil

**RECOMMENDATIONS:**

That it be a recommendation to Council:-

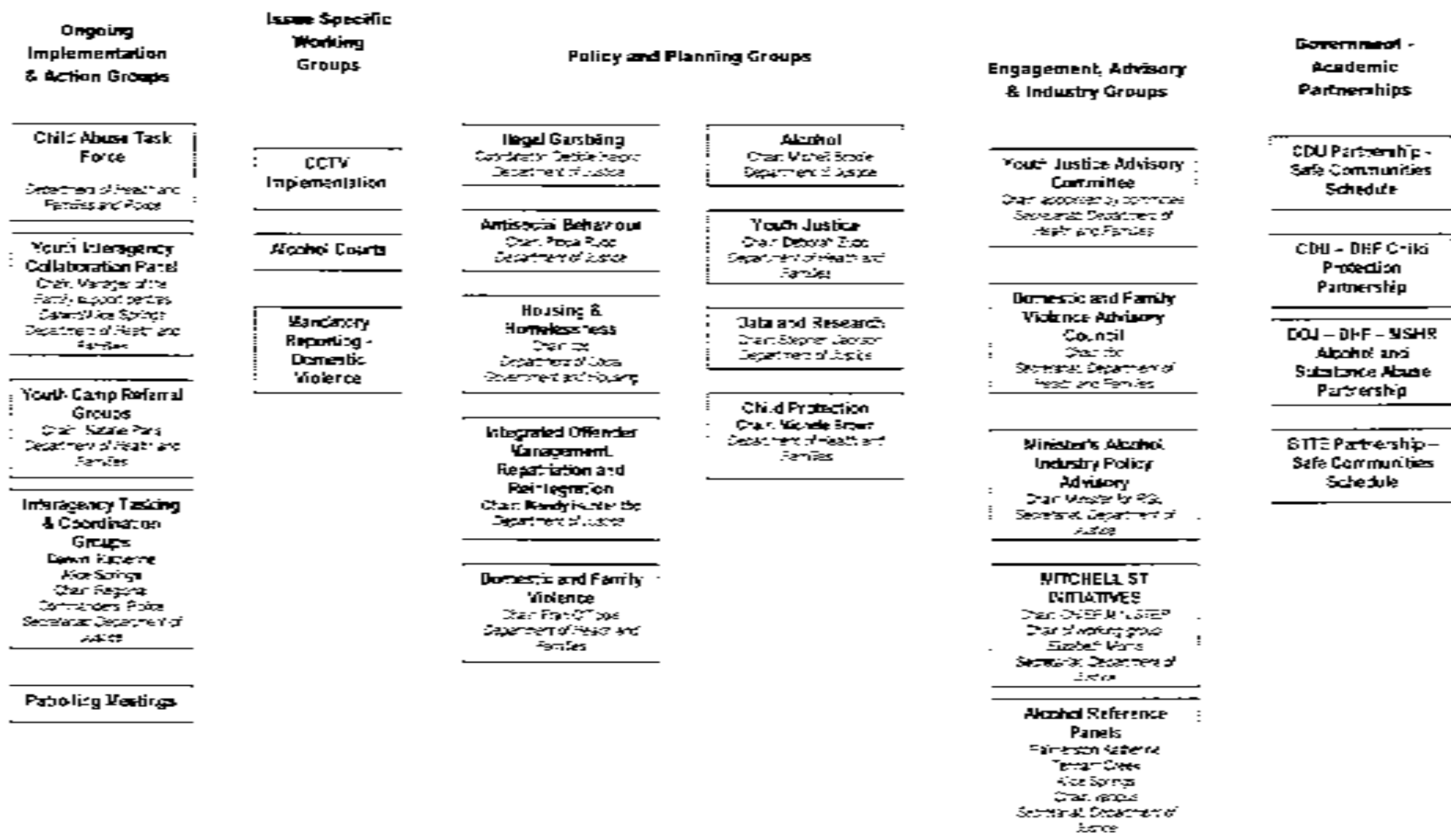
- A. THAT Report Number 09C0020 entitled Report on the impact of the Federal Government Emergency Response/Intervention Upon the Darwin Locale, be received and noted.
- B. That Council invite the Larrakia Nation to present an overview to Council of the key issues for homeless Aboriginal people and the challenges for agencies providing services to them.

**ANNIE FARRELL**  
**EXECUTIVE OFFICER**

**JOHN BANKS**  
**GENERAL MANAGER**  
**COMMUNITY & CULTURAL SERVICES**

Any queries on this report may be directed to Annie Farrell on 8930 0404

## COMMUNITY SAFETY WORKING GROUP



# THE AUSTRALIAN

February 11, 2009 12:15pm AEST

## Soldier's sympathy intervenes

Paul Tooley | November 22, 2008

Article from: The Australian

**MAJOR-GENERAL Dave Chalmers is leaving the Northern Territory a profoundly changed man. For the past 18 months he has headed the NT emergency response, mindful of the potent symbolism-- attracting the scorn of some -- of being a senior soldier storming through the Aboriginal north.**

Chalmers has never abused that position. Instead, as he heads back to Defence headquarters in Canberra, he finds himself believing that the most important thing Aborigines can do to find their future is to maintain their culture.

"Over time, we as a society have undervalued indigenous culture and in many places it's been lost," he says. "And where it's been lost, people have lost their compass, they've lost their framework of life. It's not being replaced by a mainstream Australian framework, and people are in limbo. We need to be paying a lot more attention to traditional healers and traditional lawmakers, the role they played, and play, in people's lives."

Most of all, Chalmers says, governments need to offer hope. "There's nothing worse than going to a community where the level of apathy is profound, (where) people see no point in engaging with government because government continually changes its mind, government is confusing and, anyway, I've got no job and I've got no prospects."

"Giving people a sense of purpose and hope is important. None of it is simple, but that doesn't mean that it's not something we shouldn't attempt."

Chalmers was not seconded from the military to talk policy. He's been the Government's policy enforcer. But enforcer seems too strong a word for him. "I wouldn't be human if I hadn't been profoundly affected by the experience," says the fit-looking 50-year-old.

He engages in unerring eye contact and has total confidence that the intervention is doing the right thing by Aborigines.

The stories of Aboriginal fleeing for the sandhills to escape his soldiers were untrue. But there was fear and worry, even though the army detained not one Aboriginal person. The Australian Defence Force's role was logistics, but there can be no denying the intervention was shock and awe. Chalmers thinks it has roused white city folks from a deep sleep.

"The most significant thing that has happened out of the emergency response is that the national conscience has been pricked," he says. "I look at the (news) stories over the last 20 years. Nothing's changed, because mainstream Australia has been able to turn a blind eye to the problems that exist."

"They, for the most part, have not wanted to confront the fact that we have Australians living in Third World conditions in a First World country. The first thing that's been achieved is a much greater willingness among the general Australian population to do something about the problem."

Asked if he could have envisaged that when former indigenous affairs minister Mal Brough appointed him last year, Chalmers says: "I think I have a much deeper understanding of the problems that confront indigenous Australians than I did 18 months ago."

"My past work has mainly involved working in culturally sensitive situations, in Aceh (where he was one of the first Australians on the ground) and Timor, which left me with tremendous sympathy and great respect for the way they go about their lives."

He says he has developed the same level of respect for Aborigines.

"Absolutely. Personally, I've come on a journey. My understanding was superficial and -- I have to say it -- my lack of respect for them was (the same as that of) many Australians."



Chalmers is not leaving with a sense of disgust for slum towns of the north, or for their troubled residents. His strong view is that the atrocious conditions represent the failures of successive governments. While distressed by encountering Aboriginal women with busted eyebrows and lips, and hearing stories of rape and killing, he has avoided settling on a one-dimensional view of Aborigines.

Asked if things had improved in the 73 territory communities seized under the intervention, he says: "I think the evidence says yes, but it's a conditional yes. While we've made tremendous progress in many areas, some of that has just highlighted how deep the social dysfunction, the lack of services, the problems people face are, and how far we have to go to overcome them."

Talking of the classic old bearded Aboriginal bush men, of whom he has photos on his office wall in Darwin, Chalmers says: "They have rich life experience but somehow they're bewildered by what happened. How did the respect they were held in evaporate? I have by no means a thorough understanding of Aboriginal culture, just glimmerings.

"We as Australians should value it."

We did not quite expect this of Chalmers.

"Possibly not," he agrees. "There's a stereotype around the military, and people use that to evoke a response around the stereotype.

"I'm just like anyone else. You go out to communities and you can't help but be moved by the circumstances people confront in their day-to-day life. To go to a community and see children who exhibit all the symptoms of neglect, whose noses are running, whose hair is discoloured through deficiency, who are undernourished ... To see kids who have no spark. To walk into some communities where the sense of despair is almost palpable."

It's not all bad. Last week Chalmers was in Wallace Rockhole, in central Australia, where he saw bright children, enthusiastic school attendance, concerned parents and functioning government services. It was uplifting.

For the present generation of illiterate and alcoholic parents, he has no answers. No one really does. "There are things we can do, but their lives are a salutary lesson of what happens when we lose culture and the cultural framework that provides meaning to people's lives. And at the same time we don't provide the services that other Australians expect. We've got to offer the next generation hope."

Chalmers thinks the intervention has delivered much. There is income management and he has connected government departments that previously acted "completely independently, with no visibility of what others are doing".

His task was to usher in the intervention, but what he never expected to find -- which soon became one of his priorities -- was community stores with poor food. He talks of the importance of food security.

All stores have been independently assessed on their quality of food and governance. Corrective measures have been applied and there are now 72 licensed stores, which does not mean they sell alcohol but that they offer, typically, 900 product lines compared with at most 100 before. Now they are considered good enough to accept the swipe cards provided under the income management regime.

Chalmers thinks Queensland indigenous educator Chris Sarra may have overstated his position in this newspaper last week about the "white trash" occupying Aboriginal communities, and points diplomatically to hard-working teachers, police and nurses. But he clearly shares some of Sarra's concerns.

"There are also people who have found their way into communities and become self-appointed spokesmen, gatekeepers, often the opinion shapers for communities, and those are the people I find to be extremely frustrating," he says. "They're running the community store or the art centre for their own personal benefit, living off the disadvantage of the community for their own benefit, so they'll work hard to prevent the community from advancing or changing or becoming empowered."

On the subject of child sex abuse, Chalmers is non-sensationalist. "I would say the rate of child sex abuse is higher in indigenous communities than it is in mainstream Australia. I'm not in a position to say how much higher it is.

"The emergency response is a holistic attempt to address these problems. Looking at housing, health education and employment, taken together, if we can make progress in building sufficient, quality

housing, we will have gone a long way."

Chalmers is going back to Canberra to a new job: commander, joint capability management division. He leaves believing governments are genuine in their desire to effect change.

"I think the evidence is on the public record of real, genuine commitment to doing something about the circumstances indigenous people find themselves in."

Asked if Aborigines have responded adequately to these changes, Chalmers chooses compassion over blame

"That's a difficult question and the simplistic answer is no. One of the things we need to work with Aboriginal people on is individual and community responsibility. Why doesn't that sense of responsibility exist now? You could easily get into blaming them for the circumstances they now find themselves in.

"The truth is, people find themselves in those circumstances for reasons that 200 years of history have created, and for reasons of failed government policy of years and years."

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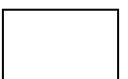
*Copyright 2009 News Limited. All times AEDT (GMT + 11).*

## 12 OFFICER'S REPORTS

### 12.2 Elected Members' Allowances

Report No. 09TC0006 Common No. 1482882

*Report Number 09TC0006 is attached.*



ENCL: YES

## DARWIN CITY COUNCIL

DATE: 11/03/09

## REPORT

TO: 1ST ORDINARY COUNCIL/OPEN

APPROVED: BD

FROM: CHIEF EXECUTIVE OFFICER

REPORT NO: 09TC0006 BD:jp

COMMON NO: 1482882

SUBJECT: ELECTED MEMBERS ALLOWANCES

## ITEM NO: 12.2

**SYNOPSIS:**

Allowances and expenses payable to Elected Members are set out:-

- Part 7.1 of the Local Government Act 2008 (**Attachment A**);
- Part 29 of the Local Government Act 2008 Guidelines (**Attachment B**); and
- Councils Elected Members Allowances and Expenses Policy (**Attachment C**).

The system that is now in place across the Northern Territory was based on Darwin City Council's system which was introduced following the Tambling "Remuneration Review 2003" which Council commissioned.

Prior to the introduction of the Local Government Act 2008 and the associated Ministerial Guidelines, Council paid an Extra Meeting Allowance for attendance at ordinary meetings of Management, Advisory and Community Committees. Under the current arrangements, Elected Members are not eligible to receive an Extra Meeting Allowance for attendance at these meetings.

The Lord Mayor has written to the Minister for Local Government and requested that this issue be addressed (**Attachment D**).

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 REPORT NUMBER: 09TC0006  
 SUBJECT: ELECTED MEMBERS ALLOWANCES

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## **GENERAL**

Prior to the introduction of the Local Government Act 2008 and Ministerial Guidelines on 1 July 2008, Council had the following policy position in relation to the payment of Extra Meeting Allowances during the 2007/08 financial year:

- “vi). *That for the purpose of defining those meetings for which the “additional allowance” referred to in paragraph C(iii) above shall apply, the following be adopted:*
- *Special meetings of Council and Special Meetings of Standing Committees and Ordinary and/or Special Meetings of Management Committees or Advisory Committees excluding sub-committees unless specifically authorised by a Council resolution.*
  - *Meetings of external agencies or organisations to which the Council has formally appointed or nominated through LGANT, a representative excluding sub-committees unless specifically authorised by a Council resolution.”*

*Paragraph C(iii) referred to above is as follows:*

- “iii). *The allowance to be paid to all Aldermen, except that Alderman appointed to the position of Deputy Lord Mayor, shall be paid monthly in arrears, as follows:*
- *Base allowance of \$16,995.00 per annum;*
  - *Additional allowance of \$151.50 per meeting for up to two meetings per day or a maximum of \$303.00 in a day, with the total “additional allowance” payable per year being \$11,330.00.”*

Part 2.3 of the Ministerial Guidelines (**Attachment B**) which came into force on 1 July 2008 contains the following provisions in relation to Extra Meeting Allowances.

- “(3) *Only the following claims may be approved:*
- (i) *special meetings of Council and special meetings of council Committees;*
  - (ii) *meetings of external agencies or organisations to which the Council has formally appointed, or nominated through or with LGANT, a representative;*
  - (iii) *professional development courses/conferences that have approval and are in line with council policy.*

*Note that meetings of sub-committees to the above committees, agencies or organisations do not attract extra meeting allowance.*

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 SUBJECT: ELECTED MEMBERS ALLOWANCES

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*The extra meeting allowance is capped. (see table on page 12, Ordinary Council Members, S and T)."*

The provisions do not include the ability for Elected Members to be paid an Extra Meeting Allowance for attendance at Ordinary Meetings of Management, Advisory and Community Committee Meetings.

That said, clarification was sought for the NT Department of Local Government who advised that an Extra Meeting Allowance should not be paid for ordinary meetings of such committees.

A legal opinion was obtained from Cridlands MB which was circulated to Elected Members in an email on 11 November 2008 (**Attachment E**).

Their summary advice in relation to Extra Meeting Allowances for attendance at ordinary meetings of such committees is as follows:

*"Summary Advice*

1. *The base allowance payable to members of Council covers attendance at "regular council and committee meetings" and members are not entitled to an extra allowance for attending such meetings.*
2. *An extra meeting allowance is payable for special meetings of council and committees provided an approved claim has been made and the requirements of paragraph 7(4) of the Guidelines satisfied in relation to such a claim. This extra allowance is not payable to the Lord Mayor, Deputy Lord Mayor or Acting Lord Mayor.*
3. *The extra meeting allowance also applies to meetings of external agencies and organisations to which Council has been formally appointed. Your instructions do not refer to any such agencies or organisations."*

The non payment of an Extra Meeting Allowance for attendance at Ordinary Management, Advisory and Community Committee Meetings has the potential to reduce payments to some Darwin City Council Elected Members relative to the payments received prior to the introduction of the Local Government Act 2008 and Ministerial Guidelines on 1 July 2008.

**Attachment F** contains a comparison of the number of Extra Meeting Allowances paid over the period 2005/2006 – 2007/2008 together with the estimated figure for 2008/2009 based on the membership of Elected Members on various committees and where members are Councils official representative on external organisations.

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### **FINANCIAL IMPLICATIONS:**

Relative to the adopted position of Darwin City Council in 2007/08, some Elected Members may be financially disadvantaged as a result of the conditions for payment of the Extra Meeting Allowance which were introduced on 1 July 2008.

A comparison of allowances claimable by the Lord Mayor and Aldermen of Darwin City Council prior to and after the introduction of the new Act and Guidelines on 1 July 2008 is as follows:

<b>LORD MAYOR</b>		
<b>Financial Year</b>	<b>2007/08</b>	<b>2008/09</b>
Base Allowance	\$ 96,408.00	\$103,472.00
Electoral Allowance	\$ 26,419.00	\$ 27,234.00
Professional Development Allowance	\$ 3,347.00	\$ 3,102.00
<b>Total Claimable</b>	<b>\$126,174.00</b>	<b>\$133,808.00</b>

<b>ALDERMEN</b>		
<b>Financial Year</b>	<b>2007/08</b>	<b>2008/09</b>
Base Allowance	\$ 16,995.00	\$ 18,609.00
Electoral Allowance	\$ 6,613.00	\$ 6,809.00
Professional Development Allowance	\$ 3,347.00	\$ 3,102.00
Extra Meeting Allowance (per meeting)	\$ 151.50	\$ 156.00
Max.Extra Meeting Allowance	\$ 11,330.00	\$ 12,406.00
<b>Total Claimable</b>	<b>\$ 38,285.00</b>	<b>\$ 40,926.00</b>

**Note:** Council member allowances are set with the budget and may not be altered during the financial year. The 2008/09 amounts in these tables are to be increased at 1 January each year at the same percentage as the increase in salaries for Darwin based MLAs. While this affects the table, it does not affect council member allowances until the new financial year.

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 REPORT NUMBER: 09TC0006  
 SUBJECT: ELECTED MEMBERS ALLOWANCES

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### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

#### **Goal**

7 Demonstrate Effective, Open and Responsible Governance

#### **Outcome**

7.1 Effective governance

#### **Key Strategies**

7.1.6 Develop contemporary management policies and by-laws

### **LEGAL IMPLICATIONS:**

Council must comply with the requests of Local Government Act 2008 and the Ministerial Guidelines. Legal advice from Cridlands MB is contained in **Attachment E**.

### **ENVIRONMENTAL IMPLICATIONS:**

Nil

### **PUBLIC RELATIONS IMPLICATIONS:**

Mixed

### **COMMUNITY SAFETY IMPLICATIONS:**

Nil

### **DELEGATION:**

Nil

### **CONSULTATION:**

Cridlands MB  
 NT Department of Local Government

### **PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil



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REPORT NUMBER: 09TC0006  
SUBJECT: ELECTED MEMBERS ALLOWANCES

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### **APPROPRIATE SIGNAGE**

Nil

### **RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

- A. THAT Report Number 09TC0006 entitled, Elected Members Allowances, be received and noted.
- B. THAT Council endorse the Lord Mayors letter to the Minister of Local Government dated 3 March 2009, Document Number 1533895, contained in **Attachment D** to Report Number 09TC0006.
- C. THAT the Lord Mayor write to the Local Government (Administrative and Legislation) Advisory Committee to request that a review of the Local Government Act 2008 and Ministerial Guidelines be undertaken to ensure that Elected Members have not been financially disadvantaged as a result of the introduction of the Act and Guidelines, particularly in relation to the payment of Extra Meeting Allowances.
- D. THAT Council request that the Local Government Association of the Northern Territory (LGANT) make representations to the Minister for Local Government and the Local Government (Administrative and Legislation) Advisory Committee to ensure that Elected Members are not financially disadvantaged as a result of the introduction of the Local Government Act 2008 and the Ministerial Guidelines.

**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

Any queries on this report may be directed to Jeanette Perry on 5505.

## Chapter 7 Rights and obligations of members

### Part 7.1 Allowances and expenses

#### 71 Allowances

- (1) A member of a council is entitled to be paid an allowance by the council.
- (2) The allowance is to be at a rate fixed by the council (subject to guidelines issued by the Minister) for the relevant financial year.
- (3) Allowances for each financial year are to be fixed as part of the council's budget for the relevant financial year.
- (4) Differential allowances may be fixed for:
  - (a) the principal member; and
  - (b) the deputy principal member; and
  - (c) other members of the council.
- (5) Allowances are to be paid as determined by the council but are not to be paid in advance.

#### 72 Expenses

A council member is (subject to conditions and limitations determined by the council) entitled to payment or reimbursement of reasonable expenses for travel and accommodation necessary for:

- (a) attending a meeting of the council, a local board or a council committee; or
- (b) attending to business of the council in accordance with a prior resolution of the council.

### Part 7.2 Conflict of interest

#### 73 Conflict of Interest

- (1) A member has a *conflict of interest* in a question arising for decision by the council, local board or council committee if the member or an associate of the member has a personal or financial interest in how the question is decided.

## LOCAL GOVERNMENT ACT 2008 GUIDELINES

### 2. Allowances for Council Members

#### 1. Background

Section 71(1) of the *Local Government Act 2008* provides that, "A member of council is entitled to be paid an allowance by the council." Section 71(2) qualifies this by providing that, "The allowance is to be at a rate fixed by council (subject to guidelines issued by the Minister) for the relevant financial year."

#### 2. Council Member Allowances for 2008/09

Where the budget for a council for the 2008/09 year has been approved by council prior to the commencement of the 2008/09 year and where that budget has made provision for council member allowances, that provision, provided it is consistent with these guidelines, is taken to be a provision in accordance with s71 of the *Local Government Act 2008*.

#### 3. Definitions and Abbreviations

##### **Approval**

Means approval of the council or CEO according to council policy.

##### **Acting Principal Member**

Refers to a person appointed pursuant to s43(2)(b), s43(2)(c), or s43(3) of the *Local Government Act 2008*.

##### **Base Allowance**

The base allowance covers those activities required of a council member in the performance of his or her role as an elected representative. Without limiting the generality of the preceding sentence, the base allowance covers:

- (1) agenda study and meeting preparation;
- (2) attendance at regular council and committee meetings;
- (3) attendance at social functions as a council representative;
- (4) constituency responsibilities; and
- (5) council representation outside the municipality, including delegations interstate and overseas, unless such representation has extra meeting allowance approval.

##### **Electoral Allowance**

An allowance provided to assist council members with electoral matters. It may be used at the discretion of individual council members.

##### **Extra Meeting Allowance**

- (1) For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
- (2) For other council members this allowance is paid only after an approved claim has been made.
- (3) Only the following claims may be approved:
  - (i) special meetings of Council and special meetings of council committees;
  - (ii) meetings of external agencies or organisations to which the Council has formally appointed, or nominated through or with LGANT, a representative;
  - (iii) professional development courses/conferences that have approval and are in line with council policy.

Note that meetings of sub-committees to the above committees, agencies or organisations do not attract extra meeting allowance.

The extra meeting allowance is capped. (see table on page 12, Ordinary Council Members, S and T).

#### ***Ordinary Council Member***

A council member other than the principal member, deputy principal member or, during the relevant period, an acting principal member.

#### ***Professional Development Allowance***

An allowance payable to council members to attend appropriate and relevant conferences or training courses which sustain a member's professional competence by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

#### ***Sub-committee***

A subordinate group established by either:

- (1) a council committee, or
- (2) an external committee, organisation or agency on which Council has a representative, that performs specific functions delegated to it by that committee, organisation or agency

Meetings of such a group are not special meetings and as such do not attract an extra meeting allowance.

**4. Category of Council**

- (1) Councillor allowances will apply differently according to the category of the Council.
- (2) Councils must apply to the Minister in order to move between categories.

**5. Categories**

**(1) Category 1**

Darwin City Council

**(2) Category 2**

(allowances, apart from professional development allowance, are 70% of category 1)

City of Palmerston

Alice Springs Town Council

**(3) Category 3**

(allowances, apart from professional development allowance, are 60% of category 1)

Litchfield Council

**(4) Category 4**

(allowances, apart from professional development allowance, are 50% of category 1)

Katherine Town Council

East Arnhem Shire Council

**(5) Category 5**

(allowances, apart from professional development allowance, are 40% of category 1)

Barkly Shire Council

Central Desert Shire Council

MacDonnell Shire Council

Roper Gulf Shire Council

Tiwi Islands Shire Council

Victoria-Daly Shire Council

West Arnhem Shire Council

**(6) Category 6**

(allowances, apart from professional development allowance, are 20% of category 1)

Belyuen Council

Coomalie Council

## Wagait Shire Council

### 6. Maximum Rates of Allowance

The amounts listed in the table are the maximum payable to council members in the 2008/09 financial year. Councils may resolve to pay members less.

In future financial years, the amount is to be calculated by increasing the amounts in the table by the percentage increase in the salary of a Darwin based MIA as at 1 January each year.

### 7. Rules Regarding Allowances

#### (1) *Base Allowance Claims*

The base allowance is automatically paid to council members each month or at such frequency as resolved by council, in arrears.

#### (2) *Electoral Allowance Claims*

The electoral allowance is automatically paid to council members each month or at such frequency as resolved by council, in arrears.

#### (3) *Acting Principal Member Claims*

(a) When the deputy principal member carries out the functions of the principal member as outlined in s43(2)(b) and s43(2)(c) of the *Local Government Act 2008*, the deputy principal member is entitled to be paid an allowance as the acting principal member.

(b) If some other council member is acting as the principal member in accordance with s43(3) of the *Local Government Act 2008*, the member is entitled to be paid an allowance as the acting principal member.

(c) The acting principal member is entitled to be paid the daily rate (see table on page 12, Acting Principal Member, M). While a council member is acting principal member, the extra meeting and base allowances are suspended. In the case of base allowance, this is on a pro rata basis. The member is still entitled to their usual electoral allowance. The daily rate includes Saturdays, Sundays and public holidays.

(d) The maximum number of days (including Saturdays, Sundays and public holidays) that a council member may be paid as the acting principal member is an aggregate of 90 days in a financial year. A member may continue to hold the position for a longer period if council so resolves, however, the allowance reverts to the usual rate for that member.

#### (4) *Extra Meeting Allowance Claims*

(a) Council members may only claim an extra meeting allowance for meetings/events referred to under the definition of extra meeting allowance and the meeting has been approved as an "extra meeting".

