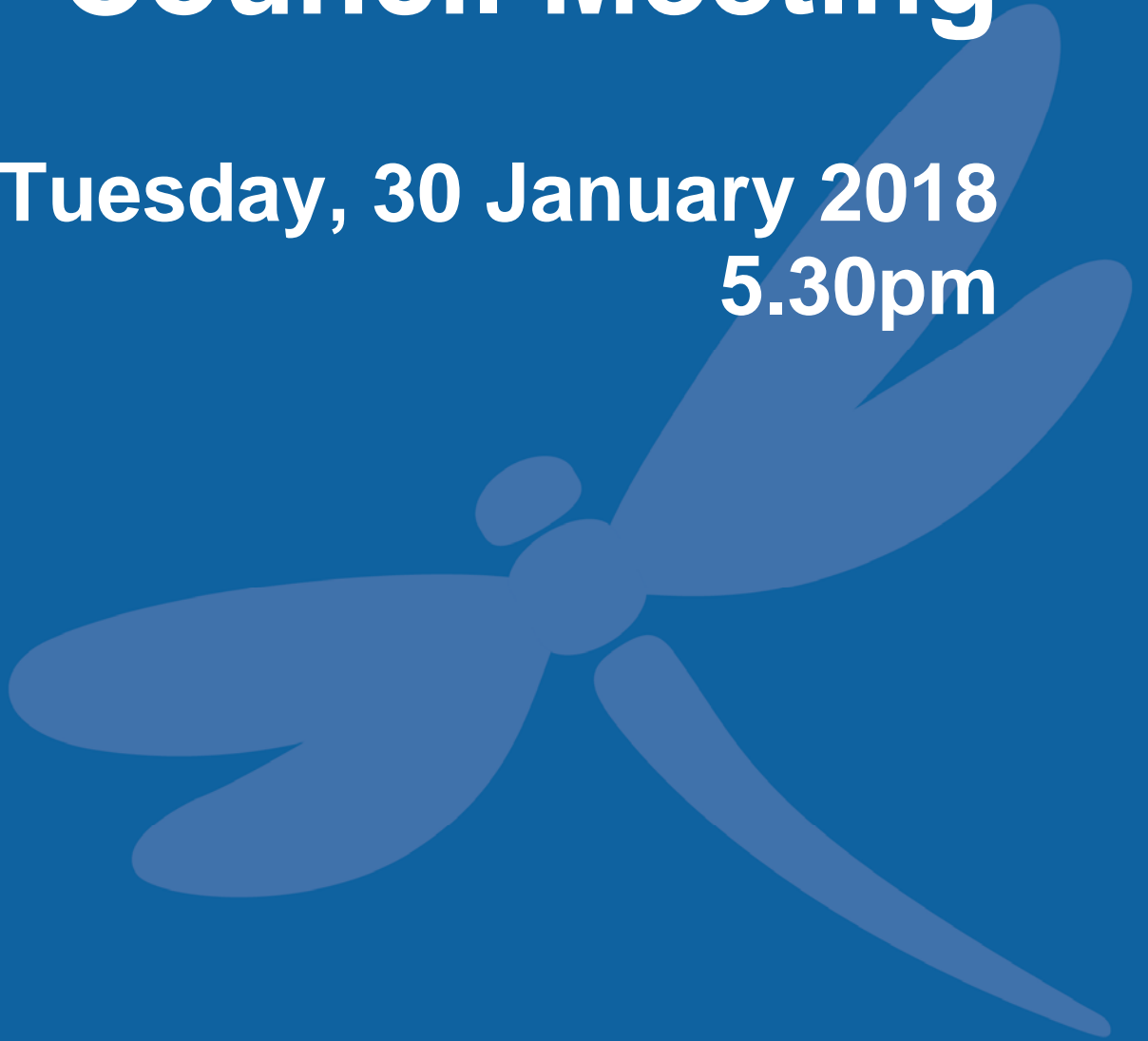


Business Papers

Ordinary Council Meeting

Tuesday, 30 January 2018
5.30pm





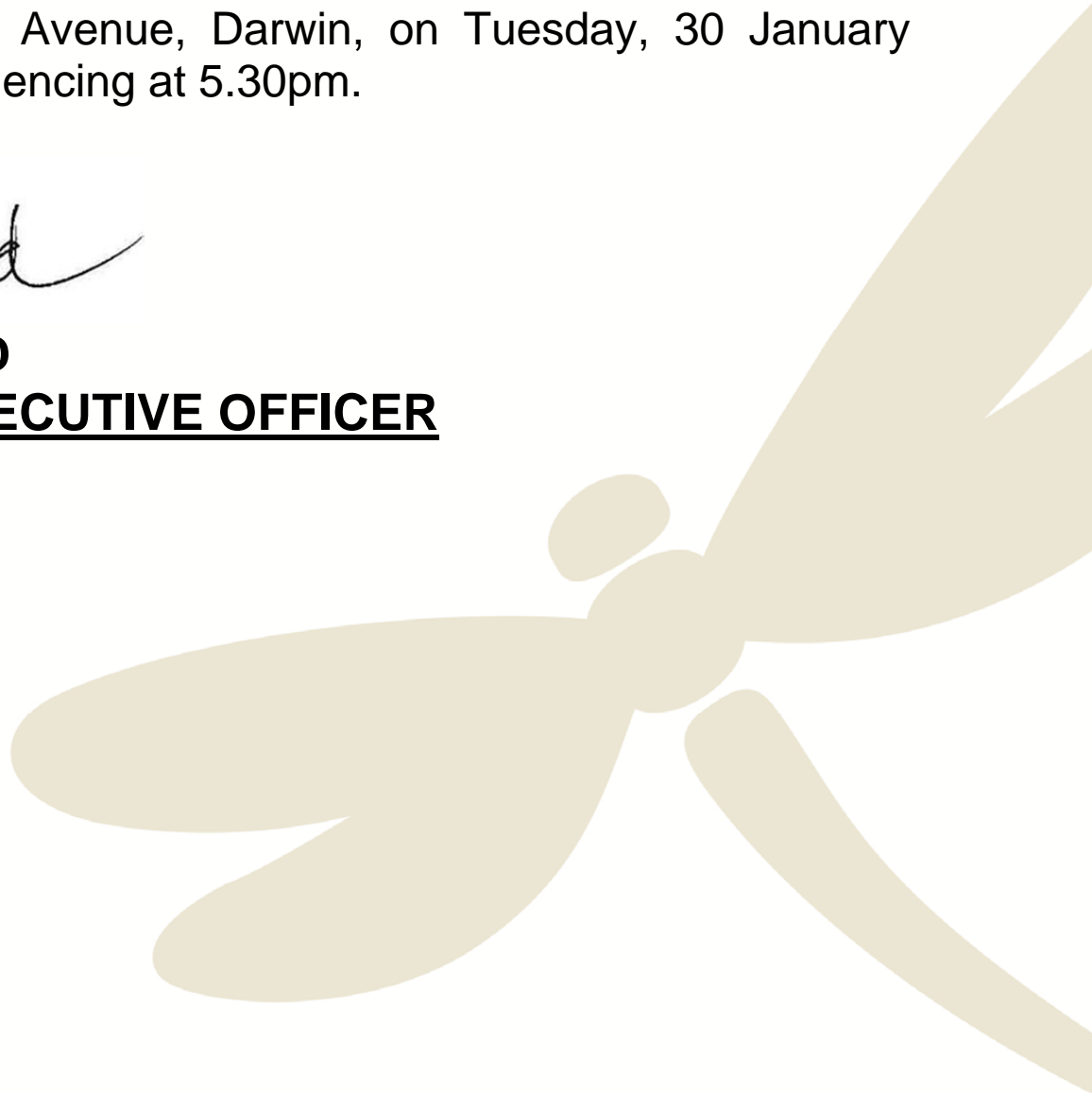
Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend an Ordinary Council Meeting to be held in the Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 30 January 2018, commencing at 5.30pm.

A handwritten signature in black ink, appearing to read "B P Dowd".

B P DOWD
CHIEF EXECUTIVE OFFICER



EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/3

CITY OF DARWIN

EIGHTH ORDINARY MEETING OF THE TWENTY-SECOND COUNCIL

TUESDAY, 30 JANUARY 2018

MEMBERS: The Right Worshipful, Lord Mayor, K Vatskalis, (Chair); Member A J Arthur; Member J Bouhoris; Member S Cullen; Member J A Glover; Member G J Haslett; Member R M Knox; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member P Pangquee; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; Acting General Manager City Performance, Mr R Iap; Acting General Manager City Operations, Mr D Lelekis; General Manager City Life, Ms A Malgorzewicz; General Manager City Futures, Mr G Rosse; Committee Administrator, Mrs P Hart.