- (b) An extra meeting allowance can be claimed for up to a maximum of two meetings per day.
  - (c) Council members must not claim for an extra meeting allowance more than once for the same meeting.
  - (d) When a council member is required to travel in order to attend an approved extra meeting, the council member may claim an extra meeting allowance for each full day of travel, unless that travel falls on the same day on which the meeting is held. In this context, a full day of travelling means at least four hours of travelling, which may include time in transit.
  - (e) Claims must be made using the approved forms.
  - (f) Forms must include the date on which the meeting was held and indicate the period of time the member was present at the meeting.
  - (g) The member must have attended at least 75% of the duration of the meeting to claim an extra meeting allowance.
  - (h) Claims for extra meeting allowance must be made by the second working day in the month following the meeting for which the claim is made, or as resolved by council. Payment of extra meeting allowance is monthly or as resolved by council.
  - (i) Claims for extra meeting allowance not made in accordance with (h) will be regarded as a late claim and paid with the next monthly payment. However, if the claim is not made within three months of the meeting for which the extra meeting allowance is claimed, the right to an extra meeting allowance for that meeting is forfeited.
  - (j) Claim forms must be submitted by the approved method.
- (5) Professional Development Allowance Claims**
- (a) This allowance is available to all council members.
  - (b) The professional development allowance may be claimed multiple times each year, but the total value of those claims must not exceed the amount specified in the tables on pages 11 and 12 (see D, J and R).
  - (c) The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.
  - (d) An extra meeting allowance may be claimed for each day of attendance at a professional development course/conference.
  - (e) Claims must be made using approved forms.

- (f) Only approved courses/conferences that are in line with council policy attract professional development allowance.

## 8. **Payment of Allowances**

Payment shall be lodged with the council's bank for transfer to council members by no later than the fifth working day in each month, or as resolved by council.

Council members may choose to have some, or all, of their allowance paid into a superannuation fund according to council policy.

NOTE s/1(5) of the *Local Government Act 2008* provides that allowances are not to be paid in advance.



9. Maximum Council Member Allowances

Note - Council member allowances are set with the budget and may not be altered during the financial year. The amounts in this table are to be increased at 1 January each year at the same percentage as the increase in salaries for Darwin based MLAs. While this affects this table, it does not affect council member allowances until the new financial year.

Principal Member							
A	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6	
	1. Darwin	2. Port Jackson and Alice Springs	3. Milefield	4. Katherine and Isaac Ambem	5. Barkly, Roper, Gali, MacDonnell, Woll, Ambem, Victoria, Daly, Central Desert, Tiwi Islands	6. Barkine, Cassville, Wagarri	
B	Base Allowance	\$103,472	\$71,031	\$57,084	\$51,730	\$41,380	\$70,689
C	Director's Allowance						
		\$22,234	\$19,064	\$6,544	\$13,617	\$10,894	\$5,447
D	Professional Development Allowance						
		\$3,102	\$1,102	\$3,102	\$3,102	\$3,102	\$1,102
E	Total claimable	\$125,606	\$91,197	\$61,186	\$64,837	\$55,355	\$78,234

Deputy Principal Member							
G	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6	
	1. Darwin	2. Port Jackson and Alice Springs	3. Milefield	4. Katherine and Isaac Ambem	5. Barkly, Roper, Gali, MacDonnell, Woll, Ambem, Victoria, Daly, Central Desert, Tiwi Islands	6. Barkine, Cassville, Wagarri	
H	Base Allowance	\$38,261	\$23,085	\$21,057	\$19,121	\$15,154	\$7,051
I	Electoral Allowance	\$5,905	\$4,267	\$4,084	\$3,202	\$2,724	\$3,302
J	Professional Development Allowance						
		\$2,102	\$1,102	\$2,102	\$2,102	\$2,102	\$1,102
K	Total claimable	\$46,372	\$31,652	\$27,165	\$25,026	\$20,131	\$12,217

# Maximum Council Member Allowances (cont)

## Acting Principal Member

L	Acting Principal Member	Category 1:	Category 2:	Category 3:	Category 4:	Category 5:	Category 6:
		Dennis	Polmerston and Alice Springs	Leefield	Katherine and Carr Anthelm	Shelly, Roger Gail, Mr Donald Wray, Anthony, Victoria- Day, Central Otago, Tui	Bevina, Coonah, Wagon
M	Duty Rate	\$158	\$252	\$216	\$180	\$144	\$72
N	Maximum claimable (90 days)	\$72,319	\$72,617	\$75,386	\$16,135	\$12,924	\$6,462

## Ordinary Council Members

O	Council Members other than PM and the DPPM	Category 1:	Category 2:	Category 3:	Category 4:	Category 5:	Category 6:
		Levin	Polmerston and Alice Springs	Leefield	Katherine and Carr Anthelm	Betty, Roger Gail, Mr Donald Wray, Anthony, Victoria- Day, Central Otago, Tui	Bevina, Coonah, Wagon
P	Base Allowance	\$18,600	\$13,027	\$11,166	\$9,305	\$7,444	\$4,722
Q	Election Allowance	\$6,809	\$6,767	\$4,006	\$3,465	\$2,224	\$1,762
R	Professional Development Allowance	\$3,102	\$3,103	\$3,102	\$3,102	\$3,103	\$1,102
S	Extra Meeting Allowance (per meeting)	\$156	\$110	\$94	\$78	\$63	\$52
T	Max extra meeting allowance	\$12,406	\$9,685	\$7,444	\$6,203	\$4,961	\$3,482
U	Taxes Clinton 2012	\$46,506.06	\$29,581	\$25,798	\$13,015	\$8,273	\$16,605

ORDINARY COUNCIL MEETING - OPEN SESSION  
TUESDAY, 25 NOVEMBER, 2008

PAGE

2<sup>nd</sup> COUNCIL

13 OFFICER'S REPORTS

13.3 Elected Members Allowances and Expenses Policy

Report No.08TC0095 REB:rob (17/11/08) Common No.1482802

(Marrone/Songster)

- A. THAT Report Number 08TC0095 REB:rob entitled Elected Members Allowances and Expenses Policy, be received and noted.
- B. THAT pursuant to Section 2, 7 (5) of the Local Government Act 2008 Ministerial Guidelines, use of the Professional Development Allowance must be:
  - i). approved by the Chief Executive Officer, prior to attendance at a professional development activity;  
  
In accordance with Section 71(5) of the Local Government Act 2008, these allowances will not be paid in advance except for course fees, conference registration costs, travel and accommodation which will be paid for by the Council to the provider of the relevant service in advance of attendance at the approved activity; and
  - ii). for an approved Course or Conference, requires the completion of Form A1 (a) or (b) to use the Professional Development funds and Form A2 if claiming an 'Extra Meeting Allowance' during the period of attendance.
- C. THAT in accordance with Section 71(2) and 72 (b) of the Local Government Act 2008, when a Member of Council is required to travel outside the Darwin region to attend to Council approved activities, the Council shall meet all reasonable travel, conference, meals and accommodation fees associated with that attendance
- D. THAT in accordance with Section 7 (4)(d) of the Local Government Act 2008 Ministerial Guidelines, when a Council Member is required to travel in order to attend an approved activity (Professional Development or Council has a formal Representative), the Council Member may claim an extra meeting allowance for each full day of travel, unless that travel falls on the same day on which the meeting is held. In this context, a full day of travelling means at least four hours of travelling, which may include time in transit.
- E. THAT Council recoup the overpayment of the Extra Meeting Allowances (paid from July October 2008), from individual Members in monthly installments of equal value from the period December 2008 to June 2009.
- F. THAT Policy No.372 – Elected Members Allowances and Expenses be amended as contained within Attachment A to Report Number 08TC0095 and further amended at the meeting to allow Elected Members to deposit all or part of their allowance into a superannuation fund of their choice.
- G. THAT Policy No.322 – Travel Expenses Elected Members contained within Attachment B to Report Number 08TC0095 be deleted, as it is incorporated in new Policy No.372 – Elected Members Allowances and Expenses.

DECISION NO.20\1046

(25/11/08)

Carried

ACTION: CA (POLICY)  
ACTION: GM-CORP  
ACTION: LM EA

Please quote:315321 BD:jp

3 March 2009

The Hon. Rob Knight, MLA  
Minister for Local Government  
GPO Box 3146  
DARWIN NT 0801

Dear Minister

### **Elected Member Allowances**

I am writing to you in relation to Elected Member Allowances and in particular, to Extra Meeting Allowances.

Prior to the introduction of the Local Government Act 2008, members of the Darwin City Council were paid Extra Meeting Allowances for attendance at a range of Advisory and Community Committee Meetings, for example, the Arts and Cultural Development Advisory Committee, Disability Advisory Committee, Community Safety and Security Advisory Committee and the Anchorage Sister Cities Community Committee.

Since the introduction of the Local Government Act 2008 and the Ministerial Guidelines dated 28 June 2008, Members have not been entitled to payment for attendance at these meetings.

The non eligibility for payment has been confirmed by the Department of Local Government and by independent legal advice.

Notwithstanding the cap on payments for attendance at extra meetings, I believe that this change will result in a reduction in payment to some members which I trust is an unintended consequence.

I would appreciate your review and as appropriate changes to the legislation and guidelines to ensure that members are not financially disadvantaged though the changes that have occurred.

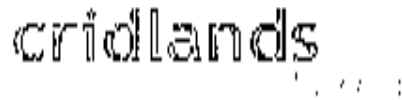
Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

**GRAEME SAWYER**  
**LORD MAYOR**



DARWIN200



12/11/2008  
11:11 AM  
11/11/2008  
11:11 AM  
Allan Springs

Our Ref: RCG120082565  
Your Ref:

11/11/2008  
11:11 AM

11 November 2008

Attention: Brendan Dowd

Chief Executive Officer  
Darwin City Council  
Via email

Dear Brendan

#### Elected members allowance – committee meetings

I refer to your instructions of 10 November to advise us to the entitlement of members to an allowance for attending meetings of committees.

#### Summary Advice:

1. The base allowance payable to members of Council covers attendance at "regular council and committee meetings" and members are not entitled to an extra meeting allowance for attending such meetings.
2. An extra meeting allowance is payable for special meetings of council and committees provided an approved claim has been made and the requirements of paragraph 7(4) of the Guidelines satisfied in relation to such a claim. This extra allowance is not payable to the Lord Mayor, Deputy Lord Mayor or Acting Lord Mayor.
3. The extra meeting allowance also applies to meetings of external agencies and organisations to which Council has been formally appointed. Your instructions do not refer to any such agencies or organisations.

#### Facts and Background

1. Members of Council are appointed to:
  - (a) committees established under Part 5.2 (sections 54-57) of the *Local Government Act* ("the Act"); and
  - (b) external committees where they may be a representative of Council,
 and attend meetings of those committees.

The committees established by Council under section 54 of the Act, include a Community Services Committee, a Corporate & Economic Development Committee, an Environment & Infrastructure Committee, a Town Planning Committee, an Arts & Cultural Development Committee, an Audit Committee and various advisory and sister cities committees.

Such committees were previously described as standing committees, management committees and advisory committees under sections 134-136 of the repealed *Local Government Act*.

2. Allowances for members of Council are fixed by Council as part of Council's budget for the relevant financial year and are subject to the guidelines issued by the Minister under section 258 of the Act – refer sub-sections 7(2) & (3).
3. I have not sighted the allowances fixed by Council for the 2008/9 financial year but have for the purposes of this advice assumed that they are the amounts provided for in the guidelines made by the Minister on 28 June 2008 ("the Guidelines").
4. Section 2 of the Guidelines provides for allowances payable to members. Relevant provisions of the Guidelines are:
  - (a) paragraph 3 – definitions of:
    - (i) "Base Allowance" which is provided to cover "attendance at regular council meetings and committee meetings";
    - (ii) "Extra meeting allowance" which provides, amongst other things, that claims for such an allowance can only be approved for members (other than, for DCC purposes, the Lord Mayor, deputy Lord Mayor and acting Lord Mayor):
      - (A) "special meetings of council and special meetings of council committees"; and
      - (B) "meetings of external agencies and organisations to which Council is formally appointed, or nominated through or with LGANT, a representative",
 provided that an approved claim has been made and the requirements of paragraph 7(4) have been met
    - (iii) "Sub-committee" which provides that meetings of subcommittees are not special meetings and do not attract the extra meeting allowance.
  - (b) Paragraph 7(4) which provides, amongst other things, that:
    - (i) "members can only claim an extra meeting allowance for meetings/events referred to under the definition of "extra meeting allowance and the meeting has been approved as an "extra meeting" – refer sub-paragraph (a).
    - (ii) "an extra meeting allowance can only be claimed for up to a maximum of two meetings per day" – refer sub-paragraph (b);
    - (iii) "claims must be made using the approved forms" – refer sub-paragraph (c).
  - (c) The table in paragraph 9 which provides for DCC ordinary members to receive the following amounts (these are maximum amounts):

11 November 2008

5

- (i) A Base Allowance of \$18,609;
- (ii) An extra meeting allowance (per meeting) of \$156 with the maximum amount for such extra meetings being \$12,406 (this appears to be an annual maximum).

I trust that this answers the question raised and will be pleased to advise or assist further as required.

Yours sincerely  
CRISTIANOS MB

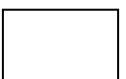


**Richard Giles**  
**Partner**  
direct line (08) 89936 483  
richard.giles@dariglhambury.com.au

## 12 OFFICER'S REPORTS

### 12.3 Planning Institute of Australia 2009 National Congress – Darwin Report No. 09TC0008 Common No. 1454810

*Report Number 09TC0008 is attached.*





ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 11/03/09

TO: 1ST ORDINARY COUNCIL/OPEN

APPROVED: BD

FROM: CHIEF EXECUTIVE OFFICER

REPORT NO: 09TC0008 BD:jp

COMMON NO: 1454810

SUBJECT: PLANNING INSTITUTE OF AUSTRALIA 2009 NATIONAL CONGRESS -  
DARWIN**ITEM NO: 12.3****SYNOPSIS:**

The Planning Institute of Australia will be hold its 2009 Congress in Darwin from 29 March to 1 April 2009. (**Attachment A**).

The Lord Mayor will be welcoming delegates during the Opening Plenary and John Banks, General Manager Community and Cultural Services will be providing an address at the Plenary 2 entitled "Extreme Cities : Planning and Friendship". This address will focus on the sister city relationship that we enjoy with Anchorage.

Some Elected Members have expressed an interest in attending this Conference to represent Council. Given that the Conference is in Darwin it would be appropriate for some Elected Members to represent Council as the host city. In addition, it would be appropriate for some Elected Members to represent Council's views at particular forums and to lobby and otherwise interact with some of the others attending the Conference.

Given the above, it is recommended that Council fund two Elected Members to be delegates at the Conference.

**GENERAL:**

Nil.

**FINANCIAL IMPLICATIONS:**

The base fee for delegate registration is \$1,420.00 per person. The cost of registering two Elected Member delegates can be accommodated from within the existing budget.

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 REPORT NUMBER: 09TC0008 BD:JP  
 SUBJECT: PLANNING INSTITUTE OF AUSTRALIA 2009 NATIONAL CONGRESS -  
 DARWIN

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### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

#### **Goal**

- 1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

- 1.1 Improve relations with all levels of Government

#### **Goal**

- 1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

- 1.2 Effectively engage with community

#### **Goal**

- 7 Demonstrate Effective, Open and Responsible Governance

#### **Outcome**

- 7.2 Display strong and effective leadership, within Council and across Government

#### **Key Strategies**

- 7.2.4 Keep abreast of Australian and world trends to ensure Darwin is prepared and can make informed decisions

### **LEGAL IMPLICATIONS:**

Council is not able to pay an Elected Member to attend a professional development conference other than in accordance with the Ministerial Guidelines and Council's Policy.

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 REPORT NUMBER: 09TC0008 BD:JP  
 SUBJECT: PLANNING INSTITUTE OF AUSTRALIA 2009 NATIONAL CONGRESS -  
 DARWIN

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The relevant provision of the Ministerial Guidelines are as follows:

***Professional Development Allowance***

An allowance payable to council members to attend appropriate and relevant conference or training courses which sustain a member's professional competence by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

Council's Policy is at **Attachment B**.

Council may pay for an Elected Member to attend if, by prior resolution of Council, the reason for attendance is distinguished from a professional development activity.

In this case, the reasons for attendance could be to represent Council as the host city, to represent the view of Council at a variety of forums and to lobby and interact with other attendees for the purpose of improving planning and development in Darwin.

**ENVIRONMENTAL IMPLICATIONS:**

Nil.

**PUBLIC RELATIONS IMPLICATIONS:**

Nil.

**COMMUNITY SAFETY IMPLICATIONS:**

Nil.

**DELEGATION:**

Nil.

**CONSULTATION:**

Cridlands MB.

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

PAGE: 4  
REPORT NUMBER: 09TC0008 BD:JP  
SUBJECT: PLANNING INSTITUTE OF AUSTRALIA 2009 NATIONAL CONGRESS -  
DARWIN

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### **APPROPRIATE SIGNAGE**

Nil.

### **RECOMMENDATIONS:**

- A. THAT Report Number 09TC0008 BD:JP entitled, Planning Institute of Australia 2009 National Congress - Darwin, be received and noted.
- B. THAT Council pay for Alderman ..... and Alderman ..... to attend the Planning Institute of Australia 2009 Congress to be held in Darwin from 29 March to 1 April 2009 to enable them to:
  - Represent Darwin City Council as the host city;
  - Represent the views of Council in relation to planning and development; and
  - To lobby and interact with other attendees for the purpose of improving plans and development in Darwin.

**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

Any queries on this report may be directed to Brendan Dowd on 5505

Planning Institute of Australia 2009 National Congress 29 March - 1 April 2009 Darwin

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## OUR SPONSORS

## INVITATION TO ATTEND

Over 500 planners, educators, officials and students will attend the Planning Institute of Australia 2009 National Congress.

Darwin is a fast paced, multicultural city and is the meet 'Northern Exposure' - exploring new horizons. We try innovative planning solutions around Australia and look at transit, regulatory reform, climate change and extreme weather, buildings, economics of development, social inclusion.

Our site tours will showcase Darwin and the Northern Territory infrastructure projects, CBD developments, Aboriginal land, significant rural subdivisions.

The Congress is being held at the new Darwin Convention Centre.

So head north with us and allow yourself to explore what you discover!

June D Rozario  
Congress Co-Convenor  
PIA 2009 National  
Congress

RECEIVED: MAY 14 2009

Project Name	Project Description	Project Location	Project Status	Project Manager	Project Budget	Project Timeline	Project Risks	Project Benefits	Project Impact
1. Downtown Heritage Area	Preservation of historic buildings and streets in the downtown area.	Downtown	Completed	John Doe	\$500,000	2018-2020	Low	Increased tourism and local business revenue.	Improved quality of life for residents.
2. Downtown Cultural Center	Construction of a new cultural center for the downtown area.	Downtown	In Progress	Jane Smith	\$1,200,000	2021-2023	Medium	Increased cultural programming and community engagement.	Improved quality of life for residents.
3. Downtown Public Market	Construction of a new public market for the downtown area.	Downtown	Completed	John Doe	\$300,000	2019-2021	Low	Increased local food production and sales.	Improved quality of life for residents.
4. Downtown Public Library	Construction of a new public library for the downtown area.	Downtown	In Progress	Jane Smith	\$800,000	2021-2023	Medium	Increased access to books and educational resources.	Improved quality of life for residents.
5. Downtown Public Park	Construction of a new public park for the downtown area.	Downtown	Completed	John Doe	\$200,000	2018-2020	Low	Increased recreational opportunities for residents.	Improved quality of life for residents.
6. Downtown Public Art	Installation of public art in the downtown area.	Downtown	Completed	Jane Smith	\$100,000	2019-2021	Low	Increased aesthetic appeal and community pride.	Improved quality of life for residents.
7. Downtown Public Transit	Construction of a new public transit system for the downtown area.	Downtown	In Progress	John Doe	\$2,500,000	2021-2025	High	Increased accessibility and convenience for residents.	Improved quality of life for residents.
8. Downtown Public Housing	Construction of new public housing units in the downtown area.	Downtown	In Progress	Jane Smith	\$1,500,000	2021-2023	Medium	Increased affordable housing options for residents.	Improved quality of life for residents.
9. Downtown Public Safety	Implementation of a new public safety program in the downtown area.	Downtown	Completed	John Doe	\$100,000	2019-2021	Low	Increased safety and security for residents.	Improved quality of life for residents.
10. Downtown Public Health	Implementation of a new public health program in the downtown area.	Downtown	Completed	Jane Smith	\$100,000	2019-2021	Low	Increased access to healthcare services for residents.	Improved quality of life for residents.

00000000000000000000000000000000

<b>0830</b>	<b>Registration Breakfast</b>	
<b>0900</b>	<b>Registration</b>	
<b>0910</b>	<b>Welcome - Sue Holliday Acting Chief Executive Officer IFA</b>	
<b>0930</b>	<b>Introduction - Charlie King, Mayor of Vancouver</b>	
<b>0945</b>	<b>Welcome to Country - Larrabee Norton Aboriginal Corporation</b>	
<b>0955</b>	<b>Official Opening - His Honor Mr. Tom Paulding QC, Administrator of the Northern Territory</b>	
<b>1010</b>	<b>Presentation Welcome and Opening Address - Neil Sweeney, IFA National President</b>	
<b>1030</b>	<b>Northern Territory Welcome - The Hon. Paula Lawrie, NT Minister for Planning and Lands, Minister for Infrastructure</b>	
<b>1050</b>	<b>City of Darwin Welcome - Right Worshipful Lord Mayor Mr. Clarence Sawyer, City of Darwin</b>	
<b>1050-1055</b>	<b>BEGINNING TEA</b>	
<b>1100-1105</b>	<b>Opening of day - His Excellency Sir Peter Walsh, Governor-General of Australia</b>	
<b>1130</b>	<b>Introduction - Charlie King, Mayor of Vancouver</b>	
<b>1135</b>	<b>Resolving the Carbon Footprint Through Smart Growth and Sustainable Transport - Robert Cervero, Professor of City and Regional Planning, University of Berkeley, USA</b>	
<b>1145</b>	<b>Keshavar Gilleis - Green Network, Professor of Sustainability, Curtin University of Technology, WA</b>	
<b>1155</b>	<b>Green Horizons: Strategies for Re-learning Cities and Towns - Tim Healey, Professor of Sustainable Communities, University of Virginia, USA</b>	
<b>1235</b>	<b>LUNCH</b>	
<b>1430-1400</b>	<b>LUNCH</b>	

## 11013

1400	Introduction • Charlie King, Mayor of Communities			
1405	Extreme Cities: Planning a Partnership • John Banks, Executive General Manager, Community and Cultural Services, Greater City Council, NT			
1450	Planning for Sustainable Growth • Richard Hogg, Acting Group Executive Strategic Planning, Urban Development Authority, Singapore			
1455	Developing an Integrated Water-Farm Project: Lessons from Cape Town for Durban • Piet Van Aal, Executive Director, Water and Planning, City of Cape Town, South Africa			
1520	Questions			
1530-1600	AFTERNOON TTA			
1600-1630	Registration for Planners			
SESSION	Community Participation	Managing Growth	Planners of Tomorrow (Young Planners)	International Perspectives
ROOM	Waterfront Room 1	Auditorium	Waterfront Room 2	Waterfront Room 3
CHAIR		Mark Morkum	Elly Layton	
1630	Many challenges in community planning from the US and Australia	Replicability Australia: Local Councils Without Region, Greater Western Sydney	Planning for a better Singapore in the 21st Century: Keynote of the 4th Urban Planning Symposium Against the Odds: Planning legislation in Canada, London and New York	Rapid Population Growth and Affordable Housing in Colombo City, Sri Lanka
1630-1700	Water Kind of City do You Want? Sydney to here?	Managing Melbourne's Growth Areas	Forward Agenda: Urban Planning in the 21st Century	Intensified Urban Form and Affordable Housing in Curitiba, Brazil
1700-1730	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3
1730-1800	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3
1800-1830	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3
1830-1900	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3
1900-1930	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3
1930-2000	Water: Planning the Future: Parting the Continuity from Planning from Here	A Tale of Two Cities—Innovative Strategic Planning in the Greater Hong Kong Region	Waterfront Room 2	Waterfront Room 3

## Index

to look outside and only then attempt to understand what is going on inside. This is a very common mistake in the study of human behavior. The correct approach is to look inside first and then look outside. This is the only way to understand the human mind.

1.  $\mathbb{R}^n$  is a vector space over  $\mathbb{R}$ .

[illegible]



Title: Elected Members Allowances and Expenses  
 Policy No: 372  
 Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	History
1	20\0410	01/07/08	<a href="#">Adopted – Version 1</a>
2		22/09/08	Administrative changes - added Ministerial Guidelines (Document No.1456438)
3	20\1046	25/11/08	Amended
4			

## 1. Purpose

Pursuant to Section 71 and 72 of the Local Government Act 2008 and the Local Government Act 2008 Ministerial Guidelines, this Policy clarifies the Allowances and Expenses to be paid to Elected Members, including Professional Development and Council Approved activities and travel.

The Ministerial Guidelines (Document No.1456438) are attached.

## 2. Policy

### Summary

- Allowances for year ending 30 June 2009 will be paid at 100% of the amount for a Category 1 Council (as provided for in the Ministerial Guidelines).
- Allowances will be paid monthly in arrears
- Base Allowance covers:
  - Agenda study and meeting preparation;
  - Attendance at regular council and committee meetings (including Advisory and sub-committees);
  - Attendance at social functions as a council representative;
  - Constituency responsibilities; and
  - Council representation outside the municipality, including delegations interstate and overseas, unless such representation has extra meeting allowance approval.
- Extra Meeting Allowance does not get paid to Lord Mayor, Deputy Lord Mayor or Acting Lord Mayor.
- Extra Meeting Allowance (for all other Members) covers:
  - Special meetings of Council and special meetings of council committees;
  - Meetings of external organisations to which Council has a formal representative (eg. LGANT).
  - professional development courses/conferences that have approval and are in accordance with this Policy.

- Chief Executive Officer (CEO) to approve claims for use of Professional Development. Approval will be given if expenditure supports an Elected Member to:
  - further his/her knowledge of Local Government;
  - undertake courses of study in a discipline that would assist in the performance as an Elected Member;
  - attend a course/conference on a topic or function related to Local Government;
- When using Professional Development for a course/conference, an Extra Meeting Allowance may be claimed.
- If attending Council approved activity or CEO approved Professional Development activity outside Darwin region, Council will pay reasonable travel, conference/course fees, meals and accommodation.
- Council approved activity only attracts an Extra Meeting Allowance if Council has a formally appointed representative (as per 2, 3 (3)(ii) of the Ministerial Guidelines).

### 3. Resolutions

#### Allowances

- A. THAT pursuant to Section 71(2) of the Local Government Act, 2008, the Council hereby fixes the rate of allowances to be paid to members of the Council for the year ending 30 June 2009 at 100% of the amount for a Category 1 Council, as provided for in the Guidelines approved by the Minister pursuant to Section 71(2) of the Local Government Act.
- B. THAT pursuant to Section 71(5) of the Local Government Act 2008, the Council determines that all allowances shall be paid monthly in arrears and that the base allowance and electoral allowance will be paid on a monthly basis in arrears without the need for a member to make a claim.
- C. THAT pursuant to Section 2, 7 (4) (e) and (h) of the Local Government Act 2008 Ministerial Guidelines, claims for allowances must be lodged on an approved form signed by the claimant member and must be made by the second working day in the month following the meeting for which the claim is made.
- D. THAT the Council approves the claim forms for allowances as attached to Report Number 08TC0050 as the forms to be used by Members when claiming:
  - i). Form A1 (a) and (b) : Professional Development
  - ii). Form A2 : Extra Meetings Allowance
- E. THAT claims for allowances must be lodged on an approved form signed by the claimant member.



- F. THAT pursuant to Section 32 of the Local Government Act 2008 the Council delegates to the Chief Executive Officer the power and authority to approve claims for allowances in accordance with the guidelines and appropriate policy.
- G. THAT subject to confirmation of the ability to do so, members may choose to have all or part of their allowances paid into the Local Superannuation Fund or another fund of their choice.
- H. THAT pursuant to Section 2, 3 of the Local Government Act 2008 Ministerial Guidelines, the Base Allowance covers; (1) Agenda study and meeting preparation; (2) Attendance at regular council and committee meetings (including Advisory and sub-committees); (3) Attendance at social functions as a council representative; (4) Constituency responsibilities; and (5) Council representation outside the municipality, including delegations interstate and overseas, unless such representation has extra meeting allowance approval.

### **Professional Development or Council Approved Activity**

- I. THAT pursuant to Section 2, 7 (5) of the Local Government Act 2008 Ministerial Guidelines, use of the Professional Development Allowance must be:-
- i). approved by the Chief Executive Officer, prior to attendance at a professional development activity;
- In accordance with Section 71(5) of the Local Government Act 2008, these allowances will not be paid in advance except for course fees, conference registration costs, travel and accommodation which will be paid for by the Council to the provider of the relevant service in advance of attendance at the approved activity; and
- ii). for an approved Course or Conference, requires the completion of Form A1 (a) or (b) to use the Professional Development funds and Form A2 if claiming an 'Extra Meeting Allowance' during the period of attendance.
- J. THAT in accordance with Section 71(2) and 72 (b) of the Local Government Act 2008, when a Member of Council is required to travel outside the Darwin region to attend to Council approved activities, the Council shall meet all reasonable travel, conference, meals and accommodation fees associated with that attendance.
- K. THAT in accordance with Section 7 (4)(d) of the Local Government Act 2008 Ministerial Guidelines, when a Council Member is required to travel in order to attend an approved activity (Professional Development or Council has a formal Representative), the Council Member may claim an extra meeting allowance for each full day of travel, unless that travel falls on the same day on which the meeting is held. In this context, a full day of travelling means at least four hours of travelling, which may include time in transit.

## 4. Details

### 4.1 Base Allowance

Section 2, 3 of the Local Government Act 2008 Ministerial Guidelines as follows:-

*The base allowance covers those activities required of a council member in the performance of his or her role as an elected representative. Without limiting the generality of the preceding sentence, the base allowance covers:*

- (1) *Agenda study and meeting preparation;*
- (2) *Attendance at regular council and committee meetings*
- (3) *Attendance at social functions as a council representative;*
- (4) *Constituency responsibilities; and*
- (5) *Council representation outside the municipality, including delegations interstate and overseas, unless such representation has extra meeting allowance approval.*

Part 2 above, incorporates attendance at all **regular** Council committee meetings, including Standing, Management, Advisory Committees and sub-committees thereof.

### 4.2 Extra Meeting Allowance

Section 2, 3 of the Local Government Act 2008 Ministerial Guidelines as follows:-

- (1) *For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.*
- (2) *For other council members this allowance is paid only after an approved claim has been made.*
- (3) *Only the following claims may be approved:*
  - i). *Special meetings of Council and special meetings of council committees;*
  - ii). *Meetings of external agencies or organisations to which the Council has formally appointed, or nominated through or with LGANT, a representative;*
  - iii). *professional development courses/conferences that have approval and are in line with council Policy.*

### 4.3 Professional Development

#### **Description**

An amount of funding allocated pursuant to the Local Government Act 2008 Guidelines to support Elected Members in undertaking personal and professional development.

The Local Government Act 2008 Guidelines states:

*Professional Development Allowance is an allowance payable to council members to attend appropriate and relevant conferences or training courses which sustain a member's professional competence by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.*

#### **Claims**

- a). *This allowance is available to all council members.*
- b). *The professional development allowance may be claimed multiple times each year, but the total value of those claims must not exceed the amount specified in the tables on pages 11 and 12 (see D, J and R on page 18 and 19 of this policy.)*
- c). *The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.*
- d). *An extra meeting allowance may be claimed for each day of attendance at a professional development course/conference.*
- e). *Claims must be made using approved forms.*
- f). *Only approved courses/conferences that are in line with council policy attract professional development allowance.*

#### **Guidelines**

Elected Members may access this annual allocation by completing the appropriate form and submitting to the Chief Executive Officer for approval, prior to any commitments being made.



The Chief Executive Officer will approve such applications if the expenditure supports an Elected Member to:

- further his/her knowledge of Local Government;
- undertake courses of study in a discipline that would assist in the performance as an Elected Member;
- attend a course/conference on a topic or function related to Local Government;

The expenses may cover reasonable travel, accommodation, meals, course fees, conference fees and appropriate associated expenses.

#### ***Payment / acquittal***

Subject to the expense being approved in advance, payment will be made through the Council's purchasing system direct to the provider of the conference etc. or by the way of reimbursement being claimed by the Member and supported by receipts, tax invoices or other evidence of the expense being incurred.

For an approved Course or Conference, an Elected Member must complete Form A1 (a) or A1 (b) to use the Professional Development funds and Form A2 if claiming an 'Extra Meeting Allowance' during the period of attendance.

A register of expenses shall be maintained and reported to Council quarterly.

#### **4.4 Council Approved Activity**

A Council approved activity is defined as an activity approved by Council resolution and may attract an Extra Meeting Allowance.

In accordance with Section 71(2) and 72 (b) of the Local Government Act 2008, when a Member of Council is required to travel outside Darwin to attend to Council approved activities, the Council shall meet all travel, conference, meals and accommodation fees associated with that attendance.

The Base Allowance, as per Section 2, 3 '*Base Allowance*' part (5) of the Local Government Act 2008 Ministerial Guidelines, covers Council representation outside the municipality, including delegations interstate and overseas, unless such representation has extra meeting allowance approval.

Section 2, 3 '*Extra Meeting Allowance*' part (3)(ii) states that an 'Extra Meeting Allowance' is approved for meetings of external agencies or organisations to which the Council has formally appointed, or nominated through or with LGANT, a representative.

Therefore, an Extra Meeting Allowance is only applicable for Council approved activities for meetings that Council has formally appointed a Representative.

#### 4.5 Travel Expenses

##### ***Description***

The Council shall meet the cost of air travel where required for Aldermen attending a Council approved activity.

*Note: Separate policy for Lord Mayor's travel.*

##### ***Guidelines***

In normal circumstances the Council will purchase the most economical class of travel ticket available for Aldermen. This might be a discounted ticket or an economy ticket.

Business class tickets will not be purchased for Aldermen.

Should an Elected Member choose to change or alter bookings for personal reasons, the additional cost of these changes shall be met by the Elected Member.

##### ***Payment / Acquittal***

Air travel arrangements are generally made through the Council purchasing system and approved travel agent.

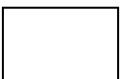
Reimbursement of travel expenses may be claimed in special circumstances, subject to satisfactory documentation eg. tax invoice.

The Council allows Elected Members to retain and make personal use of any frequent flyer points earned whilst travelling at Council's expense.

## 12 OFFICER'S REPORTS

### 12.4 Human Services Training Advisory Council - Local Government Association of the Northern Territory (LGANT) Nominee Report No. 09TC0009 Common No. 1538751

*Report Number 09TC0009 is attached.*





ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 11/03/09

TO: 1ST ORDINARY COUNCIL/OPEN

APPROVED: BD

FROM: CHIEF EXECUTIVE OFFICER

REPORT NO: 09TC0009 BD:JP

COMMON NO: 1538751

**SUBJECT:** HUMAN SERVICES TRAINING ADVISORY COUNCIL - LOCAL  
GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY  
(LGANT) NOMINEE

**ITEM NO: 12.4****SYNOPSIS:**

Nominations have been sought for a LGANT nominee on the Human Services Training Advisory Council (**Attachment A**). The deadline for nominations is 31 March 2009.

**GENERAL:**

Alderman Sjoberg has been the LGANT nominee on the Human Services Training Advisory Council.

**FINANCIAL IMPLICATIONS:**

If Council endorses a nominee who is then successful, an Extra Meeting Allowance of \$156 per meeting is payable to a member for attendance at meetings of the Human Services Training Advisory Council. Provision exists within the budget for such payments.

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 REPORT NUMBER: 09TC0009 BD:JP  
 SUBJECT: HUMAN SERVICES TRAINING ADVISORY COUNCIL - LOCAL  
 GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY  
 (LGANT) NOMINEE

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### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

#### **Goal**

- 1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

- 1.1 Improve relations with all levels of Government

#### **Goal**

- 1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

- 1.2 Effectively engage with community

#### **Goal**

- 7 Demonstrate Effective, Open and Responsible Governance

#### **Outcome**

- 7.2 Display strong and effective leadership, within Council and across Government

#### **Key Strategies**

- 7.2.4 Keep abreast of Australian and world trends to ensure Darwin is prepared and can make informed decisions

### **LEGAL IMPLICATIONS:**

Nil.

### **ENVIRONMENTAL IMPLICATIONS:**

Nil.

### **PUBLIC RELATIONS IMPLICATIONS:**

Nil.

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 SUBJECT: HUMAN SERVICES TRAINING ADVISORY COUNCIL - LOCAL  
 GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY  
 (LGANT) NOMINEE

---

**COMMUNITY SAFETY IMPLICATIONS:**

Nil.

**DELEGATION:**

Nil.

**CONSULTATION:**

Nil.

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

**APPROPRIATE SIGNAGE**

Nil.

**RECOMMENDATIONS:**

- A. THAT Report Number 09TC0009 BD:JP entitled, Human Services Training Advisory Council - Local Government Association of the Northern Territory (LGANT) Nominee, be received and noted.
- B. THAT Council endorse Alderman ..... as its nomination to the Local Government Association of the Northern for the Human Services Training Advisory Council.

**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

Any queries on this report may be directed to Brendan Dowd on 5505

**Jeanette Perry**

---

**From:** Cassie Cook [cassie.cook@lgant.asn.au]  
**Sent:** Wednesday, 11 March 2009 9:16 AM  
**To:** alison.doyle@mabunji.com.au; Brendan Dowd; ceo@coomalie.nt.gov.au; geoff.brooks@krc.nt.gov.au; ian.bodill@eastarhem.nt.gov.au; info@belyuen.nt.gov.au; michael.berth@ropergulf.nt.gov.au; rmooney@astc.nt.gov.au; rowan.foley@centraldesert.nt.gov.au; russell.anderson@lsc.nt.gov.au; wayne.wright@macdonnell.nt.gov.au; CEO WAGAIT SHIRE; Ian Burfitt; Jeff Sowiak; Mark Goode; Mark Griffioen; Paul Hockings; Sandra Cannon; Lord Mayor; Adrian Dixon; Alderman Allan Mitchell; Andrew McTaggart; Andrew Turner; Andy Garnarradj; Anne Shepherd; Ariane McCormack; Banambi Wunungmurra; Barb Shaw; Barry Puruntatameri; Bernard Parry; Bill Daw; Bob Bagnall; Alderman Bob Elix; Brendan Cabry; Brendan Heenan; Bruce Finter; Bruce Jones; Bryan Murielle; Bunug Galaminda; Chrissy Harris; Clair O'Brien; Damien Ryan; Darryl Withnall; David Boyd; David Doolan; Debra Koch; Don Wegener; Donna Iddon; Fionn Muster; Francis Kurrupuwu; Alderman Fred Marrone; Gabby Gumurdul; Alderman Garry Lambert DCC; Geoff Carter; Gina Smith; Graeme Chin; Alderman Greg Jarvis; Hal Ruger; Harold Wilson; Alderman Heather Sjoberg; Alderman Helen Galton; Helen Williams; Henry Dunn; Ian Abbott; Jaemie Page; James Glenn; Jane Clark; Jasper Haines; Jean Brown; Jennifer Strange; Joanne Sangster; Jodie Locke; Alderman John Bailey; John Rawsley; Karen Duncan; Kathleen Tipangwuti; Kerry Moir; Lance Abbott and Irene Nangala; Linda Douglas; Lisa Wilyuka/Sharman and Jow Rawson; Liz Martin; Lois Nadjamerrek; Lynette de Santis; Lynne Moore; Maisie Wayne; Manyi Rioli; Marius Puruntatameri; Marlene Abbott; Mary Ryan; Mary Walshe; Mary Yarmirr; Matthew Ryan; Melanie van Haaren; Michael Bunduck; Murray Stewart; Natasha Griggs; Ned Hargraves; Noel Heenan; Norbert Patrick; Pat Braun; Peter Clee; Peter Danaja; Peter Wilson; Raelene Mungatopi; Ralph Blyth; Ray Wooldridge; Raymond Kiernan; Reginald King; Richard Tungutalum; Ricky Tilmouth; Robbie Wallit; Robert MacLeod; Alderman Robyn Lesley; Rocky Magnoli; Alderman Rodger Dee; Ronald Lamilami; Rosalie Kunoth-Monks; Roslyn Frith; Roxanne Kenny; Carl Inkamala and Mildred Inkamala; Samantha Hohn; Samih Habib; Sandy Taylor; Sid Anderson; Stephen Baldwin; Steven Hennessy; Sue Bulmer; Sue McKinnon; Terisita Puruntatameri; Timothy Dumoo; Tommy Fawcett; Toni Coutts; Trevor Ford; Trevor Sullivan; Trish McIntyre; Vanessa Lamb; Vera Lamont; Wally Minjin; Walter Kerinauia; William Boulter; William Johnson  
**Cc:** fiona.kieghran@barkly.nt.gov.au; rose.peckham@vicdaly.nt.gov.au; sophie.henderson@krc.nt.gov.au; tessa.smith@westarhem.nt.gov.au; Cheryl King; David Kirikino; Gwen Chapman; Jeanette Perry; Marlene Watt; Sam Faux; Taryn Hogan-Reid  
**Subject:** HSTAC Nominations  
**Attachments:** Council\_Nomination\_Form\_A\_-\_Policy\_Fund\_Union\_Peak\_Body.doc; Nomination\_Form\_Checklist.doc

Hi everyone,  
 Please find attached a nomination form and a checklist for the Human Services Training Advisory Council (HSTAC). The deadline for nominations is Tuesday 31 March 2009.  
 Many thanks,

--

Cassie Cook  
 Executive Assistant to CEO  
 Local Government Association of the Northern Territory  
 PO Box 2017, Parap, NT 0804  
 21 Parap Road, Parap, NT 0820  
 Ph: (08) 8936 2880; Fax: (08) 8941 2665  
 Email: [cassie.cook@lgant.asn.au](mailto:cassie.cook@lgant.asn.au)



2nd Floor, Darwin Plaza  
Smith Street, Darwin  
GPO Box 1557 Darwin NT 0801  
A/N: 04 434 196 670

email: [hr@darwin.nt.gov.au](mailto:hr@darwin.nt.gov.au)  
website: [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au)  
Telephone 08 8981 2550  
Facsimile 08 8981 0122

### NOMINATION FORM A: Policy & Funding, Union, Peak Body

#### Contact Details

Title: Mr / Ms / Dr /	Employer:
Given Name:	Position Held:
Surname:	Postal Address:
Phone:	Mobile:
Fax:	Email:

#### Representation

<i>Industry Represented:</i>	<input type="checkbox"/> Community Services	<input type="checkbox"/> Local Government
	<input type="checkbox"/> Correctional Services	<input type="checkbox"/> Health
	<input type="checkbox"/> Other	
<i>Representation Type:</i>	<input type="checkbox"/> Employer	<input type="checkbox"/> Union
	<input type="checkbox"/> Policy & Funding	<input type="checkbox"/> Peak Body
	<input type="checkbox"/> Other	

#### Nomination - Employer, Policy & Funding, Peak Body, Union Representatives

<i>Supporting letter attached (from CEO or NT Manager)</i>	<input type="checkbox"/> Department of Correctional Services
	<input type="checkbox"/> Local Government Association of NT
	<input type="checkbox"/> Dept of Health & Community Services
	<input type="checkbox"/> Commonwealth Department of Family & Community Services
	<input type="checkbox"/> Commonwealth Department of Health & Aged Care
	<input type="checkbox"/> Department of Local Government
	<input type="checkbox"/> NTCOSS
	<input type="checkbox"/> Local Government Managers Australia
	<input type="checkbox"/> Australian Services Union
	<input type="checkbox"/> Community Public Sector Union
	<input type="checkbox"/> Liquor, Hospitality and Miscellaneous Workers Union

#### Other Representation Brought to Council

<i>Regional Representation:</i>	<input type="checkbox"/> Central Australia	<input type="checkbox"/> Darwin
	<input type="checkbox"/> Top End	<input type="checkbox"/> Darwin Remote
	<input type="checkbox"/> Alice Springs Region	<input type="checkbox"/> East Arnhem Region
	<input type="checkbox"/> Barkly Region	<input type="checkbox"/> Katherine Region
<i>Other Representation:</i>	<input type="checkbox"/> Indigenous person	<input type="checkbox"/> Community-based organisation
	<input type="checkbox"/> Indigenous organisation	

#### Nominee's Acceptance

Signature: _____	Date: ____/____/____
------------------	----------------------



Level 2, Darwin Plaza  
Smith Street Mall  
Darwin, NT, 0800  
GPO Box 1557 Darwin NT 0801  
ABN: 94 434 196 670

email [b.pitman@hstac.com.au](mailto:b.pitman@hstac.com.au)  
website [www.hstac.com.au](http://www.hstac.com.au)  
Telephone 08 8981 2550  
Facsimile 08 8981 9822

## NOMINATION FORM CHECKLIST

**Council Nominee Name:**

**Please ✓ the appropriate box**

<ul style="list-style-type: none"> <li>• If you are nominating for Council membership for the first time please make sure that you include a supporting letter from your manager or chief executive officer if this is appropriate</li> </ul>	
<ul style="list-style-type: none"> <li>• I am also interested in Executive Committee membership</li> </ul>	

**Please ensure that your completed nomination form reaches  
Human Services Training Advisory Council  
by close of business on Friday 20 February 2009**

**Email:** [b.pitman@hstac.com.au](mailto:b.pitman@hstac.com.au)

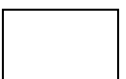
**Fax:** 08 8981 9822

## 12 OFFICER'S REPORTS

### 12.5 **Report to Council on the Function of the Community Safety and Security Advisory Committee**

Report No. 09C0021 Common No. 1526431

*Report Number 09C0021 is attached.*



ENCL: NO

**DARWIN CITY COUNCIL****DATE:** 6/3/09**REPORT****TO:** 1<sup>st</sup> ORDINARY COUNCIL/OPEN**APPROVED:** JB**FROM:** GENERAL MANAGER COMMUNITY &  
CULTURAL SERVICES**APPROVED:** AF**REPORT NO:** 09C0021 AF:kl**COMMON NO:** 1526431**SUBJECT:** REPORT TO COUNCIL ON THE FUNCTION OF THE COMMUNITY  
SAFETY AND SECURITY ADVISORY COMMITTEE**ITEM NO: 12.5****SYNOPSIS:**

The following report provides comment on the structure and effectiveness of the current Community Safety and Security Advisory Committee (CSSAC), a review of global trends of exemplary models developed by other local governments and a recommendation to reconfigure Council's approach.

**GENERAL:****PREVIOUS DECISION**

That the General Manager Community & Cultural Services prepare a report on the functioning of the community safety and security advisory committee.

Decision No. 20\1174 (10/2/09)

**REPORT****Current Structure**

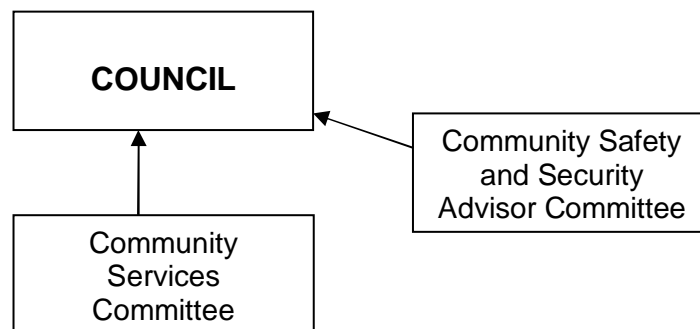
The CSSAC represents one of Council's current approaches to responding to community safety and security issues and was formed in June 2002 under s136 of the NT Local Government Act 1993.

Unlike other Council advisory committees, the CSSAC reports directly to elected members, a structure which demonstrates the importance of these matters to Council.



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## **CSSAC Current Terms of Reference**

### Objectives

- To develop and monitor a strategy for handling recommendations from resident action groups in relation to community safety to ensure:
  - i. Timely responses to ongoing maintenance issues,
  - ii. Co-ordination of maintenance and upgrade programs across the municipality,
  - iii. Identification of priorities for medium and long term community safety items identified by local residents groups,
  - iv. Referral to budget and budget review processes of projects not included in adopted budgets
- To identify actions which Council may take to improve safety and security in the community through the implementation of Crime Prevention Through Environmental Design (CPTED) principles.
- To consider the priority for addressing the range of outstanding Council decisions in relation to community safety, any new items Council may refer to the Committee and issues arising directly from the community.
- To keep Council informed of NT Office of Crime Prevention strategies.
- To monitor the implementation of partnership agreements between Council and other agencies where such agreements primarily relate to community safety.
- To facilitate improved community perceptions of safety and security by promoting the work and membership of the Advisory Committee to the community through Council information sheets, promotions and other initiatives developed by the CSSAC.
  - To report information and recommendations from each meeting to Council.
  - To meet at least 10 times a year.

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The Community Services Development Officer is the Council officer with responsibility for convening and resourcing the Community Safety and Security Advisory Committee.

### Membership

All members shall be appointed by Council as required under Section 136(1) of the NT Local Government Act.

The Community Safety and Security Advisory Committee shall comprise,;

- The Lord Mayor as Chairperson and spokesperson,
- An Alderman from each Ward,
- 3 community appointees representing the community and business sectors,
- an invited NT Police representative,
- Council's Operations Engineer,
- Council's Community Services Development Officer who shall be responsible for convening, resourcing, monitoring progress and providing secretariat functions to the Committee.

Nominations for community membership of the Committee shall be called publicly by advertising for expressions of interest. Appointed representatives shall remain as members of the Committee for a set period of two (2) years. At the end of any first two year term, retiring members may re-apply for membership for one further consecutive term.

There may be nominated alternate representatives for each member of the Community Safety and Security Advisory Committee.

### Criteria for Membership

In accordance with the Local Government Act, Council shall appoint individuals to be members of the Committee based on:

- Ensuring membership which collectively covers a broad range of community safety and security experience
- Ensuring a balance between community and business including representation from young people and seniors
- Including participants whose contribution has the potential to extend the knowledge and expertise of the Committee.

### Meetings of the Committee

- The Safety and Security Committee shall meet at least monthly.
- Minutes of all meetings shall be reported to Council through the 1<sup>st</sup> ordinary meeting of the month for information and for the Committee to make specific recommendations requiring Council endorsement and decisions.

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- In accordance with the Local Government Act, the Chairman may summon additional meetings at a time of mutual convenience to other members. All meetings held shall be at times determined by the members.
- The secretariat will provide induction materials to all incoming Committee members to ensure they have up to date information and are aware of the purpose, objectives and procedures of the Committee.
- Any members having any conflict of interest as specified under the Local Government Act shall declare their interest in accordance with the provisions of the Act.
- The Committee may invite specialists or resident action group representatives to meetings as required.
- The Lord Mayor shall be the spokesperson for the Community Safety and Security Advisory Committee.

### **CSSAC Achievements**

Since its inception, the CSSAC has achieved the following important contributions to safety and security issues in Darwin:

- Ensuring that Council is across developments and reportage regarding safety and security issues.
- Establishment of critical links with stakeholders also with carriage of safety and security issues such as the NT Police.
- Capacity for some degree of community representation of issues direct to Council.
- Capacity for Elected Members to represent safety and security issues emerging from their locales.

### **Constraints of Current Approach**

Whilst the CSSAC has clearly contributed positively to the remedying of concerns regarding safety and security, a research and review process suggests that the following aspects of the current structure render the effectiveness of the Committee less than optimal:

- The functions of the CSSAC are duplicated in a range of other structures, including the Interagency Tasking and Coordination Group (ITCG).
- The political, policy and resource decision-making authority of the CSSAC is “inferior” to that of the ITCG which is primarily comprised of senior government and non-government representatives who are able to respond substantively to issues regarding community safety and security.

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- The CSSAC fails to adequately and *directly* engage the community via a capacity-building approach to the development of sustainable strategies in response to community safety and security issues.
- The CSSAC does not provide “high-level” evaluative or analytical inputs to the broad, systemic nature of the issues.
- The CSSAC is resource-intensive and does not achieve a positive correlation relative to effective outcomes.

### **Alternative Model**

In view of the substantial structural and other constraints of the current CSSAC model, this report recommends an alternative to Council’s approach and which draws upon research conducted on Council’s behalf in 2005 and captured in the Safer Suburbs Project.<sup>1</sup>

This report highlights many of the achievements and strengths of models adopted by exemplars such as Auckland City Council and the Toronto Community Safety Strategy. These models are informed by contemporary development principles such as, for example, stakeholder bi-partisanship and collaboration and the design of sustainable strategies via, at least in part, direct community engagement.

The report also emphasises that positive and effective community safety and security is achievable via a commitment to the “holistic combination of situational, community and social-cultural models” in which there is an emphasis upon “community taking up its responsibilities in crime prevention and community safety in terms of partnerships or collaboration”.

The report is critical of “lineal, hierarchical types of governance structures (which) assume a very narrow definition of ‘community’ there(by) limiting the opportunities to engage and encourage active participation in community safety planning”.

Furthermore, the report implies that a key factor of a successful approach to local government’s role in responding to safety and security issues is to ensure that the ratio (or balance) of resources allocated to, on the one hand, reportage mechanisms such as advisory committees and, on the other, direct community engagement is, in fact, efficacious.

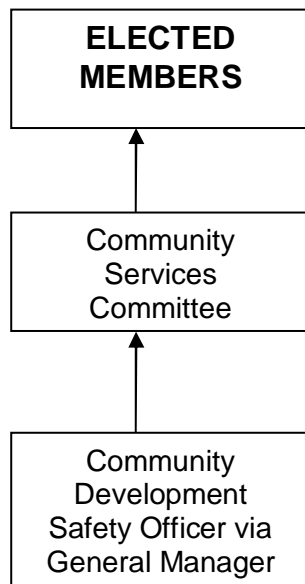
Moreover, the report highlights the requirement for “goals (of any community safety strategy to be) high-level strategic ones which focus on understanding the root cause of crime and therefore the ‘prevention’ of crime”, a research outcome which points to the problem of a lack of delegated authority within the membership of the CSSAC, as identified above.

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<sup>1</sup> Safer Suburbs Final Report Darwin City Council December 2005

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These extracts from the report collectively demonstrate that Council would achieve significantly enhanced outcomes if it engaged directly with the community in relation to safety and security issues.

The key roles of the Community Development Safety Officer position would be:

- Direct and positive engagement with diverse community members and self-identified cohorts of community members regarding safety and security issues with a commitment to the inclusion of Aboriginal, migrant and refugee families and groups in these undertakings.
- The dissemination of framework, design, strategy and planning information to individuals and groups regarding effective local, interstate and international approaches to safety and security.
- The facilitation of the development and implementation of locale or issue-specific strategies to address safety and security matters drawn from sustainable models.
- Response to community members' concerns about specific incidents of breaches in safety and security including problem-solving support and the provision of information and ideas.

Provision of updates in new research relating to global trends in the role of local government in addressing safety and security issues.

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### **FINANCIAL IMPLICATIONS:**

The current cost of running the Community Safety Advisory Committee has not been calculated for inclusion in this report. If the calculation were to be made it would include the cost of producing and distributing the agenda, staff time (seven officers), Elected Member attendance and catering.

Should Council proceed with engagement of a full time officer with limited project funding an annual budget of approximately \$100,000 is anticipated.

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

#### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

1.2 Effectively engage with community

#### **Key Strategies**

1.2.2 Develop ways in which Council can enhance relationships and work collaboratively with Community Groups

#### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

1.2 Effectively engage with community

#### **Key Strategies**

1.2.3 Engage, communicate and consult with the community including schools

#### **Goal**

2 Enhance Darwin's Active, Positive and Flexible Lifestyle

#### **Outcome**

2.1 Improve urban enhancement around Darwin

#### **Key Strategies**

2.1.5 Participate and partner in activities that contribute to a safer Darwin

#### **Goal**

5 Facilitate and Maintain a Cohesive Community

#### **Outcome**

5.3 Support harmony within the community

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## **Key Strategies**

5.3.1 Explore initiatives to assist in the mediation of neighbourhood disputes

## **Goal**

5 Facilitate and Maintain a Cohesive Community

## **Outcome**

5.3 Support harmony within the community

## **Key Strategies**

5.3.2 Develop and support programs to promote community spirit, cohesion and safety

## **Goal**

7 Demonstrate Effective, Open and Responsible Governance

## **Outcome**

7.1 Effective governance

## **Key Strategies**

7.1.1 Continuously review service delivery to meet the communities needs and expectations

## **LEGAL IMPLICATIONS:**

### **54 Council committees**

- (1) A council may establish council committees.
- (2) A council committee consists of the persons appointed by the council to be members of the committee.
- (3) The members of a council committee may consist of, or include, persons who are not members of the council.

#### *Note*

*A member of the council's staff is eligible for appointment as a member of a council committee (even though staff members may be disqualified from membership of the council itself).*

- (4) The terms and conditions on which a person holds office as a member of a council committee are to be as determined by the council.
- (5) The council may abolish a council committee.

## **ENVIRONMENTAL IMPLICATIONS:**

Nil.

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**PUBLIC RELATIONS IMPLICATIONS:**

The enhancement of Council's engagement with community in relation to safety and security issues.

**COMMUNITY SAFETY IMPLICATIONS:**

The enhancement of community safety and security as a result of direct community engagement.

**DELEGATION:**

Nil

**CONSULTATION:**

Nil

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil

**APPROPRIATE SIGNAGE**

Nil

**RECOMMENDATIONS:**

That it be a recommendation to Council:-

- A. THAT Report Number 09C0021 AF:kl, entitled, Report to Council on the Function of the Community Safety and Security Advisory Committee be received and noted.
- B. THAT pursuant to Section 54(5) Local Government Act 2008, Council abolish the Community Safety and Security Advisory Committee.
- C. THAT the engagement of a Community Safety Officer as described within Report Number 09C0021 AF:kl, be referred to the 2009/2010 budget for consideration.

**ANNIE FARRELL**  
**EXECUTIVE OFFICER**

**JOHN BANKS**  
**GENERAL MANAGER**  
**COMMUNITY & CULTURAL SERVICES**

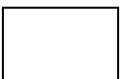
Any queries on this report may be directed to Annie Farrell on 89300404



## 12 OFFICER'S REPORTS

- 12.6 **Restaurant Liquor Licence Application – Café 21 Lot 2312 (21) Smith Street Mall, Darwin**  
Report No. 09TS0018 Common No. 1517394

*Report Number 09TS0018 is attached.*



ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 10/02/09

TO: 1<sup>ST</sup> ORDINARY COUNCIL MEETING/  
OPEN

APPROVED: BS

FROM: GENERAL MANAGER INFRASTRUCTURE

APPROVED: PL

REPORT NO: 09TS0018 BS:cb

APPROVED: LC

COMMON NO: 1517394

SUBJECT: RESTAURANT LIQUOR LICENCE APPLICATION – CAFÉ 21  
LOT 2312 (21) SMITH STREET MALL, DARWIN**ITEM NO:12.6****SYNOPSIS:**

This application is for a Restaurant Liquor Licence to sell liquor from an existing café which is known as Café 21 (**Attachment A**). The café is situated in The Mall, in the CB (Central Business) Zone. The liquor licence application is for the internal area of the café only and not the footpath dining area in The Mall.

Council officers responded to the Director of Licensing, Licensing and Regulation, on the 11 February 2008 under delegation. Council officers had no objections or comments regarding this application.

**GENERAL:**

This application is for the licensing of the cafe to be able to sell alcohol to customers when ordering a meal at lunch and dinner times for dining within the premises.

Applicant: "2" Fresh Pty Ltd

Name of Premises: Café 21

**Current and/or Proposed Conditions:**

- The business proposed to be conducted on the premises will be a restaurant/café.
- Meals will be available from a conventional restaurant/café style dining area with formal seating.
- Liquor will only be supplied ancillary to a meal.
- Supervisors and shift managers shall attend a recognised responsible service of alcohol course.

**Trading Hours:**

The proposed Trading Hours are:

1130 hours to 2200 hours, seven days per week.

**Council's Land Affected**

No Council owned or controlled land is affected by the proposal. The footpath dining adjacent to these premises on Council road reserve has not been included in the proposed liquor licence area.

**Considerations under the Liquor Act****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.

**Conclusion**

There appears to be nothing related to this application which would be grounds for objection under Section 47F(2) of the Liquor Act.

**Conditions to a Liquor Licence – Section 3 Objects of the Act & Section 6 Public Interest Criteria**

The approval of the Restaurant Liquor Licence to allow for consumption of liquor with a meal, within the premises is not expected to negatively affect the amenity of the surrounding area. This type of liquor licence is currently common practice and it reflects other restaurant licences within the CB Zone.

**Conclusion**

There appears to be nothing related to this application which would require additional considerations or conditions of the proposed licence under Section 3 & 6 of the Liquor Act.

**FINANCIAL IMPLICATIONS:**

Nil.

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

- 1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

### **LEGAL IMPLICATIONS:**

This matter is not considered confidential.

### **ENVIRONMENTAL IMPLICATIONS:**

Not assessed.

### **PUBLIC RELATIONS IMPLICATIONS:**

Not assessed.

### **COMMUNITY SAFETY IMPLICATIONS:**

Referred to the Community Safety Advisory Committee.

### **DELEGATION:**

Letter sent under delegation to the Liquor Licensing Commission on 11 February 2009 (**Attachment B**).

#### **Delegation :**

THAT Darwin City Council, pursuant to section 32(2) of the Local Government Act, 2008, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:

- I. Determine grounds for objections to Liquor Licence Applications and advise the Liquor Commissioner in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.
- II. Submit comments on Liquor Licence Applications to the Department of Racing, Gaming and Licensing only when required to meet statutory or Departmental deadlines.

PAGE: 4  
REPORT NO: 09TS0018 BS:cb  
SUBJECT: RESTAURANT LIQUOR LICENCE APPLICATION – CAFÉ 21  
LOT 2312 (21) SMITH STREET MALL, DARWIN

---

**CONSULTATION:**

General Manager Infrastructure  
Strategic Town Planner  
Planning Officer

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

**APPROPRIATE SIGNAGE**

Not applicable.

**RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

THAT Report Number 09TS0018 entitled, Restaurant Liquor Licence Application – Café 21, Lot 2312 (21) Smith Street Mall, Darwin, be received and noted.

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

Any queries on this report may be directed to Brian Sellers, Planning Officer on extension 5683.

Description of Business to be conducted:

Café 21 is a newly renovated contemporary café which caters to all persons situated within Darwin City; whether they are local businessmen, trades persons or the abundant amount of tourists frequenting Darwin. Café 21 offers both an air-conditioned internal seating area for approximately 50 persons (it is the internal area we are seeking a license for at this stage) and an external seating on the mall for a further 50-60 persons.

We offer a service whereby patrons are able to purchase food, coffee or desserts quickly if in a hurry or they may wish to dine in with a selection from our a-la-carte menu. With trading hours 630am - 10pm seven days a week it is these a-la-carte diners we wish to offer alcohol beverages to during their lunches and dinners. Whilst not wishing to stock a 'full bar', we do wish to be able to offer a select range of beers, wines and spirits. As we are a café and not a bar, we do not expect the consumption of these beverages to be similar to that of a bar; more savored and enjoyed with an entertaining meal.

Public Interest:

We also feel that with Café 21 now open for dinner trade and with the possibility of being licensed, it will add some life to the mall which has become desolate in the evenings. Along with other hospitality and retailers we intend to work together to bring back some vibrancy to Darwin city mall.

We feel that it is not only the responsibility of the council to resurrect the mall but retailer operators and building landlords also.

COPY

LIQUOR ACT**2nd NOTICE OF APPLICATION FOR A LICENCE****TO SELL LIQUOR****CAFÉ 21**

'2' FRESH Pty Ltd, HEREBY GIVE NOTICE that it has applied to the Northern Territory Licensing Commission for a "RESTAURANT" Liquor Licence to sell liquor from the premises located at 21 South Street Mall, Darwin NT.

PROPOSED TRADING DETAILS for the sale of liquor are as follows:

- The business proposed to be conducted on the premises will be in the nature of a Restaurant/Café.
- Meals will be available from a conventional restaurant/café style dining area with formal seating.
- Liquor may be sold from 11:30 hours until 22:00 hours, seven days a week.

The following conditions will apply:

- Liquor will only be supplied ancillary to a meal.
- Supervisors and Shift Managers shall attend a recognised Responsible Service of Alcohol Course.

This is the second notice of application

The objection period is deemed to commence from Friday, 06 February 2009. (date of publication of second notice).

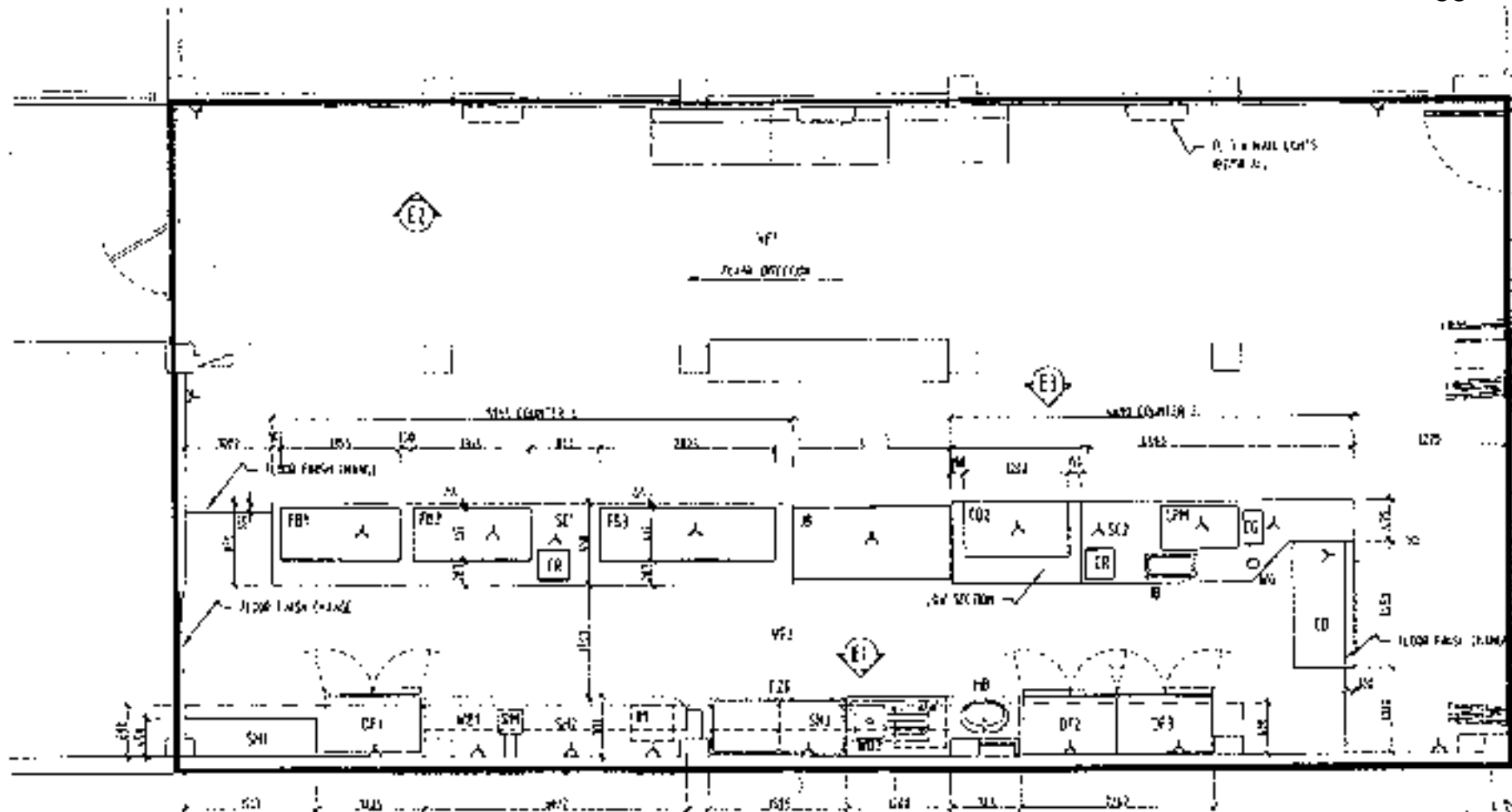
Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground that the grant of the licence may or will adversely affect:

- (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.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47G of the *Liquor Act* requires the Director of Licensing to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

For further information regarding this application contact the Director of Licensing on telephone 8099 1800. Objections to this application should be lodged in writing with the Director of Licensing, Licensing and Regulation, GPO Box 1154, Darwin, within thirty (30) days of the commencement date of the objection period.

Dated this 06 Day of February 2009



Plan 1:50

## Legend

Wills

[illegible]

### Floor Finishes

1971 10000 10000 10000 10000 10000  
 1972 10000 10000 10000 10000 10000

FBI - FOOD BAR COIL EXISTING REUSED FROM 1  
FBI - FOOD BAR COIL EXISTING REUSED FROM 1  
FBI - FOOD BAR - 01 1544  
SCI - SILENCE DOWNER LAMP/SLATE TOP OVER S.S. FRAME  
SC2 - SILENCE DOWNER LAMP/SLATE TOP OVER S.S. FRAME  
JE - RACE BAR EXISTING REUSED FROM 1  
CR - CASH DISPLAY EXISTING REUSED FROM 1  
CD - CAFE DISPLAY EXISTING REUSED FROM 1  
CQ1 - CAFE 2 SPAT EXISTING REUSED FROM 1  
RM - ROASTING MACHINE REUSED  
HO - HAND BASIN  
# - CO MACHINE WORKS RE-  
DO - DISHWASHER

```

WB1 - LUMINATE WORK BENCH WSPR BENCH
WB2 - LUMINATE WORK BENCH 120"X100" WITH DOMESTIC STYLE SINK
FBR - FREEZER / CHILLING REUSLED 1500WATT 170A
SH1 - 3 x 10" SHELVE FOR FRIDGE /STOVE & CUPBOARD UNCLIP
SH2 - SHELVEING / PRODUCT DISPLAY LUMINATE FINISH
SH3 - SHELVEING / PRODUCT DISPLAY LUMINATE FINISH
DF1 - DRYER FRIDGE / DOOR 170A
DF2 - DRYER FRIDGE / DOOR 170A
DF3 - DRYER FRIDGE / DOOR 170A
CPH - CUPBOARD MACHINE EXPOSURE REUSLED 170A
B - 41 SINKSET SET INTO BENCH
WC - WASTE DRAINAGE SINKSET REUSLED 170A WITH BIN UNDER
EQ - CUPBOARD 170A

```

ERY : 77-2437  
 RIV : 71-19-7203  
 DIV : 77-11-2137  
 MY : 75-11-2828

PRELIMINARY



Please quote: 1517394 B3Feb

11 February 2009

Director of Licensing  
Racing, Gaming and Licensing  
GPO Box 1154  
Darwin NT 0801

Dear Sir

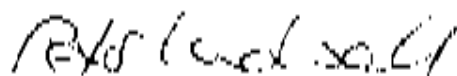
**Restaurant Liquor Licence Application – Café 21  
Lot 2312 (21) Smith Street Mall, Darwin**

In reference to the above Liquor Licence Application, I advise under delegated authority as follows:

- i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
- ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act

If you wish to discuss this matter further, please contact Brian Sellers, Planning Officer on 8930 0683.

Yours faithfully

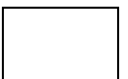


**PETER LINDWALL  
STRATEGIC TOWN PLANNER**

## 12 OFFICER'S REPORTS

- 12.7 **On Liquor Licence Application Darwin Airport Gateway Motel Lot 9718  
(225) McMillans Road, Jingili**  
Report No. 09TS0025 Common No. 1525777

*Report Number 09TS0025 is attached.*



ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 19/02/09

<b>TO:</b>	1 <sup>ST</sup> ORDINARY COUNCIL MEETING/OPEN	<b>APPROVED:</b>	BS
<b>FROM:</b>	GENERAL MANAGER INFRASTRUCTURE	<b>APPROVED:</b>	PL
<b>REPORT NO:</b>	09TS0025 BS:cb	<b>APPROVED:</b>	LC
<b>COMMON NO:</b>	1525777		
<b>SUBJECT:</b>	ON LIQUOR LICENCE APPLICATION DARWIN AIRPORT GATEWAY MOTEL LOT 9718 (225) McMILLANS ROAD, JINGILI		

**ITEM NO: 12.7****SYNOPSIS:**

This application is for an On Liquor Licence to sell liquor from a new development to be known as the Darwin Airport Gateway Motel (**Attachment A**). The motel is being built in a C (Commercial) Zone adjacent to the Airport Hotel on the corner of Rothdale Road and McMillans Road in Jingili.

Council officers responded to the Director of Licensing, Licensing and Regulation, on the 24 February 2008 under delegation. Council officers had no objections or comments regarding this application.

**GENERAL:**

This application is for the licensing of the mini bar service and an outside bar beside a swimming pool for the Darwin Airport Gateway Motel. The liquor licence is to be able to serve alcohol to bona fide lodgers and invited guests of the lodgers.

**Applicant:** A & K Page Pty Ltd**Name of Premises:** Darwin Airport Gateway Motel**Current and/or Proposed Conditions:**

Proposed conditions are as follows:

- The Concept of the premises is to provide mini bar services for consumption on or at the licensed premises in a motel environment.
- Liquor shall be sold at any time to bona fide lodgers of the premises or invited guests of the lodger, (in the presence of the lodger), for consumption on the premises through the provisions of room service.

PAGE: 2  
 REPORT NO: 09TS0025 BS:cb  
 SUBJECT: ON LIQUOR LICENCE APPLICATION  
 DARWIN AIRPORT GATEWAY MOTEL  
 LOT 9718 (225) McMILLANS ROAD, JINGILI

---

- In addition to room service the motel will have an outside bar beside the swimming pool on the premises. The bar is intended for motel patrons only.

### **Trading Hours:**

The proposed Trading Hours are:

Monday to Sunday                      10:00am to 10:00pm

### **Council's Land Affected**

No Council owned or controlled land is affected by the proposal.

### **Considerations under the Liquor Act**

#### **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.

### **Conclusion**

There appears to be nothing related to this application which would be grounds for objection under Section 47F(2) of the Liquor Act.

### **Conditions to a Liquor Licence – Section 3 Objects of the Act & Section 6 Public Interest Criteria**

The approval of the On Liquor Licence to allow for consumption of liquor for guests residing within the premises is not expected to negatively affect the amenity of the surrounding area.

### **Conclusion**

There appears to be nothing related to this application which would require additional considerations or conditions of the proposed licence under Section 3 & 6 of the Liquor Act.

### **FINANCIAL IMPLICATIONS:**

Nil.

PAGE: 3  
REPORT NO: 09TS0025 BS:cb  
SUBJECT: ON LIQUOR LICENCE APPLICATION  
DARWIN AIRPORT GATEWAY MOTEL  
LOT 9718 (225) McMILLANS ROAD, JINGILI

---

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

### **LEGAL IMPLICATIONS:**

This matter is not considered confidential.

### **ENVIRONMENTAL IMPLICATIONS:**

Not assessed.

### **PUBLIC RELATIONS IMPLICATIONS:**

Not assessed.

### **COMMUNITY SAFETY IMPLICATIONS:**

Referred to the Community Safety Advisory Committee.

### **DELEGATION:**

Letter sent under delegation to Licensing and Regulation on 24 February 2009 (**Attachment B**).

### **Delegation :**

THAT Darwin City Council, pursuant to section 32(2) of the Local Government Act, 2008, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:

- I. Determine grounds for objections to Liquor Licence Applications and advise the Liquor Commissioner in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.
- II. Submit comments on Liquor Licence Applications to the Department of Racing, Gaming and Licensing only when required to meet statutory or Departmental deadlines.

PAGE: 4  
REPORT NO: 09TS0025 BS:cb  
SUBJECT: ON LIQUOR LICENCE APPLICATION  
DARWIN AIRPORT GATEWAY MOTEL  
LOT 9718 (225) McMILLANS ROAD, JINGILI

---

**CONSULTATION:**

General Manager Infrastructure  
Strategic Town Planner

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

**APPROPRIATE SIGNAGE**

Not applicable.

**RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

THAT Report Number 09TS0025 entitled, On Liquor Licence Application, Darwin Airport Gateway Motel, Lot 9718 (225) McMillans Road, Jingili, be received and noted.

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

Any queries on this report may be directed to Brian Sellers, Planning Officer on extension 5683.

**LIQUOR ACT****2nd NOTICE OF APPLICATION FOR A LICENCE****TO SELL LIQUOR****DARWIN AIRPORT GATEWAY MOTEL**

A and K PAGE Pty Ltd, HEREBY GIVE NOTICE that it has applied to the Northern Territory Licensing Commission for an "ON-LICENCE" Liquor Licence to sell liquor from the premises to be known as the "DARWIN AIRPORT GATEWAY MOTEL" located at 225 McMillans Rd , Marrara NT.

PROPOSED TRADING DETAILS for the sale of liquor are as follows:

- The concept of the premises is to provide mini bar services for consumption on or at the licensed premises in a motel environment.
- Liquor shall be sold at any time to bona fide lodgers of the premises or invited guests of the lodger, (in the presence of the lodger), for consumption on the premises through the provisions of room service.
- In addition to room service the motel will have an outside bar beside the pool on the premises. The bar is intended for motel patrons only.
- The proposed trading hours of the bar are:

MONDAY -- SUNDAY      10:00 AM – 10:00 PM

This is the second notice of application.

The objection period is deemed to commence from Friday, 6 February 2009.  
(date of publication of second notice).

Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground 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.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47G of the *Liquor Act* requires the Director of Licensing to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

For further information regarding this application contact the Director of Licensing on telephone 8999 1800. Objections to this application should be lodged in writing with the Director of Licensing, Licensing and Regulation, GPO Box 1154, Darwin, within thirty (30) days of the commencement date of the objection period.

Dated this 27 Day of January 2009

12. Business Name Certificate.
13. Company Search of the Applicant.
14. Evidence of completion of course in Responsible Service of Alcohol by the Nominees.

In respect of the Application we provide the following further information:

- a). The liquor licence sought is confined to the provision of alcohol through the motel mini bars in guest rooms and the provision of an on premises alcohol service at the proposed pool bar between the hours of 10am and 10pm 7 days a week. No take away licence is sought.
- b). The proposed opening date for the Darwin Airport Gateway Motel is May 2009 but the Applicant wishes to secure a Liquor Licence as soon as possible in order to assist in marketing and to allow a smooth transition to opening and operation.
- c). Our clients request the advice and assistance of the relevant Licensing Inspector in complying with the requirement to advertise this Application and to erect and display the "Green Sign".
- d). As regards the requirement to demonstrate that the grant of the licence will be in the public interest and the relevant criteria referred to in section 6(2) of the *Liquor Act* the Applicant refers you to the Business Plan lodged with this Application and attached at section 12. We further address the section 6(2) criteria as follows:
  - 6(2)(a) harm will be minimised because the supply of liquor will be limited to a mini bar service in guest rooms and the proposed pool bar with limited opening hours and alcohol only served to guests in a controlled environment.
  - 6(2)(b) It is the intention and commitment of the Applicant that all liquor will be sold and consumed on the licensed premises in a responsible manner.
  - 6(2)(c) the nature of the premises is such that public order and safety will not be jeopardised and it is not intended that large numbers of persons will be attracted to the licensed premises.
  - 6(2)(d) the safety, health and welfare of persons using the licensed premises will not be put at risk and will, at all times, be a high priority of the Applicant.
  - 6(2)(e) given the nature and intended operation of the premises noise emanations from the licensed premises will not be excessive.



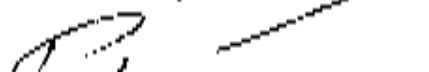
- 6(2)(f) given the nature, intended operation and the location of the licensed premises business conducted at the licensed premises will not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school.
- 6(2)(g) the Applicant intends and commits to comply with all relevant legislation.
- 6(2)(h) each person involved in the business conducted at the licensed premises has, or will, receive suitable training relevant to the person's role in the conduct of the business.
- 6(2)(i) the use of credit in the sale of liquor will be controlled.
- 6(2)(j) practices which encourage irresponsible drinking will be prohibited.

- e). Given that the premises are still under construction and that this Application is therefore, in effect, an "in principle" application, our clients request the advice and assistance of the relevant Licensing Inspector in advising on what, if any, additional information and/or documentation may be required from them.

We enclose (\*) our cheque for \$200.00 in payment of the application fee.

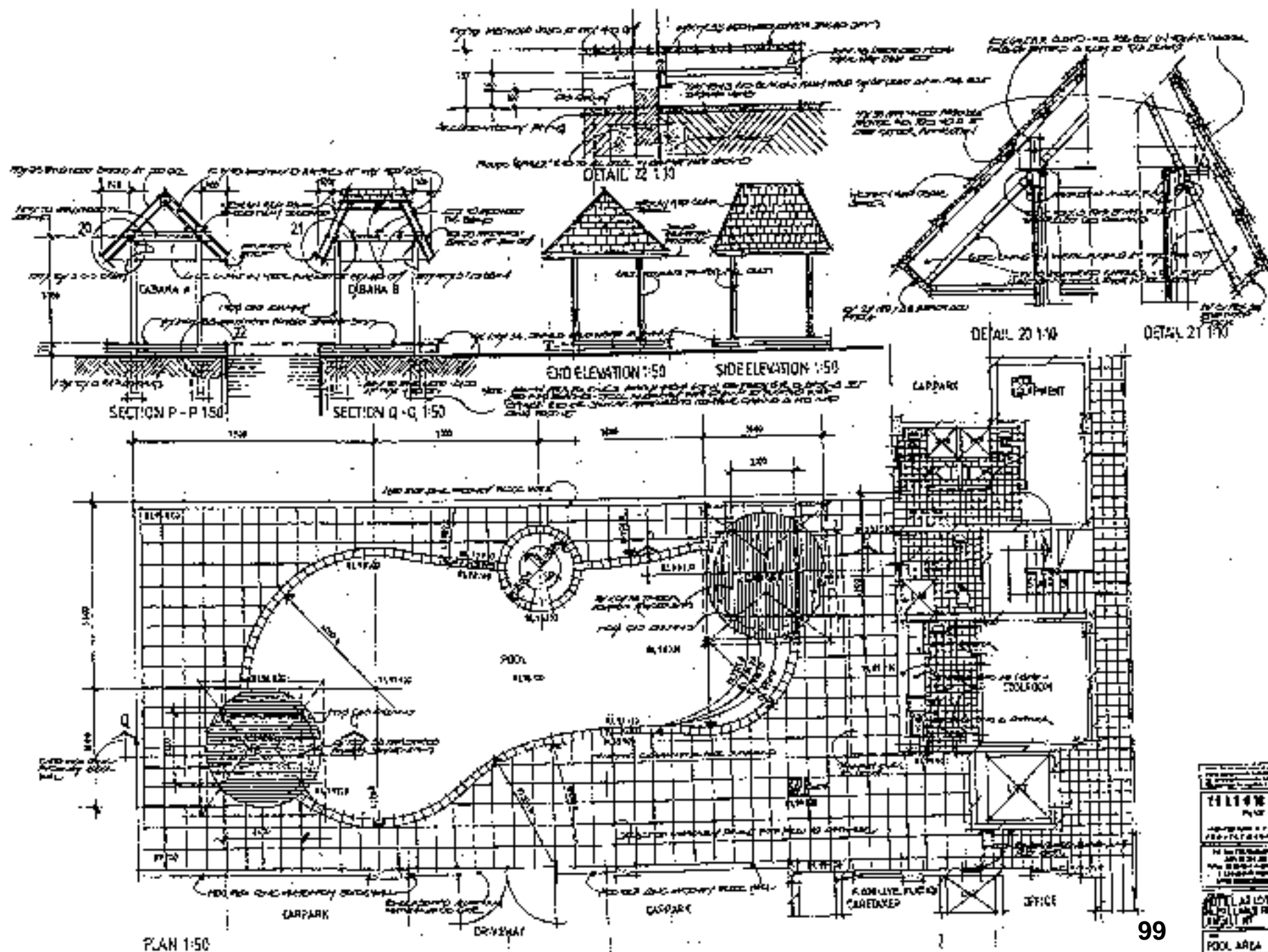
We look forward to hearing from you.

Yours sincerely



PAUL WALSH





Please quote: 1525777 B55nb

24 March 2009

Director of Licensing  
Racing, Gaming and Licensing  
GPO Box 1164  
Darwin NT 0801

Dear Sir

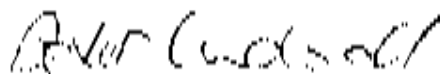
**On Liquor Licence Application - Darwin Airport Gateway Motel  
Lot 9718 (225) McMillans Road, Jingili**

In reference to the above Liquor Licence Application, I advise under delegated authority as follows:

- i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
- ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act.

Please contact Brian Sellers, Planning Officer on 8930 0683 if you wish to discuss.

Yours faithfully

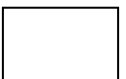


**PETER LINDWALL  
STRATEGIC TOWN PLANNER**

## 12 OFFICER'S REPORTS

- 12.8 **Restaurant Liquor Licence Application Alaturka Turkish Restaurant Lot 2293 (11) Knuckey Street, Darwin**  
Report No. 09TS0028 Common No. 1526651

*Report Number 09TS0028 is attached.*



ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 24/02/09

TO: 1<sup>ST</sup> ORDINARY COUNCIL MEETING/OPEN **APPROVED:** BSFROM: GENERAL MANAGER INFRASTRUCTURE **APPROVED:** PLREPORT NO: 09TS0028 BS:cb **APPROVED:** LC

COMMON NO: 1526651

**SUBJECT:** RESTAURANT LIQUOR LICENCE APPLICATION  
ALATURKA TURKISH RESTAURANT  
LOT 2293 (11) KNUCKEY STREET, DARWIN

**ITEM NO: 12.8****SYNOPSIS:**

This application is for a Restaurant Liquor Licence to sell liquor from a new restaurant to be known as Alaturka Turkish Restaurant (**Attachment A**). The restaurant is situated in Knuckey Street in the CB (Central Business) Zone. The liquor licence application is for the internal area of the café only and not the approved footpath dining area on the adjacent footpath.

This report recommends that Council raises no objection to this liquor licence application, and has a comment in relation to this liquor licence application.

**GENERAL:**

This application is for the licensing of the cafe to be able to sell alcohol to customers when ordering a meal at lunch time and dinner times for dining within the premises.

**Applicant:** Istanbul Kebab Pty Ltd**Name of Premises:** Alaturka Turkish Restaurant**Current and/or Proposed Conditions:**

- The business proposed to be conducted on the premises will be a restaurant.
- A menu based meal will be available from a conventional restaurant style dining area with formal seating and Alfresco Dining facilities.
- Liquor may only be sold ancillary to a meal.

PAGE: 2  
REPORT NO: 09TS0028 BS:cb  
SUBJECT: RESTAURANT LIQUOR LICENCE APPLICATION  
ALATURKA TURKISH RESTAURANT  
LOT 2293 (11) KNUCKEY STREET, DARWIN

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### **Trading Hours:**

The current and/or proposed trading hours are as follows:

Liquor may be sold from 11:00 hours until 02:00 hours the following day, seven days a week.

### **Council's Land Affected**

No Council owned or controlled land is affected by the proposal.

### **Considerations under the Liquor Act**

#### **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.

### **Conclusion**

There appears to be nothing related to this application which would be grounds for objection under Section 47F(2) of the Liquor Act.

### **Conditions to a Liquor Licence – Section 3 Objects of the Act & Section 6 Public Interest Criteria**

The approval of the Restaurant Liquor Licence to allow for consumption of liquor within the premises is not expected to negatively affect the amenity of the surrounding area. This type of liquor licence is currently common practice and it reflects other restaurant licences within the CB Zone.

The alfresco part of the application refers to two tables located outside the entrance to the premises, and these tables are located on private property.

The applicant has discussed creating an alfresco dining area on the footpath adjacent to these premises with Council. After assessing the proposal against the Council's Alfresco Dining Policy, it has been found that the existing footpath is not wide enough to accommodate an alfresco dining area in this area.

PAGE: 3  
REPORT NO: 09TS0028 BS:cb  
SUBJECT: RESTAURANT LIQUOR LICENCE APPLICATION  
ALATURKA TURKISH RESTAURANT  
LOT 2293 (11) KNUCKEY STREET, DARWIN

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## **Conclusion**

Council has the following comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Sections 3 & 6 of the Liquor Act:

- i). No part of Council's footpath is to be included in the liquor licensed area.

## **FINANCIAL IMPLICATIONS:**

Nil.

## **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

- 1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

## **LEGAL IMPLICATIONS:**

This matter is not considered confidential.

## **ENVIRONMENTAL IMPLICATIONS:**

Not assessed.

## **PUBLIC RELATIONS IMPLICATIONS:**

Not assessed.

## **COMMUNITY SAFETY IMPLICATIONS:**

Referred to the Community Safety Advisory Committee.

## **DELEGATION:**

Not applicable as delegation not utilised.

## **CONSULTATION:**

General Manager Infrastructure  
Strategic Town Planner



PAGE: 4  
REPORT NO: 09TS0028 BS:cb  
SUBJECT: RESTAURANT LIQUOR LICENCE APPLICATION  
ALATURKA TURKISH RESTAURANT  
LOT 2293 (11) KNUCKEY STREET, DARWIN

---

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

**APPROPRIATE SIGNAGE**

Not applicable.

**RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

- A. THAT Report Number 09TS0028 entitled, Restaurant Liquor Licence Application, Alaturka Turkish Restaurant, Lot 2293 (11) Knuckey Street, Darwin, be received and noted.
- B. THAT Council endorse the following comments to be forwarded to the Director of Licensing, Licensing and Regulation:
  - i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
  - ii). Council has the following comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Sections 3 & 6 of the Liquor Act:
    - a). No part of Council's footpath is to be included in the liquor licensed area.

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

Any queries on this report may be directed to Brian Sellers, Planning Officer on extension 5683.

LIQUOR ACT2nd NOTICE OF APPLICATION FOR A LICENCE  
TO SELL LIQUOR

## ALATURKA TURKISH RESTAURANT

Istanbul Kebab Pty Ltd, HEREBY GIVE NOTICE that it has applied to the Northern Territory Licensing Commission for a "RESTAURANT" Liquor Licence to sell liquor from the premises located at the "Alaturka Turkish Restaurant", 11 Knuckey Street, Darwin NT 0800

PROPOSED TRADING DETAILS for the sale of liquor are as follows:

- The business proposed to be conducted on the premises will be in the nature of a Restaurant.
- A Menu based meal will be available from a conventional restaurant style dining area with formal seating and Alfresco Dining facilities.
- Liquor may be sold from 11:00 hours until 02:00 hours (the following day), seven days a week.
- Liquor may only be sold ancillary to a meal.

This is the second notice of application.

The objection period is deemed to commence from Friday, 20 February 2009.  
(date of publication of second notice).

Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground 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.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47C of the *Liquor Act* requires the Director of Licensing to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

For further information regarding this application contact the Director of Licensing on telephone 8999 1800. Objections to this application should be lodged in writing with the Director of Licensing, Licensing and Regulation, GPO Box 1154, Darwin, within thirty (30) days of the commencement date of the objection period.

Dated this 10<sup>th</sup> February 2009

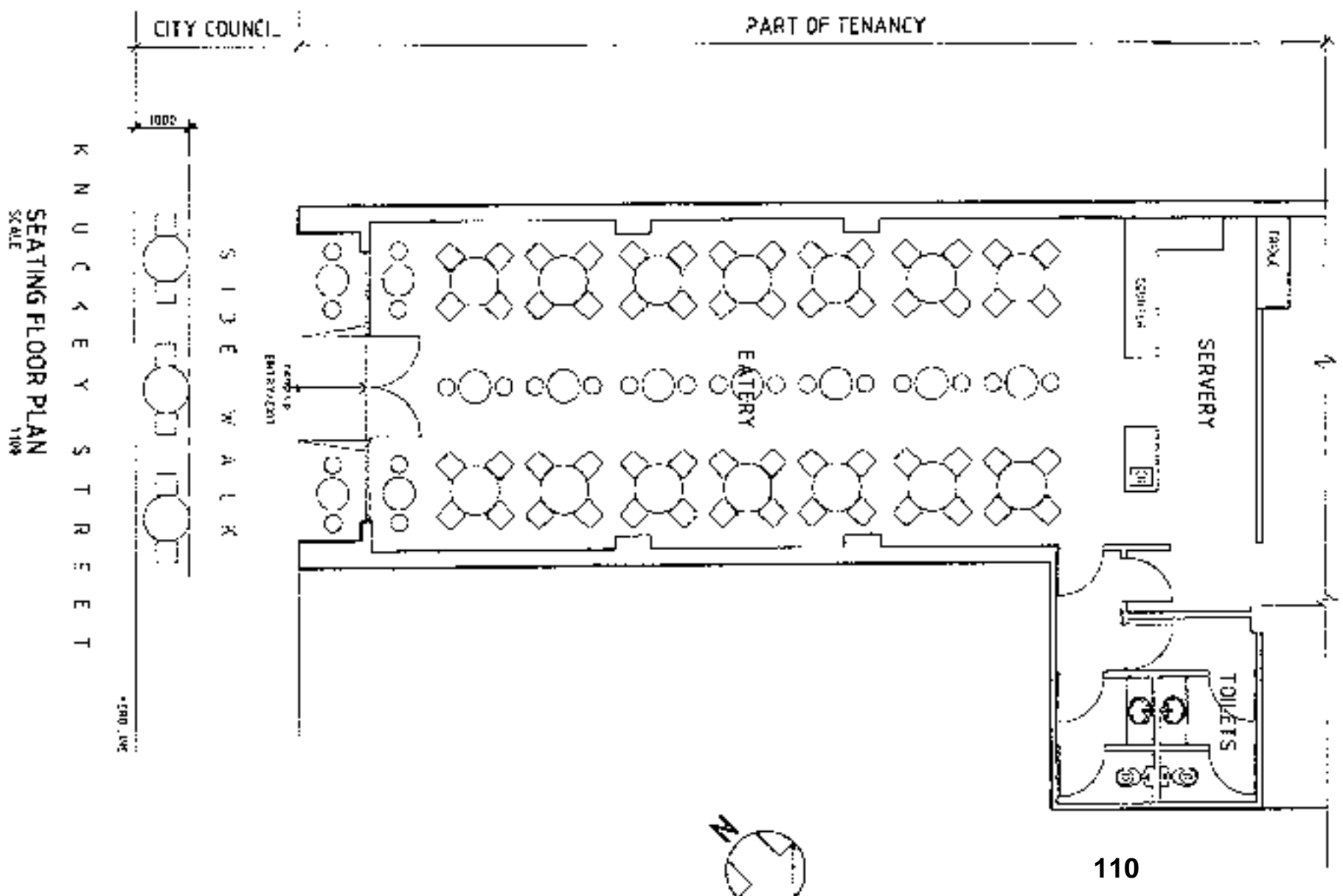
# SUBMISSIONS ON SECTION 6(2) PUBLIC INTEREST CRITERIA

To  
 The Director of Licensing  
 Licensing and Regulation Division  
 Department of Justice  
 PO Box 9800  
 DARWIN NT 0801

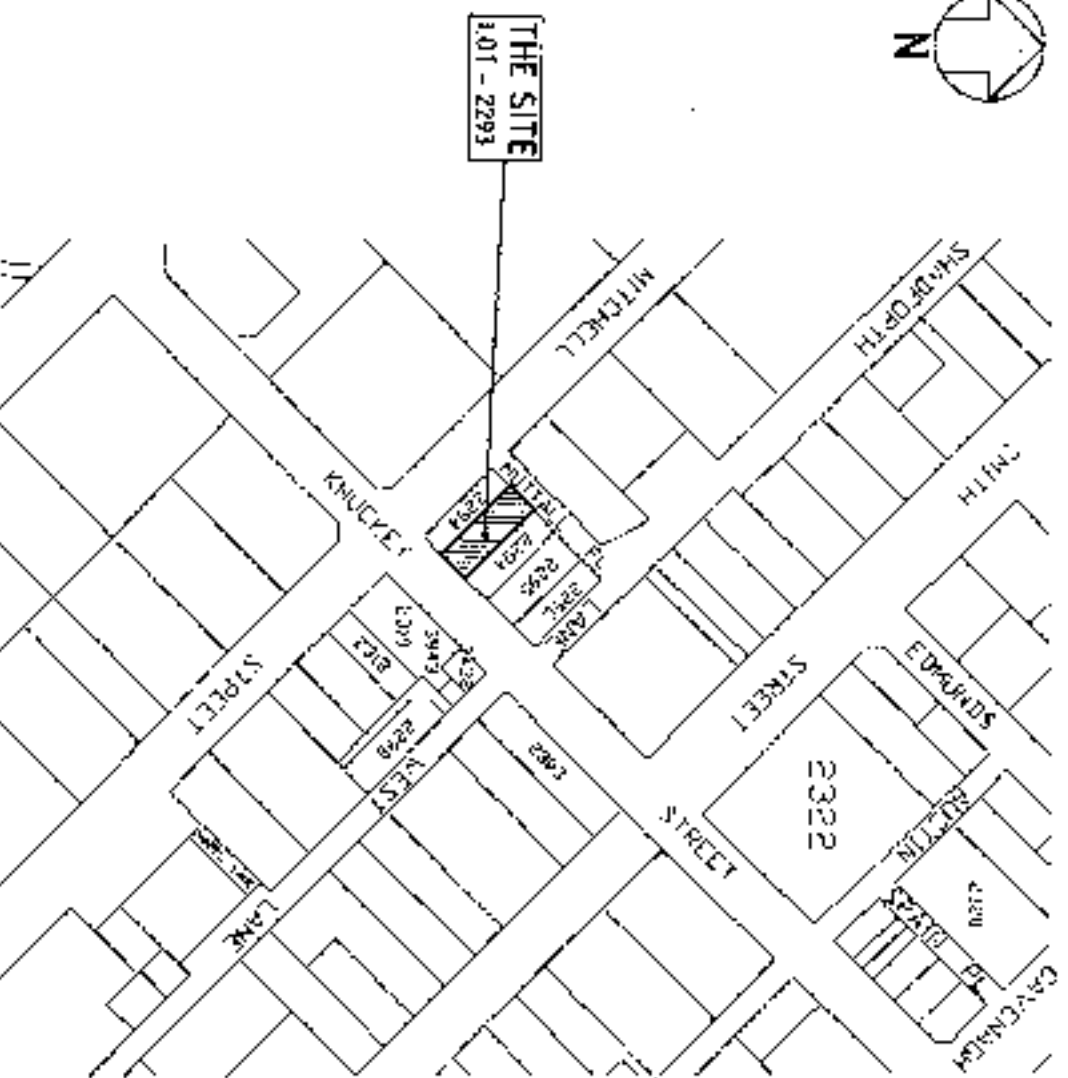
- Section 6(2)(a): The applicant is aware of the harm and ill-health that can be caused to people in general as a result of alcohol abuse.  
 The applicant is aware of the cost to the community of excessive alcohol consumption.  
 The applicant will serve alcohol with these considerations in mind at all times.
- Section 6(2)(b): The applicant has completed a Responsible Service of Alcohol course at the International College of Advanced Education.  
 The applicant understands that alcohol must be both sold and consumed on the premises in a responsible manner that ensures the safety of other patrons.
- Section 6(2)(c): Alaturka Turkish Restaurant ("the proposed business") has a proposed seating capacity of 74 patrons.  
 It is an average sized restaurant.  
 It is unlikely to be operating at full capacity at all times.  
 The applicant will not host events that attract large or excessive numbers of persons to the licensed premises.
- Section 6(2)(d): The applicant will not seat patrons who are excessively intoxicated.

- The applicant will not serve amounts of alcohol that would facilitate patrons becoming excessively intoxicated.
- The applicant will ask excessively intoxicated patrons to leave the premises.
- Section 6(2)(e): The applicant will play music softly in the background for the enjoyment of patrons.
- The music will enhance the ambience of the restaurant.
- The music will not be played excessively loudly, so as to disturb neighbouring businesses or residents.
- Section 6(2)(f): The applicant refers to her submissions on section 6(2)(d) and section 6(2)(r).
- The proposed business is to be located on Knuckey Street, which consists of mixed industry.
- The proposed business is not adjacent to any schools, hospitals and churches.
- Section 6(2)(g): The applicant refers to her submissions on section 6(2)(d).
- The applicant will abide the conditions imposed by this license and any relevant laws of the Northern Territory or by-laws of the Darwin City Council.
- Section 6(2)(h): The applicant refers to her submitted resume.
- The applicant is an experienced businesswoman and has owned restaurants previously.
- The applicant has proven herself to be a responsible and prudent businesswoman.
- The applicant will train employees to a suitable standard as required by a business of this nature.
- Section 6(2)(i): The applicant will not encourage patrons to pay for alcohol in advance via way of a 'bar tab'.
- The applicant will restrict the value of the 'bar tab' available.

- Section 6(2)(j): The applicant is operating an average-sized restaurant.  
The purpose of the application is to allow patrons to enjoy an alcoholic beverage in conjunction with their meal.  
It is not the purpose of the license or the intention of the applicant to encourage the excessive consumption of alcohol.
- Section 6(2)(k): The applicant refers to her submissions in section 6(2)(j).  
The applicant will offer a limited selection of alcohol.  
The sale and consumption of alcohol will be limited to the trading hours of the restaurant.  
The applicant will not sell alcohol outside the trading hours of the restaurant.
- Section 6(2)(l): The applicant refers to her submissions in section 6(2)(e ).
- Section 6(2)(m): The applicant refers to her submissions in section 6(2)(e).
- Section 6(2)(n): The applicant refers to her submissions in section 6(2)(j).  
The applicant will not sell alcohol at reduced prices or give alcohol away for free.  
It would not be in the applicant's commercial interests to sell alcohol at reduced prices.



JOB TITLE  
 PROPOSED SEATING FLOOR PLAN  
 ALATURKA TURKISH RESTAURANT  
 AT LOT- 2293, #11 KNUCKEY



LOCALITY PLAN  
NOT  
TO  
SCALE

1 FOR  
VT  
SHEET

DRAWING TITLE

LOCALITY PLAN  
SEATING PLAN

DATE NOV. 2008

DRAWN

SCALE AS SHOWN

DWG NO. SBDR-047

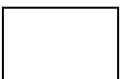
SHEET NO

A1/A1

**12 OFFICER'S REPORTS**

- 12.9 Material Alteration of Liquor Licensed Premises Tracy Village Social & Sports Club Lot 9775 (28) Tambling Terrace, Lyons Change of Delegation – Department Name Change**  
Report No. 09TS0026 Common No. 1525860

*Report Number 09TS0026 is attached.*





ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 19/02/09

<b>TO:</b>	1 <sup>ST</sup> ORDINARY COUNCIL MEETING/OPEN	<b>APPROVED:</b>	BS
<b>FROM:</b>	GENERAL MANAGER INFRASTRUCTURE	<b>APPROVED:</b>	PL
<b>REPORT NO:</b>	09TS0026 BS:cb	<b>APPROVED:</b>	LC
<b>COMMON NO:</b>	1525860		
<b>SUBJECT:</b>	MATERIAL ALTERATION OF LIQUOR LICENSED PREMISES TRACY VILLAGE SOCIAL & SPORTS CLUB LOT 9775 (28) TAMBLING TERRACE, LYONS CHANGE OF DELEGATION - DEPARTMENT NAME CHANGE		

**ITEM NO: 12.9****SYNOPSIS:**

Tracy Village Social & Sports Club is applying to the Northern Territory Licensing Commission for a material alteration to their premises in Lyons (**Attachment A**).

This report recommends that Council raises no objection to this Liquor Licence Application, and has no comments in relation to this Liquor Licence Application.

The report is also seeking name changes to the existing delegation. The Department Of Racing Gaming and Licensing have changed their name to Licensing and Regulation – Licensing. The Liquor Commissioner is now known as the Director of Licensing.

**GENERAL:**

This application is to develop the internal areas of the premises. No increase to the licenced area is proposed. A development application for these changes is currently with the Development Consent Authority.

**Applicant:** Tracy Village Social & Sports Club Inc.

**Name of Premises:** Tracy Village Social & Sports Club.

**Current and/or Proposed Conditions:**

The current conditions will remain unchanged.

**Trading Hours:**

The current trading hours will remain unchanged.

PAGE: 2  
REPORT NO: 09TS0026 BS:cb  
SUBJECT: MATERIAL ALTERATION OF LIQUOR LICENSED PREMISES  
TRACY VILLAGE SOCIAL & SPORTS CLUB  
LOT 9775 (28) TAMBLING TERRACE, LYONS  
CHANGE OF DELEGATION - DEPARTMENT NAME CHANGE

---

### **Council's Land Affected**

No Council owned or controlled land is affected by the proposal.

### **Considerations under the Liquor Act**

#### **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.

### **Conclusion**

There appears to be nothing related to this application which would be grounds for objection under Section 47F(2) of the Liquor Act.

### **Conditions to a Liquor Licence – Section 3 Objects of the Act & Section 6 Public Interest Criteria**

No change is proposed to the existing trading hours, the licence conditions, and does not involve an increase in the licenced area.

The proposed alterations to the premises include:

- Renovation of an existing building to a bistro then later a function and entertainment centre with a bar.
- A covered alfresco dining area attached to the function centre.
- A new beer garden to replace the existing beer garden which will be halved by the driveway and have no access for patrons.
- The construction of a commercial kitchen to replace the existing kitchen.
- A delivery driveway from Danamilla Terrace and service area for the new kitchen approved by Darwin City Council.
- Additional storage room, curator's room and plant room associated with the function centre.

### **Conclusion**

There appears to be nothing related to this application which would require additional considerations or conditions of the proposed licence under Section 3 & 6 of the Liquor Act.

PAGE: 3  
 REPORT NO: 09TS0026 BS:cb  
 SUBJECT: MATERIAL ALTERATION OF LIQUOR LICENSED PREMISES  
 TRACY VILLAGE SOCIAL & SPORTS CLUB  
 LOT 9775 (28) TAMBLING TERRACE, LYONS  
 CHANGE OF DELEGATION - DEPARTMENT NAME CHANGE

---

### **FINANCIAL IMPLICATIONS:**

This issue is not considered confidential.

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

### **LEGAL IMPLICATIONS:**

This matter is not considered confidential.

### **ENVIRONMENTAL IMPLICATIONS:**

Not assessed.

### **PUBLIC RELATIONS IMPLICATIONS:**

Not assessed

### **COMMUNITY SAFETY IMPLICATIONS:**

Referred to the Community Safety Advisory Committee.

### **DELEGATION:**

Not applicable as delegation not utilised.

### **Delegation Changes**

#### **Existing Delegation :**

THAT Darwin City Council, pursuant to section 32(2) of the Local Government Act, 2008, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:

- i). Determine grounds for objections to Liquor Licence Applications and advise the **Liquor Commissioner** in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.

PAGE: 4  
 REPORT NO: 09TS0026 BS:cb  
 SUBJECT: MATERIAL ALTERATION OF LIQUOR LICENSED PREMISES  
 TRACY VILLAGE SOCIAL & SPORTS CLUB  
 LOT 9775 (28) TAMBLING TERRACE, LYONS  
 CHANGE OF DELEGATION - DEPARTMENT NAME CHANGE

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- ii). Submit comments on Liquor Licence Applications to the ***Department of Racing, Gaming and Licensing*** only when required to meet statutory or Departmental deadlines.

New Delegation :

THAT Darwin City Council, pursuant to section 32(2) of the Local Government Act, 2008, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:

- i). Determine grounds for objections to Liquor Licence Applications and advise the ***Director of Licensing*** in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.
- ii). Submit comments on Liquor Licence Applications to ***Licensing and Regulation – Licensing***, only when required to meet statutory or Departmental deadlines.

**CONSULTATION:**

General Manager Infrastructure  
 Strategic Town Planner

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

**APPROPRIATE SIGNAGE**

Not applicable.

PAGE: 5  
 REPORT NO: 09TS0026 BS:cb  
 SUBJECT: MATERIAL ALTERATION OF LIQUOR LICENSED PREMISES  
 TRACY VILLAGE SOCIAL & SPORTS CLUB  
 LOT 9775 (28) TAMBLING TERRACE, LYONS  
 CHANGE OF DELEGATION - DEPARTMENT NAME CHANGE

---

### **RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

- A. THAT Report Number 09TS0026 entitled, - Material Alteration of Liquor Licensed Premises, Tracy Village Social & Sports Club, Lot 9775 (28) Tambling Terrace, Lyons, Change of Delegation - Department Name Change, be received and noted.
- B. THAT Council endorse the following comments to be forwarded to the Director of Licensing, Licensing and Regulation - Licensing:
  - i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
  - ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act.
- C. THAT Darwin City Council, pursuant to section 32(2) of the Local Government Act, 2008, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:
  - i). Determine grounds for objections to Liquor Licence Applications and advise the Director of Licensing in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.
  - ii). Submit comments on Liquor Licence Applications to Licensing and Regulation – Licensing, only when required to meet statutory or Departmental deadlines.

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

Any queries on this report may be directed to Brian Sellers, Planning Officer on extension 5683.



"Manager"  
 <manager@tracyvillage.com.au>

To: <jeffrey.paul@pm.gov.au>

cc:

from:

Subject: alterations and additions to clubrooms

04/02/2009 03:40 PM

Please respond to  
 "Manager"  
 <manager@tracyvillage.com.au>

History:

☞ This message has been replied to.

Jeffrey

As discussed Sitters on our behalf have lodged plans this week with DCA for:

- the construction of a commercial kitchen to replace our existing inadequate kitchen
- a delivery driveway from Stanmilla 1ce and service area for the new kitchen - this has already been approved by the LCC.
- the renovation / refurbishment of an existing building that was built as a multi purpose hall to be used initially as a bistro then later as a function and entertainment centre
- additional storage room, computers room and plant room associated with the function centre
- a covered alfresco dining area attached to the function centre
- a new beer garden to replace the existing beer garden which will be halved by the driveway and have no access at this stage for patrons
- improvements to our security system to comply in principle with regulations applying to late night venues

As the attached plans show the renovated hall will be attached to the existing clubrooms as seamlessly as possible by a 3m wide corridor and foyer area effectively creating one larger clubrooms. A new sealed 225 space car park has been built and provision made for an extended park for stage 2.

This work is planned to commence in May 2009 and be completed by late December 2009.

The second stage of the development to follow possibly in 2011 is the total demolition of the existing kitchen, bistro and toilet block to be replaced by a new bistro and other clubroom areas, hence the use of the renovated hall for a bistro until the new one is built

The proposal for the refurbished hall includes a new permanent bar and associated keg room and storage room to cater initially for use as a bistro and later as a function centre. The regulations relating to the proposed smoking legislation are unknown but we believe our design will suit any of the possibilities that has been discussed with the ALA and Government

We desire that the licensed hours throughout the clubrooms i.e. for the two main bars are the same as now and provide for consumption in the new beer garden which will be used for functions as is the existing beer garden.

The plans attached are those submitted to LCA and can be altered to address any requirements you may have.

Our "pink" signs go up this Friday morning and we desire that the two approval processes are in parallel if at all possible.

Please advise what we do now to proceed.

John Quinlan  
 Club Manager  
 Licensed Nominee

**APPLICATION FOR APPROVAL OF MATERIAL ALTERATION TO LICENSED  
PREMISES AND ALTERATION TO LICENSED AREA PLAN**

9 February 2009

Addressing criteria in Liquor Act Section 6(2)(a) to (n)

- (a) **harm or ill-health minimization of consumption of liquor**  
Food is available at lunch and dinner, free bar snacks are provided during happy hours, function bookings are not accepted without provision of a meal or platters, non-alcoholic beverages and water are available and RSA guidelines are followed.
- (b) **responsible sale and consumption of liquor**  
The Liquor Act, RSA guidelines and code of practice for alcohol promotion are all adhered to, staff are trained and there is always a Duty Manager rostered on to supervise staff and observe customers.
- (c) **public order and safety issues with large numbers of patrons**  
The property is completely fenced with two long access driveways, sufficient parking is all provided on site and there are no properties abutting the Clubrooms and beer garden where functions are held.
- (d) **safety, health and welfare of customers**  
The property is kept clean and in a good state of repair, annual Health Dept and Fire Dept inspections are conducted and any issues raised are addressed. Smoking is limited to that allowed under the Act and many air filters are in place in smoking permitted areas. Any person who interferes with the welfare of another person is removed from the premises and if actual violence occurs is served with a trespass notice and or Membership revoked.
- (e) **noise emanations**  
Any noise produced by normal Club activities is well away from other properties. Bands are limited mainly to Friday evenings 8pm to 12mn and along with jukebox music, volumes are policed and restricted by Duty Managers so that customers may converse comfortably.
- (f) **business must not cause offence etc**  
As per (c) above the Clubrooms are well separated from persons who reside or work in the neighborhood and located far enough away from schools, churches and the hospital so as not to interfere or inconvenience any persons going to or from or using these premises.
- (g) **compliance with Act and other laws**  
We are well aware of and comply with the Liquor Act and Local Government by-laws. We have approval from the DCC for a delivery entrance to our proposed kitchen subject to agreed conditions being met and have lodged an application to the DCA due to be heard on Friday April 3.
- (h) **staff training**  
Before being accepted for employment all staff must have qualifications and experience relevant to their job description and receive a wide range of other specific training like RSA, responsible promotion of alcohol, crowd control, first aid certificate, operating and cleaning beer dispensing equipment, customer service, food handling, bookkeeping etc etc.
- (i) **use of credit for sales**  
Credit for sale of liquor is only given on infrequent occasions when a business may request it or sales to one of our affiliated licensed organizations.
- (j) **prohibit practices encouraging irresponsible drinking**  
We strictly follow the Licensing Commission's Code of Practice for the Responsible Promotion (and sale) of alcoholic beverages.

**(k) necessity to impose limitations**

Currently there are no issues we have encountered that have made it necessary to implement any of the limitations in (k)(i) to (iv).

**(l) necessity to limit of persons in clubrooms**

We are aware of the maximum number of persons permitted on the premises and have not had an occasion where we have felt the necessity to limit the numbers in any part of the licensed area.

**(m) necessity to impose limits to entertainment**

As a family Club we chose entertainment and music that is not too loud and not offensive to any of our Members and their families.

**(n) necessity to limit drink promotions**

Our drink promotions are generally limited to two main categories, the Happy Hours where we adhere to the Code of Practice guidelines and the Suppliers promotions, often to launch new products.

John Quinlan  
Club Manager  
Licensee Nominee



LIQUOR ACT**1st NOTICE OF APPLICATION FOR MATERIAL ALTERATIONS OF  
LICENSED AREA OF****LIQUOR LICENSED PREMISES****TRACY VILLAGE SOCIAL AND SPORTS CLUB**

TRACY VILLAGE SOCIAL AND SPORTS CLUB INC. HEREBY GIVE NOTICE that it has applied to the Northern Territory Licensing Commission for a material alteration of licensed area to the premises, Liquor Licence (number 81401508) for the Tracy Village Social and Sports Club, located at Tumbling Terrace, Darwin, NT.

The alterations to the premises will consist of:

- Renovation of an existing building to a bistro then later a function and entertainment centre with a bar.
- A covered alfresco dining area attached to the function centre.
- A new beer garden to replace the existing beer garden which will be halved by the driveway and have no access for patrons.
- The construction of a commercial kitchen to replace the existing kitchen.
- A delivery driveway from Danamila Loo and service area for the new kitchen approved by Darwin City Council.
- Additional storage room, curators room and plant room associated with the function centre.

The premises' licensed liquor hours and conditions will remain unchanged.

This is the first notice of application. The notice will be published again in the Northern Territory News paper on Friday, 20 February 2009.

The objection period is deemed to commence from Friday, 20 February 2009.

Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground that the material alterations of licensed premises 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.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47G of the *Liquor Act* requires the Director of Licensing to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

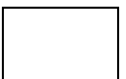
For further information regarding this application contact the Director of Licensing on telephone 8999 1800. Objections to this application should be lodged in writing with the Director of Licensing, GPO Box 1154, Darwin, within thirty (30) days of the commencement date of the objection period.

Dated this 18<sup>th</sup> Day of February 2009

## 12 OFFICER'S REPORTS

- 12.10 **Sign Application – McDonald's Restaurant Lots 1720 & 1067 (29 – 31)**  
**Stuart Highway, Stuart Park**  
Report No. 09TS0014 Common No. 1512219

*Report Number 09TS0014 is attached.*



ENCL: YES

**DARWIN CITY COUNCIL**  
**REPORT**

DATE: 26/02/09

**TO:** 1<sup>ST</sup> ORDINARY COUNCIL MEETING/OPEN **APPROVED:** BS

**FROM:** GENERAL MANAGER INFRASTRUCTURE **APPROVED:** PL

**REPORT NO:** 09TS0014 BS:cb **APPROVED:** LC

**COMMON NO:** 1512219

**SUBJECT:** SIGN APPLICATION – McDONALD'S RESTAURANT  
LOTS 1720 & 1067 (29 – 31) STUART HIGHWAY, STUART PARK

**ITEM NO: 12.10****SYNOPSIS:**

Council approval is sought for a signage concept for the proposed McDonald's Restaurant on the Stuart Highway, Stuart Park (**Attachment A**).

The proposal for the McDonalds Restaurant on the Stuart Highway in Stuart Park is currently being assessed by NT Development Assessment Services. Notwithstanding Council's decision on signage, sign permits will not be issued until a Development Permit has been issued by the Development Consent Authority.

This report recommends approval of the signage concept on the basis that the free-standing and flag sign are reduced in size, and that conditions are placed on the promotional banner site.

**GENERAL:**

<b><i>Applicant</i></b>	<b>Conics</b>
<b><i>Type of Advertising</i></b> (inc. temp/perm/illuminated)	Permanent Illuminated
<b><i>Type of Sign</i></b> (Business/Election/Promotion etc.)	1 x Permanent Promotional Banner 19 x Business
<b><i>Type of Structure</i></b> (Pole/Free Standing/Fascia/High etc.)	6 x Wall Signs 1 x Banner Site 11 x Free-Standing Signs 1 x Flag Sign
<b><i>Location of Sign</i></b>	On Private Property
<b><i>Existing Signage</i></b>	Nil

The proposal is located within the SC (Service Commercial) Zone on the Stuart Highway, between Hassan Place, Wedd Street and backs onto Ramirez Road.

### ***Outdoor Advertising Signs Code***

Unless an advertising sign is exempt under the Outdoor Advertising Signs Code, i.e. a traffic control device or is a complying sign which complies with the requirements of the Signs Code a permit is required.

The total proposed signage for the McDonalds development does not comply with Council's Outdoor Advertising Signs Code. The proposed signage package is "discretionary" under Council's Signs Code due to the number of proposed signs that do not comply with the Signs Code. The application therefore requires Council approval for a permit for "discretionary" advertising signs. A permit for "discretionary" advertising may be approved by Council with conditions to ensure the criteria and objectives of the Signs Code are satisfied.

The application from Conics, on behalf of McDonalds, contains a total of 20 business advertising signs with a total area of 58.4 square metres. The proposed free-standing sign exceeds the Signs Code by 5 metres and the flag sign by 1.5 metres in height.

The applicant has responded to the provisions of Council's Outdoor Advertising Signs Code in **Attachment A**, supplying further information to support their signage application.

**In their application Conics state:** *"The location of the proposed restaurant is considered to be appropriate in relation to the surrounding development. Signage of the nature proposed is consistent with community expectation for a McDonalds Restaurant."*

The Outdoor Advertising Signs Code does not limit the number of signs on a site but rather provides specific provisions and polices on each sign type. This report reviews each sign type proposed for the McDonalds Restaurant and provides comment on whether the proposed sign satisfies the provisions of the sign type as specified in the Code.

### ***Wall Signs***

The proposed McDonald's Restaurant has road frontages to three sides of the premises and in accordance with the Outdoor Advertising Signs Code wall signs are permitted on each facade of the building facing a road reserve.

There are a total of 6 wall signs proposed.

The two McDonald's signs are 5.25 metres wide x 0.6 metres high with a total area of 3.15 square metres each. One sign will be placed on the northern wall directed at incoming traffic. The second sign will be directed towards Ramirez Road.

The two "M" signs are 1.4 metres high x 2 metres wide, having a total area of 2.8 square metres each. One sign will be facing the Stuart Highway with the second sign on the southern wall directed at outgoing traffic.

Two McCafe signs are proposed for the premises. One sign will face the Stuart Highway being 0.92 metres high x 1.98 metres wide and having a total area of 1.8 square metres. The second sign at 0.55 metres high x 1.2 metres wide and having an area of 0.66 square metres and will be placed on the southern wall directed at outgoing traffic.

**In their application Conics state:** *"The proposed number of wall signs is considered to complement the proposed Restaurant use."*

## **Conclusion**

In the Commercial Zone the Signs Code limits a business advertising sign to a maximum of 4 square metres. Each of the proposed wall signs are within this maximum area. The signs do not constitute more than 25% of the building façade and in this regard also comply with Council's Signs Code.

## ***Directional Free-Standing Signs & Menu Boards***

The proposal is for 4 signs directing motorists to the drive-through entrance where they will come across the proposed 6 menu boards. These signs are positioned for motorists utilising the drive-through service and not the general public. These signs comply with the Signs Code.

## ***Free Standing Business Sign***

McDonald's are applying for a 12 metre high free-standing Pylon sign which is located adjacent to the Stuart Highway. The sign contains advertising regarding the drive-through, McCafe and the trading hours.

The Outdoor Advertising Signs Code allows a free-standing sign to a height of 7 metre, and any sign over this height requires Council approval. Council recently approved a 9 metre free-standing cluster sign for a car dealership within the Stuart Park commercial precinct.

Council has not approved a free-standing precinct cluster sign higher than 10 metre since the inauguration of the 1996 Signs Code.

**In their application Conics state:** *"The proposed Pylon Sign is considered to be of a suitable scale within the context of the existing development which surrounds the subject site on the Stuart Highway, Stuart park."*

## **Conclusion**

The proposal significantly exceeds the maximum height for free-standing signs and no special circumstances are evident to support the proposed 12 metre height.

A 12 metre high sign in this service commercial area would become a dominant feature of the area. The proposed sign would not be consistent with the existing 9 metre cluster sign Council recently approved on the lot directly adjacent to the proposed McDonald's Restaurant.

It is considered a permit should be issued for a 9 metre high free-standing sign after Council receives amended plans showing the maximum height of the sign is 9 metre from ground level.

### ***Flag Signs***

The proposed 8.5 metre flag sign is 1.5 metres over the guidelines of the Outdoor Advertising Signs Code. Council to date have not approved a flag sign over 8 metres but have approved cluster advertising signs over 8 metres, as cluster signs advertise all the businesses in the precinct.

Council refused a similar application last year for the adjoining premises, but has approved flag signs at 8 metres from ground level within the Stuart Park commercial area.

**In their application Conics state:** *“While the height of the flag exceeds the conditions listed in the Signs Code, it will not negatively impact on the surrounding environment”.*

### **Conclusion**

It is considered that the flag sign should not be higher than 8 metres from ground level in line with other Council approved flag advertising signs in the immediate vicinity. A permit should be issued when Council receives amended plans showing a maximum height of 8 metres above ground level.

### ***Promotional Banner Site***

A permanent promotional banner site is proposed for the Stuart Highway road frontage. The applicant has stated that the promotional banners will be changed in response to business requirements.

The Outdoor Advertising Signs Code states:

- *“Banners may only be displayed for promotional reasons on a temporary basis.*
- *The maximum duration for the display of a banner is 2 weeks, and no more than 4 permits a year for a display from any one premises will be granted.”*

This type of advertising sign is becoming common practice within the Darwin Municipality. To date Council has no formal record of a complaint regarding any permanent promotional banner sites.

It is recommended that Council issue a permit for the Restaurant to display a permanent promotional banner on its land. The permit should be limited to a period of no more than 4 weeks for each banner. This will allow the banners to be maintained in a pristine condition. The banner should advertise a promotion for the business and not promote a single product sold by the business.

**In their application Conics state:** *“While the content of the Banner is anticipated to change in response to business requirements, the use of a Banner in this location is intended to be on a permanent basis.”*

## **Conclusion**

That Council issue a permit for a permanent banner site with the following conditions:

- Banners may only be displayed for a promotion of McDonalds Restaurant business on a temporary basis.
- The maximum duration for the display of a banner is 4 weeks.
- The banner shall be removed at times of high winds or at such a time that a Cyclone Watch has been issued.

## **FINANCIAL IMPLICATIONS:**

Nil.

## **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this report are in accordance with the following goals/strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

## **LEGAL IMPLICATIONS:**

This issue is not considered confidential.

## **ENVIRONMENTAL IMPLICATIONS:**

Not assessed.

## **PUBLIC RELATIONS IMPLICATIONS:**

Not assessed.

## **COMMUNITY SAFETY IMPLICATIONS:**

Not assessed.

## **DELEGATION:**

Nil.

PAGE: 6  
 REPORT NO: 09TS0014 BS:cb  
 SUBJECT: SIGN APPLICATION – McDONALD'S RESTAURANT  
 LOTS 1720 & 1067 (29-31) STUART HIGHWAY, STUART PARK

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### **CONSULTATION:**

General Manager Infrastructure

Strategic Town Planner

NT Government, Roads Division - The application has been forwarded to the NT Government as the premises are adjacent to the Stuart Highway. No response from the NT Government has been received.

### **PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil.

### **APPROPRIATE SIGNAGE:**

Not applicable.

### **RECOMMENDATIONS:**

- A. THAT Report Number 09TS0014 BS:cb entitled, Sign Application – McDonald's Restaurant, Lots 1720 & 1067 (29-31) Stuart Highway, Stuart Park, be received and noted.
- B. THAT the Applicant be advised the following signs are approved in accordance with the requirements of the Outdoor Advertising Signs Code;
  - i). The six proposed wall signs;
  - ii). The six proposed menu boards; and
  - i). The four directional free-standing signs;
- C. THAT the Applicant be advised the proposed permanent banner site be approved in accordance with the requirements of the Outdoor Advertising Signs Code, with the following conditions:
- D.
  - ii). Banners may only be displayed for promotion of McDonalds Restaurant business on a temporary basis;
  - iii). The maximum duration for the display of a banner is 4 weeks; and
  - iv). The banner shall be removed at times of high winds or at such a time that a cyclone watch has been issued;
- D. THAT the Applicant be advised the proposed 12 metre high free-standing pylon sign be refused in accordance with the requirements of the Outdoor Advertising Signs Code;
- E. THAT the Applicant be advised the Council would approve a 9 metre pylon sign and requests the Applicant to submit amended plans showing the maximum height of the pylon sign is 9 metres from ground level;



PAGE: 7  
REPORT NO: 09TS0014 BS:cb  
SUBJECT: SIGN APPLICATION – McDONALD'S RESTAURANT  
LOTS 1720 & 1067 (29-31) STUART HIGHWAY, STUART PARK

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- F. THAT the Applicant be advised the proposed 8.5 metres high flag sign be refused in accordance with the requirements of the Outdoor Advertising Signs Code;
- G. THAT the Applicant be advised the Council would approve an 8 metre flag sign and requests the Applicant to submit amended plans showing the maximum height of the flag sign should not be higher than 8m from ground level; and
- H. THAT the Applicant be advised the sign permits will be issued for the above advertising signs after Council has received a copy of the development permit and amended plans for the pylon sign and the flag sign.

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER INFRASTRUCTURE**

Any queries on this report may be directed to Brian Sellers on extension 89300683.

CONICS

Doc No: 23447  
Date: 21 January 2009

To: Brian Sellers

Darwin City Council  
GPO Box 84  
DARWIN NT 0801

Conics (Australia) Pty Ltd  
10/11/2008  
www.conics.com.au  
t: +61 7 3217 1179  
f: +61 7 3217 3300  
e: info@conics.com.au  
Business Office  
10/11/2008  
A: 10/11/2008  
A: 10/11/2008

Via: Mail & Email ([dlcc@darwin.nt.gov.au](mailto:dlcc@darwin.nt.gov.au))

Dear Euan,

RE: APPLICATION FOR A SIGN PERMIT  
29-31 STUART HIGHWAY, STUART PARK  
LOT 1720 AND LOT 1067 TOWN OF DARWIN OP1222

We write on behalf of our Client, the Applicant, McDonald's Australia, to apply for Sign Permits for a proposed Business and Promotion Signs on Land at 29-31 Stuart Highway, Stuart Park (more formally known as Lot 1720 and Lot 1067 OP1222). As illustrated by the attached Figures, the subject site is zoned Service Commercial.

We note that the signs described herein are proposed in association with an Application seeking a Development Permit for Restaurant, which was lodged with the Development Consent Authority on 12 January 2009. A copy of the Development Application Proposal Plans is attached to illustrate the manner in which the signs complement this proposed Restaurant use. It is acknowledged that the proposed signage package is likely to be considered as Discretionary due to the number of proposed signs. In response, we note that the proposed Restaurant is designed to function and be viewed from all sides. As detailed in the Response to Assessment Criteria below, the proposed signage package is considered to provide suitable identification of the McDonald's Restaurant in a manner which does not cause obstruction or negative impact upon the surrounding uses.

The following table details the nature of the proposed signs including their Structure Type, illumination (where applicable), dimensions and number of sides. This includes Exempt, Complying (with regard to sign and type) and Discretionary signs as illustrated on the attached Signage Application Plans.

Plan Ref	Structure Type	Height	Dimensions (m)			Number of Sides	Illuminated
			Width	Depth	Height from Ground		
Exempt Signs							
1 x "SG12"	Australian Flag	0.35	1.5	n/a	7.64	2	no
2 x "SG6"	Height Clearance Gantry	3.65	2.7	n/a	approx 2.6	1	no

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Sign Ref	Structure Type	Dimensions (m)			Height from Top of Sign	Number of Signs	Location
		Height	Width	Depth			

#### Complying Signs (with regard to scale and type)

2 x S2	Wall Sign (Business)	0.6	5.25	n/a	n/a	1	internally dominated
2 x S3	Wall Sign (Business)	1.4	2.0	1.10	n/a	1	internally dominated
1 x S4	Wall Sign (Business)	0.92	1.93	0.07	n/a	1	help dominated
1 x S5	Wall Sign (Business)	0.56	1.2	n/a	n/a	1	help dominated
6 x S7	Free Standing (Menu Board - Promotions)	2.2	0.76	0.76	n/a	3	internally dominated
4 x S8	Free Standing (Directional Sign - Business)	2.3	0.7	0.15	n/a	2	internally dominated

#### Discretionary Signs (Permit Required)

1 x S1	Pylon Sign (Business)	8.32	3.6		12.0	2	internally dominated
1 x S12	Flag (Business)	0.65	1.0	na	8.5	2	no
1 x S12	Banner (Promotional)	0.8	3.6	na	1.55	1	no

#### Discretionary Signs

The following information is provided in relation to the Discretionary Signs for which Sign Permits are sought by the applicant:

**Pylon Sign** - The proposed pylon sign is classified as Discretionary as the scale and overall height exceed the conditions listed within Outdoor Advertising Signs Code; however, within the context of the existing development which surrounds the subject site on the Stuart Highway, Stuart Park, the proposed Pylon Sign is considered to be of a suitable scale. The proposed pylon sign is consistent with community expectations for a McDonald's Restaurant. It will clearly identify the subject site in a manner that will not negatively impact the surrounding area.

**Flag** - As illustrated by 'S12' on Proposed Signage Details 2 Day Ref 65 SP-SGS, the proposed Business Flag complies with the proposed Outdoor Flag (exempt). While the height of this flag exceeds the conditions listed within the Outdoor Advertising Signs Code, this sign will not negatively impact on the surrounding development.

23447

86902) - The proposed Banner (Promotional) exceeds the maximum area for a sign of this nature permitted within the Outdoor Advertising Signs Code. However, the scale of the sign is considered to be appropriate in relation to the proposed structure illustrated by "S12" on Proposed Signage Details 2 Only Ref: 08-04-500. In addition it is noted that while the content of the Banner is anticipated to change in response to business requirements, the use of a Banner in this location is intended to be on a permanent basis.

#### Response to Assessment Criteria

The following responses the Outdoor Advertising Signs Code Assessment Criteria are provided for Councils consideration in relation to the proposed signage package

Assessment Criteria	Response
10.2.a. The advertising sign causes no significant obstruction of, or distraction to, vehicular or pedestrian traffic	The proposed signs are all located within the subject site on private land. The position and nature of the proposed signs will not cause obstruction or distraction to vehicular flow or pedestrian traffic
10.2.b. An advertising sign is not to obscure a pedestrian's view of traffic or a motorist's or cyclist's view of pedestrians and other traffic, or the road ahead	Similarly, the proposed signs will not obstruct views between pedestrians, cyclists and motorists and of the road ahead
10.2.c. An advertising sign is not to be distracting to drivers in close proximity to intersections, traffic signals, vehicle merging and weaving situations	The proposed signs are not animated and do not involve flashing lights. They will not be distracting to drivers
10.2.d. Advertising signs are not to be designed so as to be confused with a traffic control device	The proposed signs are not similar in nature to a traffic control device
10.2.e. Where there are a number of tenants or premises involved, advertising signs are co-ordinated and complementary to one another	N/A - The proposed development does not involve multiple tenants.
10.2.f. The dimensions of the advertising sign bear a reasonable relationship to the dimensions of surrounding buildings and elements so that i) its presence is not overly dominating or oppressive, and ii) it does not unreasonably obstruct existing views	The dimensions of the proposed signs are in proportion to the surrounding development such that they are not dominating or oppressive in nature and do not unreasonably obstruct views
10.2.g. The advertising sign is consistent in colour and appearance with buildings and natural features of the environment in which it is to be situated	The proposed signs are designed to complement the proposed McDonald's Restaurant and fit the surrounding locality

Page 1

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Development	Findings
10.2.h. The number of advertising signs per premises is measured to avoid visual clutter and to avoid one sign obscuring another	As illustrated by the attached Development Application Proposal Plans and Signage Application Plans, the proposed signs are of a suitable scale, design and location to identify the McDonald's Restaurant (and menu) in the drive through area without creating visual clutter or obstruction
10.2.i. The advertising signs in other respects consistent with the character and values of the council area in which it is to be situated	The proposed signs are consistent with the character and values of the Stuart Park area
10.2.j. Advertising signs shall be constructed of durable materials and maintained in good condition at all times	As detailed on the proposal plans, the proposed signs will be constructed of quality durable materials and will be maintained in good condition at all times
10.2.k. Advertising signs shall be designed so that structural supports are either concealed from public view or are of minimal visual impact	As illustrated on the Proposal Plans, the proposed signs are designed to have concealed or unobtrusive structural supports
10.2.l. Advertising signs do not cause offence to the general public by virtue of the design, message or location	The proposed signs will not cause offence to the general public.
10.2.m. The proposal is consistent with this Code and the By-laws	As detailed in the application, the proposed signs are considered to be consistent with the intent of the applicable elements of the Council Advertising Signage Code and Council By-laws
10.3 Animated and Illuminated Signs	N/A - While the proposed signage package includes internally illuminated and back illuminated signs, no animated signs are proposed
10.4 Cluster Signs	N/A - No Cluster Signs are proposed
10.5 Free Standing Signs  No more than one free standing sign will be permitted over premises  Free standing signs shall not exceed a height of 7 metres	Pylon Sign 'S1' is the primary free standing sign proposed as a part of this application. As detailed above, while the proposed Pylon Sign exceeds 7m, it is consistent with a development of this nature and the surrounding uses. The sign will be of quality construction and design to ensure that it responds appropriately to the locality.  The proposed sign also includes 3-sided Menu Boards 'S7' and Directional Signs 'S8' which are free standing structure. The Menu Boards will be located within the drive through area while the Directional Signs are located within the car park area to provide wayfinding within the site. These signs are

Questions/Comments	Response
<b>10.6 Illuminated Signs</b>	not discussed in nature and are considered to be consistent with the intent of the Clatsop Advertising Signs Code.
<p>No more than one permanent illuminated sign on premises within business, industrial and organized recreation zones will be permitted without consent.</p> <p>Illumination from or upon any sign shall be shielded, shielded, directed or reduced so as to avoid undue brightness or detrimental impact on traffic, the general public and residents, and to prevent glare or reflection of light on private or public property in the surrounding area. Undue brightness is illumination in excess of that which is reasonably necessary to make the sign visible to the average person on an adjacent street.</p>	<p>In accordance with Council's requirements, permission is sought in relation to the proposed illuminated signs on the subject site.</p> <p>As illustrated by the Proposal Plans, the design and location of the illuminated signs ensures that they do not cause undue brightness, glare or reflection on the surrounding area. The proposed illumination complements the proposed Restaurant use and facilitates identification of and safe movement within the site.</p>
<b>10.7 Projecting Signs</b>	N/A – No projecting signs are proposed
<b>10.8 Wall or Fascia Signs</b>	
<p>No more than one wall or fascia sign will be permitted per premises within residential and rural zones.</p>	<p>The subject site is within the Surround Commercial zone.</p>
<p>Wall or fascia signs should be limited to one facade of a building, except where the building has dual street frontage.</p>	<p>The proposed number of wall signs is considered to complement the proposed Restaurant use. As illustrated on the Proposal Plans, the proposed use has multiple street frontages.</p>
<p>No wall or fascia sign will be permitted to exceed 25% of the area of the wall or fascia upon which it is displayed without consent.</p>	<p>As illustrated on Proposed Elevation Plans, the proposed Wall signs do not exceed 25% of the wall area.</p>
<p>The location of the proposed restaurant is considered to be appropriate in relation to the surrounding development. Signage of the nature proposed in this application is consistent with community expectations for a McDonald's Restaurant. As detailed above, the proposed signage is designed to clarify the use, complement the Restaurant use and facilitate safe movement within the site. The proposed use, including the associated signage, will contribute in a positive manner to the locality.</p>	

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We trust this information is sufficient for your purposes. However should you require any further details or clarification please do not hesitate to contact Linda Taylor or to write by telephone (07 3237 2369).

Yours faithfully

Christa Buchanan BSc L2



KIERA HAMMIA

Gen. of Planner

- cc:      Application for a Sign Point (Form)  
          Application Fee (Cheque for \$120.00 payable to Dutton City Council)  
          Owners' Consent  
          Development Application Proposal Plans  
          Signage Application Plans
- cc       Chris Wells - McDonald's Australia



Development Consent Authority  
 Building Board  
 Ground Floor  
 Corner Cavenagh & Knuckey Streets  
 Darwin NT 0800

Dear Sir / Madam

**RE: Letter of Consent of Owner for lodgement of Development  
 Application for 29 - 31 Stuart Highway, Stuart Park**

San Enterprises Pty Ltd as owner of the property situate at 29 - 31 Stuart Highway, Stuart Park hereby consents to the lodgement of all necessary Applications for the establishment of a McDonald's Family Restaurant at the above address which is formally known as Lots 1720 and 1067 Town Plan of Darwin OP1222 at the cost of the Applicant.

Yours Faithfully,

  
 .....  
  
 .....

Dated: 22/12/08

Dated: 22/12/08

Here...

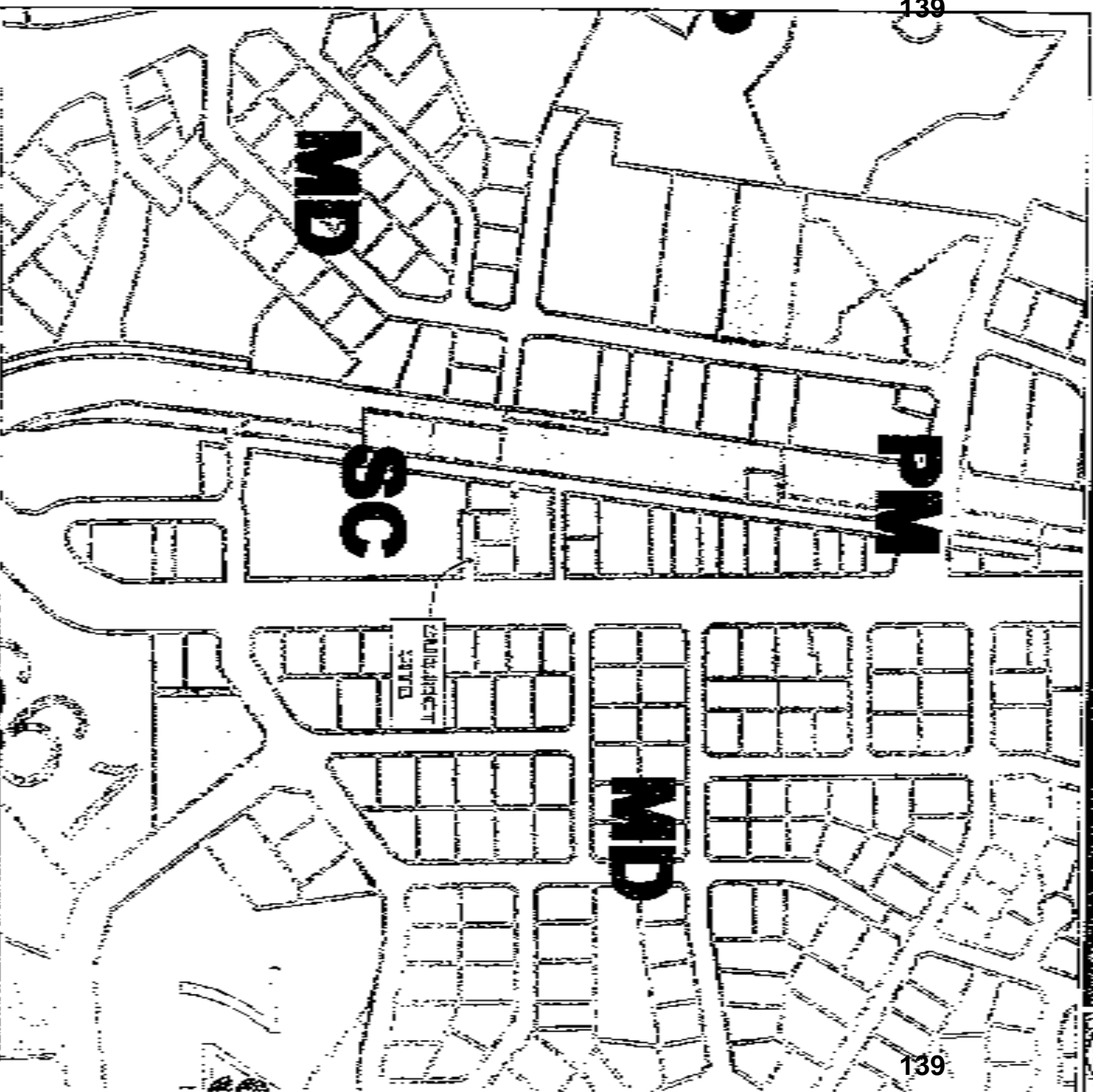


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# Zoning Plan

Figure 3



Single Dwelling Residential	Public Open Space	Community Building
Multiple Dwelling Residential	Organized Association	Light Industry
Medium Density Residential	Mini Retail	General Industry
High Density Residential	Professional Mini Retail	Specialty Uses
Community Living	Community Center	Convenience

CONICS

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## **McDonald's Australia Limited**

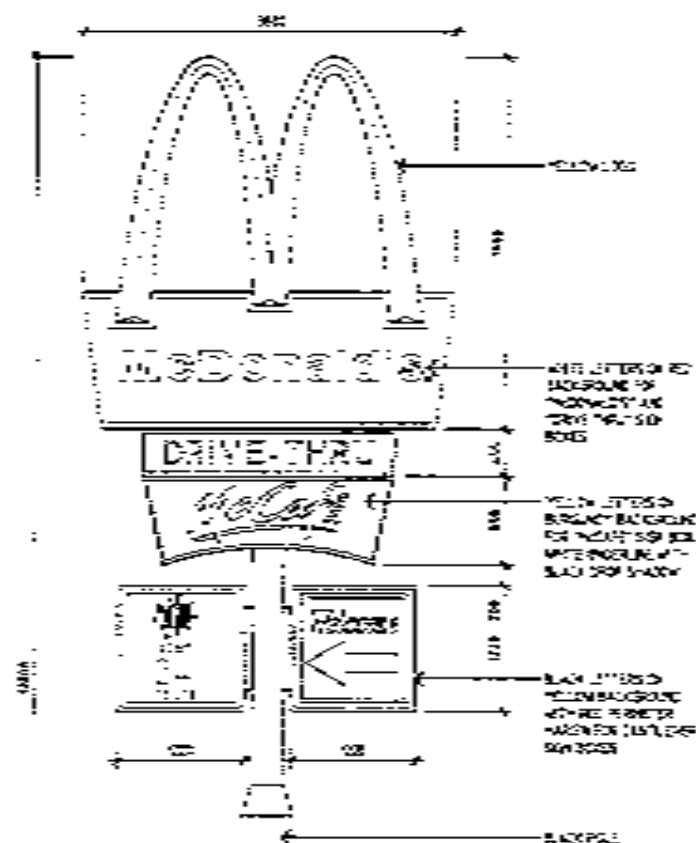
A.B.N. 43 006 498 928, Ph: 07 3630 3666, FX: 07 3630 3999

### **PROPOSED RESTAURANT AT:**

CAR STUART HIGHWAY & WEDD STREET  
STUART PARK DARWIN NT

**STAGE: SIGNAGE APPLICATION**

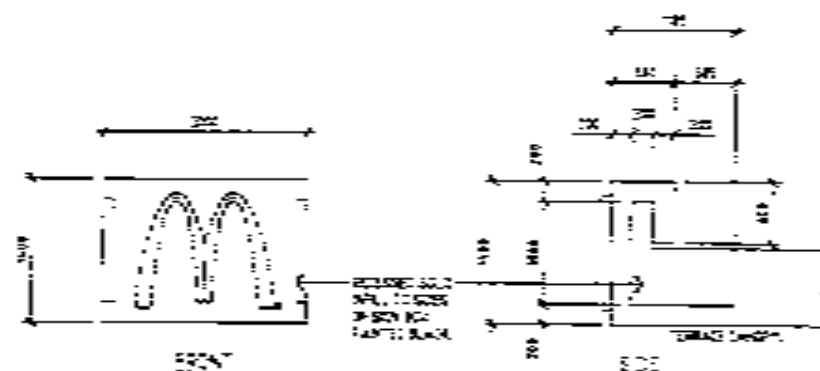
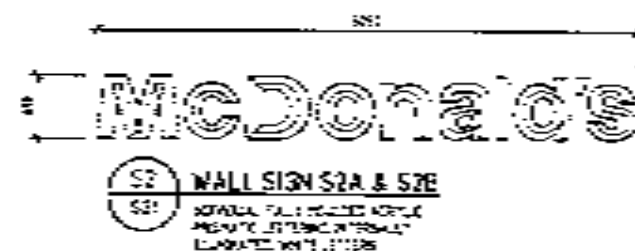




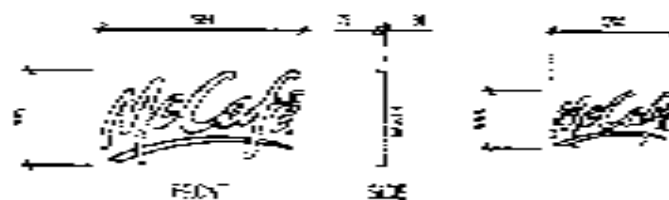
### NOTES

INTERNAL SIGNAGE  
CONSTRUCTED FROM 1/2"  
ALUMINUM AND 1/2" 20 GAUGE  
STEEL. SIGN CONSTRUCTION  
FROM EXTRUDED ALUMINUM WITH  
POWDER COATING. ALL SIGN  
FACES 1/4" THICK. ALL  
LETTERING 1/4" THICK. ALL  
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LETTERING 1/4" THICK. ALL  
LETTERING 1/4" THICK.

51 PYLON SIGN



53 WALL SIGNS 53A & 53B  
53A  
53B  
BLACK LETTERED  
SIGNAGE  
CONSTRUCTED FROM 1/2"  
ALUMINUM AND 1/2" 20 GAUGE  
STEEL. SIGN CONSTRUCTION  
FROM EXTRUDED ALUMINUM WITH  
POWDER COATING. ALL SIGN  
FACES 1/4" THICK. ALL  
LETTERING 1/4" THICK. ALL  
LETTERING 1/4" THICK.



54 WALL SIGN  
54A  
54B  
BLACK LETTERED  
SIGNAGE  
CONSTRUCTED FROM 1/2"  
ALUMINUM AND 1/2" 20 GAUGE  
STEEL. SIGN CONSTRUCTION  
FROM EXTRUDED ALUMINUM WITH  
POWDER COATING. ALL SIGN  
FACES 1/4" THICK. ALL  
LETTERING 1/4" THICK. ALL  
LETTERING 1/4" THICK.

55 WALL SIGN  
55A  
55B  
BLACK LETTERED  
SIGNAGE  
CONSTRUCTED FROM 1/2"  
ALUMINUM AND 1/2" 20 GAUGE  
STEEL. SIGN CONSTRUCTION  
FROM EXTRUDED ALUMINUM WITH  
POWDER COATING. ALL SIGN  
FACES 1/4" THICK. ALL  
LETTERING 1/4" THICK. ALL  
LETTERING 1/4" THICK.

ITEM	DESCRIPTION	QTY	UNIT
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Design Department  
McDonald's  
142









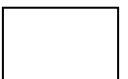


## 12 OFFICER'S REPORTS

### 12.11 Monty's on The Mall Upgrade

Report No. 09A0049 Common No. 204162

*Report Number 09A0049 is attached*



ENCL: YES

**DARWIN CITY COUNCIL**

DATE: 05/02/09

**REPORT****TO:** 1<sup>ST</sup> ORDINARY COUNCIL MEETING/OPEN **APPROVED:** FC**FROM:** A/GENERAL MANAGER CORPORATE SERVICES **APPROVED:** LC**REPORT NO:** 09A0049 **APPROVED:** AB**COMMON NO:** 204162**SUBJECT:** MONTY'S ON THE MALL UPGRADE**ITEM NO: 12.11****SYNOPSIS:**

Mr Steve Simpson owner and operator of Monty's on The Mall attended Council's special meeting on Tuesday 17<sup>th</sup> February 2009 and presented his proposal to install kitchen facilities in the central alfresco area in the Mall.

As the proposal is not in line with Council's recently endorsed document Smith Street Mall – Future Directions 2008 and it is not in accordance with Council's policy to issue alfresco permits without the permit holder occupying adjacent leased premises, approval .

**GENERAL:**

Mr Simpson has submitted a letter and plans (**Attachment A**) to support his request to install a kitchen facility in the central alfresco area in The Mall at his cost, adding that the facility would not only enhance the alfresco area and The Mall, it would also allow him to become independent. In his presentation to Council Mr Simpson's indicated his intention to operate solely out of the servery and vacate his current leased premises in the Galleria Building in The Mall. He stated that he was happy to consider this investment with a limited tenure of three years.

Mr Simpson has operated alfresco dining in the Mall for the past 12 years. His permit includes the central raised area (156 m<sup>2</sup>) and surrounding area located adjacent to his shop, Montys on The Mall. The current permit will expire on 15 April 2011, with an option for a further 5 years. Council conducted upgrade works in 2005 to include a servery and shade structure.

Mr Simpson leases commercial premises adjacent to the alfresco area in The Mall where he conducts his food preparation, wash up, toilets and storage in relation to the operation of his café.

PAGE: 2  
 REPORT NUMBER: 09A0049  
 SUBJECT: MONTY'S ON THE MALL UPGRADE

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### ***Smith Street Mall - FUTURE Directions 2008***

Council in December 2008 endorsed its vision for the revitalisation of The Mall in a document entitled "Smith Street Future Directions 2008."

Council has also made application through the Regional & Local Community Infrastructure Program grants scheme for the revitalisation of the city centre with the total project valued at \$8.6 million, with \$2.7 million allocated for the revitalisation of the Smith Street Mall.

The adopted Smith Street Mall – Future Directions 2008 document has ten core initiatives as follows:

1. **Open** up The Mall to create a flexible city space.
2. **De-clutter** The Mall to improve pedestrian connections.
3. **Enhance** the squares and parks at either end of The Mall to create 'green space anchors'.
4. **Strengthen** a consolidated and regional awning to both sides of the 'street'.
5. **Improve** sun and rain protection by upgrading fixed and temporal shade structures and introducing large civic trees.
6. **Respect** history, establish an historical kerb line and employ good lighting strategies.
7. **Consolidate** tourist and environmental information into a single 'Top End Tourist, Community & Creative Business Hub'.
8. **Preserve** and enhance the existing urban 'grain'.
9. **Increase** the availability and proximity of short term car parking spaces for cars, bicycles and motorbikes.
10. **Create** a robust space that can deal with change which includes a number of vehicular and pedestrian scenarios.

### **TRADING POLICY**

In accordance with Council's Policy, officers on a number of occasion have refused requests from independent traders to operate alfresco dining in The Mall without adjacent leased premises.

All current alfresco permits and side walk dining permits in the city are tied to adjacent leased premises.

Council's Policy 212 "Mall Traders Permits to Trade in the Mall" provides the following condition:

PAGE: 3  
 REPORT NUMBER: 09A0049  
 SUBJECT: MONTY'S ON THE MALL UPGRADE

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*Mall traders are defined as shops with direct Mall frontage or shops in arcades with direct Mall frontage. Arcade traders are those traders whose store is situated in an arcade adjacent to the Mall. In each case the trader must have occupied the said premises for a period of six months or have a registered lease for the premises prior to seeking permission to trade out.*

### **TERMINATION OF ALFRESCO PERMIT**

The existing terms of Mr Simpson's alfresco permit in The Mall provide that Council may terminate the agreement at any time subject to providing the permit holder with three months notice in writing to vacate the alfresco area.

### **STRATEGIC PLAN IMPLICATIONS:**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

#### **Goal**

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

#### **Outcome**

1.1 Improve relations with all levels of Government

#### **Key Strategies**

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

---

#### **Goal**

2 Enhance Darwin's Active, Positive and Flexible Lifestyle

#### **Outcome**

2.1 Improve urban enhancement around Darwin

#### **Key Strategies**

2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs

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### **FINANCIAL**

Council currently charges a fee of \$16,748 per annum to Mr Simpson.

### **ENVIRONMENTAL IMPLICATIONS:**

The implication of food preparation, sanitation including toilets and waste management will require further consideration should Council agree to allow Mr Simpson to operate independently from the alfresco area in The Mall without the adjacent facilities of a leased premises.

PAGE: 4  
 REPORT NUMBER: 09A0049  
 SUBJECT: MONTY'S ON THE MALL UPGRADE

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**PUBLIC RELATIONS IMPLICATIONS:**

Should Council adopt an approach to which is outside of the existing policy and allow Mr Simpson to occupy the alfresco area in The Mall without adjacent leased premises, objections from existing landlords in The Mall may be raised.

**COMMUNITY SAFETY IMPLICATIONS:**

Nil

**DELEGATION:**

Nil

**CONSULTATION:**

General Manager Infrastructure

**PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil

**APPROPRIATE SIGNAGE**

Nil

**RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

- A. THAT Report No 09A0049, entitled Monty's on The Mall Upgrade be received and noted.
- B. THAT Council advise Mr Simpson that his proposal to install kitchen facilities in the area he currently utilises in The Mall is not supported on the basis that:
  - i) It is not in accordance with Policy Number 212 "Mall Trades permits to Trade in The Mall", and
  - ii) It is not in accordance with Council's proposal to upgrade The Mall which includes opening up to create a flexible city space and de-cluttering to improve pedestrian connection.

**LIAM CARROLL**  
**A/GENERAL MANAGER CORPORATE**  
**SERVICES**

Any queries on this report may be directed to Liam Carroll on 89300559.

5<sup>th</sup> December 2008

Darwin City Council  
GPO Box 84  
DARWIN NT 0801

Monty's on the Mall  
Shop 2, 44 Smith Street  
DARWIN NT 0801

To the Darwin City Council,

I am writing in regards to the alfresco area I am currently leasing from the city council. I have been leasing the alfresco area now for the past 12 years and would like to make some alterations to improve and enhance this area.

My Proposal is to put kitchen facilities outside and make it into a working area as shown on the plans provided. This would allow me to become independent in moving forward and enhancing the alfresco area and Smith Street Mall as a general.

All costs for the improvement and upgrade will be funded by myself. I am not asking for any financial assistance, just the opportunity to improve my business and look to improve for a promising future.

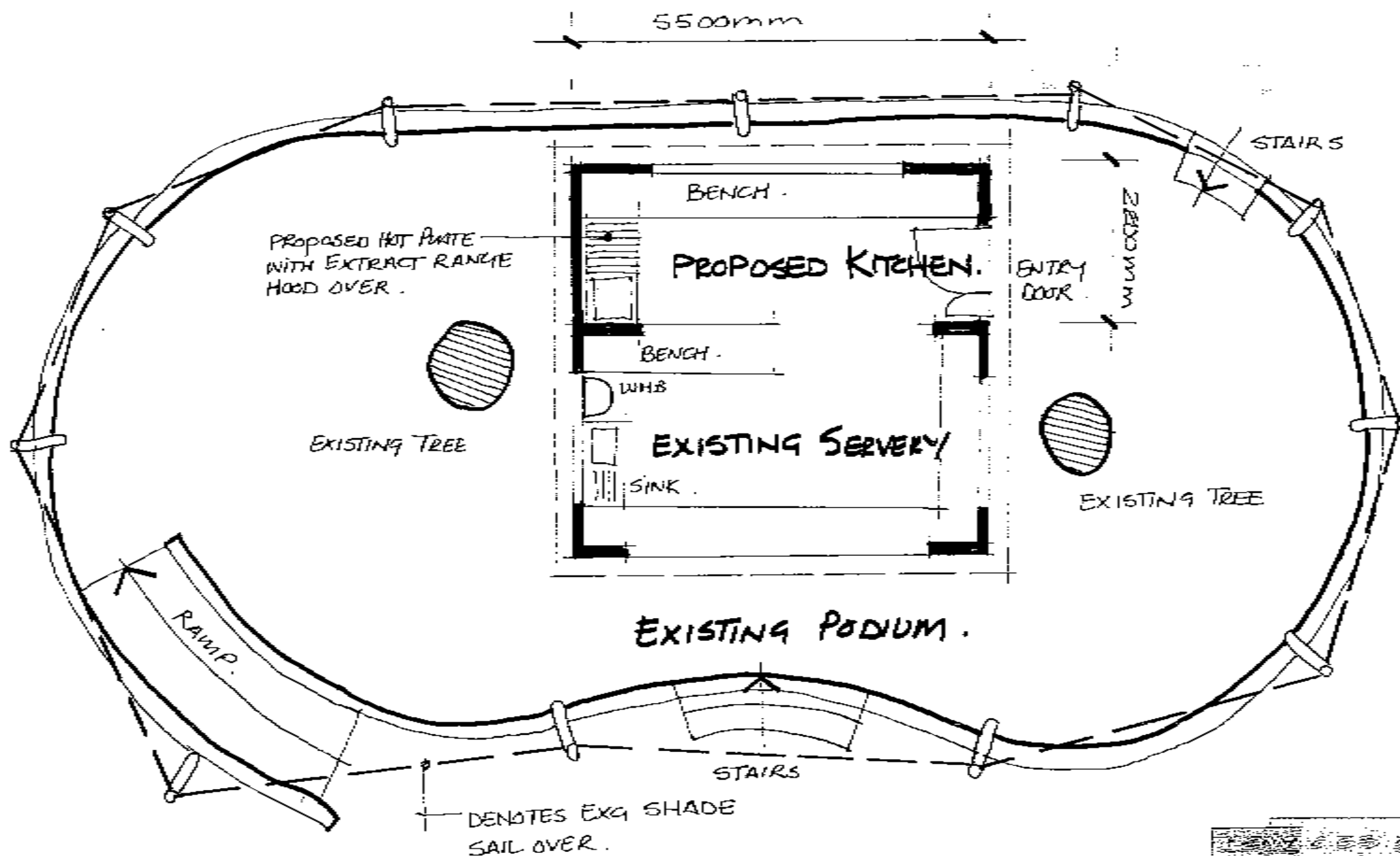
If there were any concerns or questions, please do not hesitate to contact me at any point.

Regards

Stephen Simpson  
Owner of Monty's on the Mall








PROPOSED EXTENSION TO EX9 SERVER.

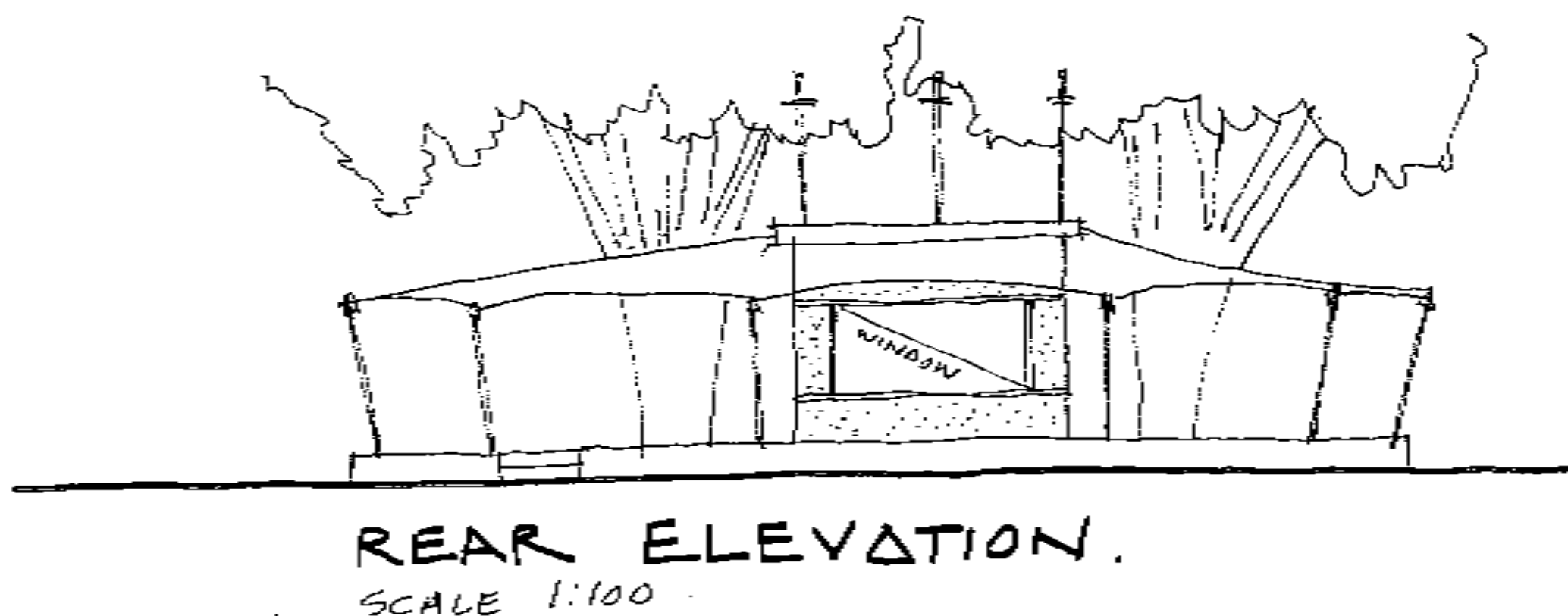
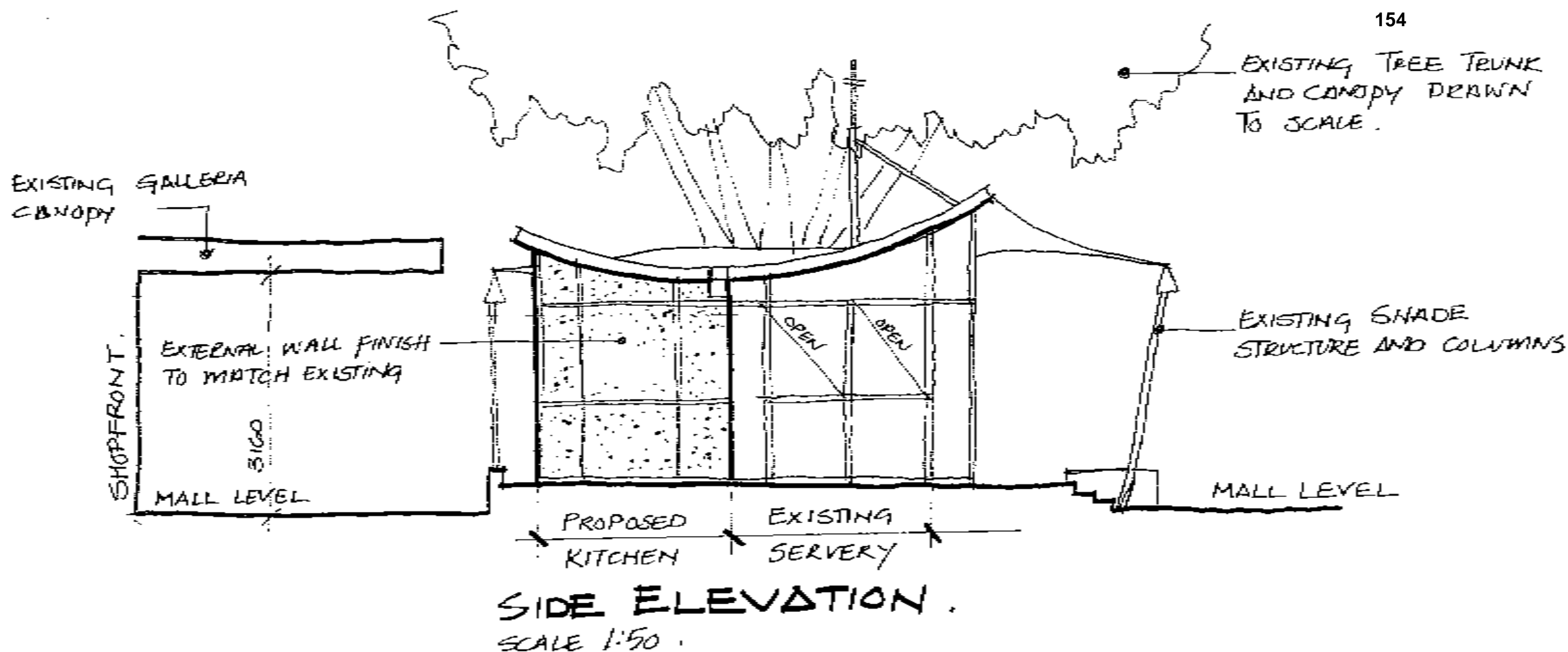
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 northern territory  
 Government  
 2000-01-01 (60) - 2000-01-01 (60)  
 2000-01-01 (60) - 2000-01-01 (60)

PORTY'S  
 SMITH STREET WIL  
 CARMAN  
 2000-01-01 (60)

Year	2000	2001	2002	2003
Year	2000	2001	2002	2003

153  
 2000-01-01 (60)





EXISTING TREE TRUNK  
AND CANOPY DRAWN  
TO SCALE.

EXISTING GALLERY  
CANOPY

EXISTING SHADE  
STRUCTURE AND COLUMNS

EXTERNAL WALL FINISH  
TO MATCH EXISTING

SHOP-FRONT:

03/03/2015

## MAIL LEVEL

MALL LEVEL

## PROPOSED KITCHEN

EXISTING  
SERVER

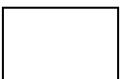
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WINDSH

REAR ELEVATION.  
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**12 OFFICER'S REPORTS****12.12 Meeting Dates and Deadline Schedule – July To December 2009**

Report No. 09TC0007 Common No. 1486656

*Report Number 09TC0007 is attached.*

ENCL: YES

## DARWIN CITY COUNCIL

DATE: 09/03/09

## REPORT

TO: 1<sup>st</sup> ORDINARY COUNCIL MEETING/OPEN B APPROVED: BD

FROM: ASSISTANT COMMITTEE ADMINISTRATOR APPROVED: LE

REPORT NO: 09TC0007

COMMON NO: 1486656

SUBJECT: MEETING DATES AND DEADLINE SCHEDULE – JULY TO  
DECEMBER 2009

ITEM NO: 12.12

**SYNOPSIS:**

This report deals with the scheduling of dates for meetings for the last six months of the 2009 Calendar year.

**GENERAL:**

The Meeting Dates and Deadline Schedule in **Attachment A** have been compiled allowing for public holidays and has been established on a similar basis to those compiled previously.

**FINANCIAL IMPLICATIONS:**

Nil

**ACTION PLAN IMPLICATIONS:**

Nil

PAGE: 2  
 REPORT NUMBER: 09TC0007 BD:le  
 SUBJECT: MEETING DATES AND DEADLINE SCHEDULE - JULY TO DECEMBER 2009

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### **LEGAL IMPLICATIONS:**

Section 58 (1) of the Local Government Act 2008 states:-

*A council must hold a meeting of its members (an ordinary meeting) at least once in each successive period of 2 months.*

Section 148 of the Darwin City Council By-laws states:-

*“An ordinary meeting shall be held on such day and at such time in each month as the council from time to time determines.”*

Section 59 of the Local Government Act 2008 states:-

- (4) *A notice convening a council meeting:*
  - (a) *must be in writing; and*
  - (b) *must state the date, time, place and agenda for the meeting; and*
  - (c) *must be given to the members:*
    - (i) *in the case of an ordinary meeting – at least 3 business days before the date of the meeting; and*
    - (ii) *in the case of a special meeting – at least 4 hours before the time appointed for the meeting; and*
  - (d) *must be accessible on the council's website a reasonable time before the time appointed for the meeting; and*
  - (e) *must be posted on a notice board at the council's public office.*
- (5) *The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.*

Section 63 of the Local Government Act 2008 states:-

- (1) *Meetings of a local board or council committee are convened by the CEO.*
- (2) *The CEO may, at the request of the Chair of a local board or council committee, convene a meeting of the local board or committee.*

PAGE: 3  
 REPORT NUMBER: 09TC0007 BD:le  
 SUBJECT: MEETING DATES AND DEADLINE SCHEDULE - JULY TO DECEMBER 2009

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(3) *A notice convening a meeting:*

- (a) *must be in writing; and*
- (b) *must state the date, time, place and agenda for the meeting; and*
- (c) *must be given to the members of the local board or council committee a reasonable time before the time appointed for the meeting; and*
- (d) *must be accessible on the council's website a reasonable time before the time appointed for the meeting; and*
- (e) *must be posted on a notice board at the council's public office.*

(4) *The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.*

**PUBLIC RELATIONS IMPLICATIONS:**

Nil

**CONSULTATION:**

Nil

**RECOMMENDATIONS:**

- A. THAT Report Number 09TC0007, entitled Meeting Dates and Deadline Schedule July to December 2009, be received and noted.
- B. THAT the Meeting Dates and Deadline Schedule July to December 2009 as attached to Report Number 09TC0007, be adopted.

**LINDA ELMER**  
**ASSISTANT COMMITTEE ADMINISTRATOR**

**BRENDAN DOWD**  
**CHIEF EXECUTIVE OFFICER**

Any queries on this report may be directed to Linda Elmer on extension 5685

[Attachment - Meeting Dates and Deadline Schedule July to December 2009](#)



# Meeting Dates and Deadline Schedule

## July to December 2009

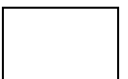
<b>1<sup>st</sup> Meeting</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>Time<sup>1</sup></b>
<b>Town Planning</b>	01/07/09	05/08/09	02/09/09	07/10/09	04/11/09	02/12/09	Wednesday 12 Noon
Deadline	24/06/09	29/07/09	26/08/09	30/09/09	28/10/09	25/11/09	
<b>Community Services</b>	13/07/09	10/08/09	14/09/09	12/10/09	09/11/09		Monday
Deadline	06/07/09	03/08/09	07/09/09	05/10/09	02/11/09		5.00 p.m.
<b>Environment &amp; Infrastructure</b>	20/07/09	17/08/09	21/09/09	19/10/09	16/11/09		Monday
Deadline	13/07/09	10/08/09	14/09/09	12/10/09	09/11/09		5.00 p.m.
<b>Corporate &amp; Economic Development</b>	21/07/09	18/08/09	22/09/09	20/10/09	17/11/09		Tuesday
Deadline	14/07/09	11/08/09	15/09/09	13/10/09	10/11/09		5.00 p.m.
<b>1<sup>st</sup> Ordinary Council</b>	14/07/09	11/08/09	15/09/09	13/10/09	10/11/09		Tuesday
Deadline	07/07/09	04/08/09	08/09/09	06/10/09	03/11/09		5.00 p.m.
<b>2<sup>nd</sup> Ordinary Council</b>	28/07/09	25/08/09	29/09/09	27/10/09	24/11/09	15/12/09	Tuesday
Deadline	21/07/09	18/08/09	22/09/09	20/10/09	17/11/09	08/12/09	5.00 p.m.

### PLEASE NOTE:

- Deadlines for the Closure of each Agenda are at 4.00 p.m.
- Any items not submitted by the deadline will require CEO approval.

**C13 OFFICER'S REPORTS****C12.13 World War II Tunnels**

Report No. 09A0045 LC (03/03/09) Common No. 1465385

*Report Number 09A0045 is attached.*

ENCL: YES

## DARWIN CITY COUNCIL

DATE:03/03/09

## REPORT

TO: 1st ORDINARY COUNCIL/OPEN

APPROVED: LC

FROM: A/GENERAL MANAGER CORPORATE  
SERVICES

REPORT NO: 09A0045

COMMON NO: 1465385

SUBJECT: WORLD WAR II TUNNELS

ITEM NO: 12.13

**SYNOPSIS:**

This report recommends declining an approach from the NT Government (**Attachment A**), to acquire a portion of subterranean land from Council which exists under the Civic Centre (Lot 7796 Town of Darwin) comprising of the World War II tunnels.

Council considered this matter at its meeting on 16 December 2008 and moved to lay the matter on the table pending further information.

**GENERAL:**

The Department of Planning and Infrastructure (DPI) has advised their reason for acquisition is to ensure the future protection of the tunnels (**Attachment A**).

PAGE: 2  
REPORT NUMBER: 09A0045  
SUBJECT: WORLD WAR II TUNNELS

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### **FINANCIAL**

The NT Government has offered to compensate Council for all out of pocket expenses in relation to this matter in addition to \$1,000 for the land.

### **LEGAL IMPLICATIONS:**

Nil

### **ENVIRONMENTAL IMPLICATIONS:**

Nil.

### **PUBLIC RELATIONS IMPLICATIONS:**

Nil

### **COMMUNITY SAFETY IMPLICATIONS:**

Nil.

### **CONSULTATION:**

Manager Planning & Design

### **PROPOSED PUBLIC CONSULTATION PROCESS:**

Nil

### **APPROPRIATE SIGNAGE**

Nil.

PAGE: 3  
REPORT NUMBER: 09A0045  
SUBJECT: WORLD WAR II TUNNELS

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**RECOMMENDATIONS:**

THAT it be a recommendation to Council:-

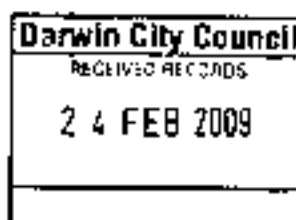
- A. THAT Report Number 09A0045 entitled, World War II Tunnels, be received and noted.
- B. THAT Council decline the proposal from the Northern Territory Department of Planning and Infrastructure to acquire a portion of subterranean land from Council which exists under the Civic Centre (Lot 7796 Town of Darwin) comprising of the World War II tunnels.

**LIAM CARROLL**  
**A / GENERAL MANAGER CORPORATE SERVICES**

Any queries on this report may be directed to Liam Carroll on 89300559.



Your ref 1645385 LC.ki  
Our ref AQ2005A0005



Land Administration  
2nd Floor, Cavenagh House  
38 Cavenagh Street  
Darwin NT 0800  
Postal GPO Box 1680  
Darwin NT 0801  
Tel (08) 8999 7722  
Fax (08) 8999 5404  
Email Wendy.Cole@nt.gov.au

Mr Liam Carroll  
Manager Business Services  
Darwin City Council  
GPO Box 84  
DARWIN NT 0801

Dear Mr Carroll

**World War II tunnels and tunnel tanks no's 10 and 11 - Lot 3981 Town of Darwin**

I refer to your letter of 20 January 2009 in relation to the World War II tunnels and tunnel tanks no's 10 and 11, which are located in the subterranean area under a number of freehold properties, including Lot 3981 Town of Darwin, held by Darwin City Council, CUFT Volume 132 Folio 122.

The Territory proposes to acquire the volumetric area within freehold properties to ensure future protection of the tunnels and tunnel tanks no's 10 and 11. It is noted that the tunnels and tunnel tanks are not declared heritage places, however are still of historical heritage significance. You may wish to contact the Heritage Division at the Department of Natural Resources, Environment, the Arts and Sport on 08 8999 5051 for further heritage information.

Please find attached approved survey plan S2008/121 showing proposed Lot 7830 through proposed Lot 7796 (currently Lot 3981). Survey plan S2008/201 shows the upper level of the tunnel as 12.8AHD and a chart depicting existing surface levels. The issue of any future development or underground car parking is a matter for the Development Consent Authority to determine.

Please note that the area to be acquired is now 5530m<sup>3</sup> as confirmed by survey.

The access gate to the tunnels and tunnel tanks no's 10 and 11 is presently locked and it is intended that it will remain so.

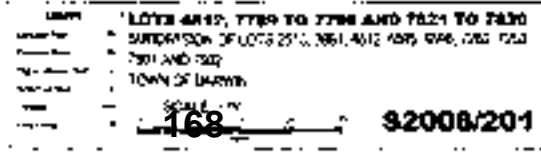
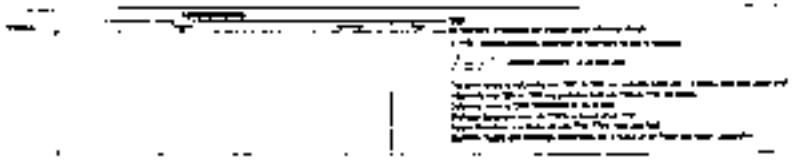
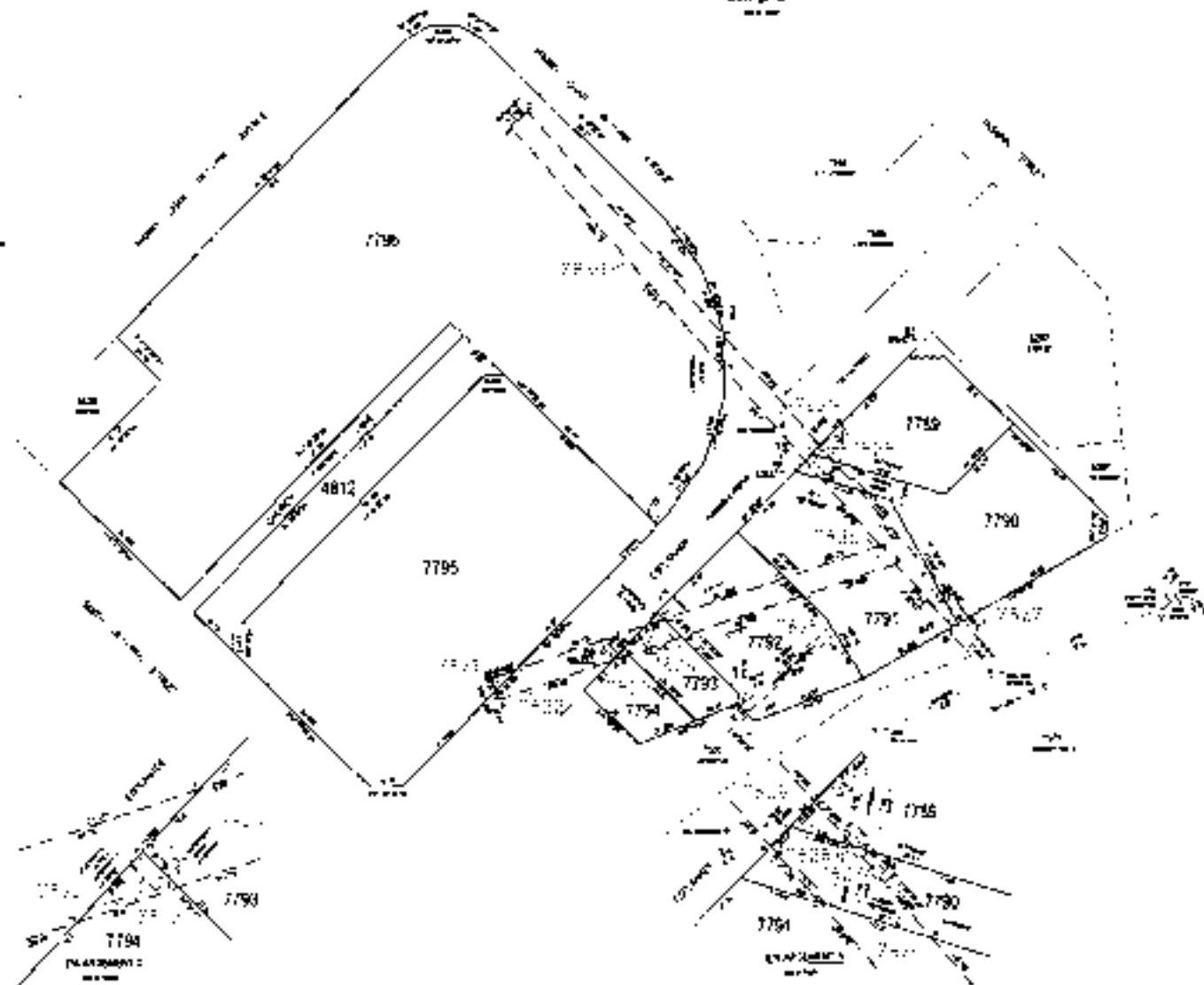
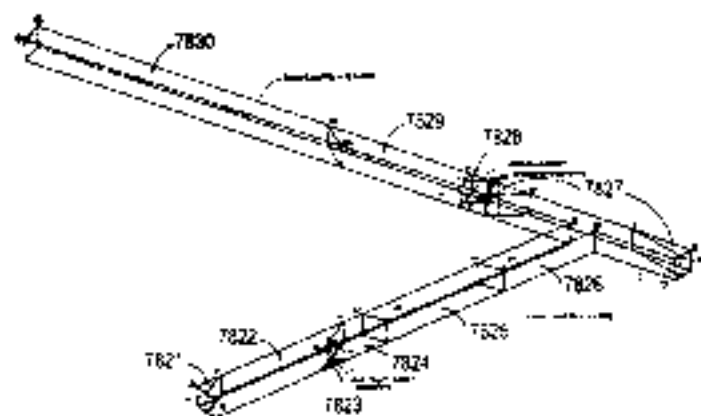
I reconfirm that on behalf of the Northern Territory, I offer you \$1 000 for 5530m<sup>3</sup> (proposed Lot 7830 Town of Darwin) of Lot 3981 Town of Darwin. In addition to the monetary compensation, all costs associated with transfer, such as documentation preparation, lodgement fees and reasonable administrative/legal costs will be met by the Territory.

Please contact me on telephone (08) 8999 7722 should you wish to discuss this matter further. Should you wish to accept the offer please advise me and I will arrange for the appropriate documentation to be prepared and forwarded to you for execution.

Yours sincerely



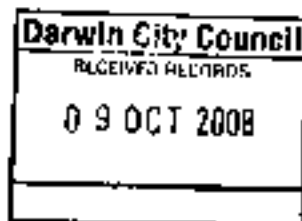
Wendy Cole  
Acquisitions Unit  
23 February 2009







Your ref: A/2  
Our ref: AQ2005/0005



Land Administration  
2nd Floor, Cavenagh House  
38 Cavenagh Street  
Darwin NT 0800  
Postal (GPO) Box 1680  
Darwin NT 0801  
Tel: (08) 8999 7722  
Fax: (08) 8999 5404  
Email: Wendy.Cole@nt.gov.au

The Right Worshipful, the Lord Mayor of Darwin  
Mr Graeme Sawyer  
Darwin City Council  
GPO Box 84  
DARWIN NT 0801

My Dear Lord Mayor

#### **World War II tunnels and tunnel tanks - Lot 3981 Town of Darwin**

I am writing in relation to the World War II tunnels and tunnel tanks no's 10 and 11, which are located in the subterranean area under a number of freehold properties, including Lot 3981 Town of Darwin, held by Darwin City Council, CUFT Volume 132 Folio 122.

The Northern Territory wishes to secure a freehold interest by agreement in the volumetric area (a three dimensional space) in which the tunnels lie within Lot 3981. This area would be excluded from Lot 3981 Town of Darwin.

Please find attached a locality plan together with isometric view of proposed Lot 7830 through Lot 3981 (proposed residual Lot 7796).

The boundaries of the volumetric area will be determinable by survey.

Advice has been received from the Australian Valuation Office regarding the value of the volumetric interest held by yourself.

On behalf of the Northern Territory, I offer you \$1 000 for approximately 3780m<sup>3</sup> (proposed Lot 7830 Town of Darwin) of Lot 3981 Town of Darwin.

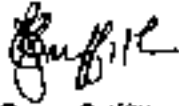
In addition to the monetary compensation, all costs associated with transfer, such as documentation preparation, lodgement fees and reasonable administrative/ legal costs will be met by the Territory.

It is also proposed that a freehold title will be issued over the volumetric area in which the tunnel lies in the subterranean area under Harry Chan Avenue and the Esplanade. We look forward to any comments you may have in this regard.

Please contact Wendy Cole on telephone (08) 8999 7722 should you wish to discuss any aspect of the above matter.

Should you wish to accept the offer please advise Ms Cole to arrange for the appropriate documentation to be prepared and forwarded to you for execution as soon as the relevant survey plan is approved.

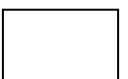
Yours sincerely



Beve Griffiths  
Manager  
Acquisitions Unit  
8 October 2008



## 13 QUESTIONS BY MEMBERS



**14 GENERAL BUSINESS****15 CLOSURE OF MEETING TO THE PUBLIC**

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

DECISION NO.20\() (17/03/09)