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

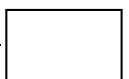
WEBCASTING DISCLAIMER

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

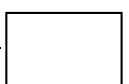
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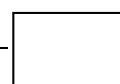
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EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/6

1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD’S PRAYER

3. MEETING DECLARED OPEN

4. APOLOGIES AND LEAVE OF ABSENCE
Common No. 2695036

4.1 Apologies

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE
Common No. 2221428

5.1 Electronic Meeting Attendance Granted

5.2 Electronic Meeting Attendance Requested

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

6.1 Declaration of Interest by Members

6.2 Declaration of Interest by Staff



EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/7

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

7.1 Confirmation of the Previous Ordinary Council Meeting

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 12 December 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

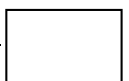
7.2 Business Arising

8. MATTERS OF PUBLIC IMPORTANCE

9. DEPUTATIONS AND BRIEFINGS

Nil

10. PUBLIC QUESTION TIME



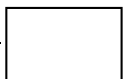
11. CONFIDENTIAL ITEMS

Common No. 1944604

11.1 Closure to the Public for Confidential Items

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

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.1	8(e)	information provided to the council on condition that it be kept confidential
C27.1.2	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.3	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.4	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.5	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.6	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C27.1.7	8(a)	information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual
C27.1.8	8(a)	information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual



EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/9

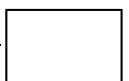
11.2 Moving Open Items Into Confidential

11.3 Moving Confidential Items Into Open

12. PETITIONS

13. NOTICE(S) OF MOTION

Nil



14.1 OFFICERS REPORTS (ACTION REQUIRED)



ENCL: ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.1
NO

COUNCIL BUSINESS PAPERS SCHEDULE

REPORT No.: 18CE0001 MR:ph COMMON No.: 3690838 DATE: 30/01/2018

Presenter: Executive Manager, Melissa Reiter

Approved: Chief Executive Officer, Brendan Dowd

PURPOSE

The purpose of this report is to outline the approach to Council's request to receive business papers a minimum of one full week ahead of a meeting and Council's direction is sought regarding the effective role of each Committee under the revised timeline.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.1 Demonstrate good corporate practice and ethical behaviour

KEY ISSUES

- Council Decision (*DECISION NO.22\0188*) has determined that requested business papers are received 7 days in advance of meetings and workshops in 2018.
- Key legislation requires certain statutory timeframes that Council must comply with, particularly in relation to financial reporting.
- The reporting and approval workflow for officer reports to Committees and Council meetings is a key factor for Council's consideration.
- This report recommends that Council review the future status and effective role for each of its Committees in May 2018.

PAGE: 2
 REPORT NUMBER: 18CE0001 MR:ph
 SUBJECT: COUNCIL BUSINESS PAPERS SCHEDULE

RECOMMENDATIONS

- A. THAT Report Number 18CE0001 MR:ph entitled Council Business Papers Schedule, be received and noted.
- B. THAT Council endorse Option 1 contained in Report Number 18CE0001 MR:ph entitled Council Business Papers Schedule, being that Executive Committees continue to consider a combination of reports under delegated authority and recommendations to Council.
- C. THAT Council review the status and effective role of each of its Committees in May 2018.

BACKGROUND

PREVIOUS DECISION

DECISION NO.22\0188 (14/11/17)

Council Business Papers

Common No. 3690838

- A. *THAT Council receive business papers 7 days in advance of Council and Committee Meetings and workshops as of 2018.*
- B. *THAT Notice of Motions be forwarded to the Chief Executive Officer by 10.00am on the Monday (8 days) prior to Ordinary Council Meetings.*

DISCUSSION

Following Council's decision to receive business papers 7 days in advance of meetings and workshops from 2018, issues and opportunities have been identified in planning the implementation of this process and these are outlined for Council's consideration.

Effect on our legislative requirements?

Financial Reporting

Council has monthly statutory financial reporting requirements that it must meet. Finances for the previous calendar month are resolved as soon as practicable in the first week of the next month.

Budget Workshops

The development of the budget for each financial year is a complicated process that relies on workshops and Decisions of Council to inform each. Flexibility will be required for budget workshops that may include that agendas are not produced for budget workshops or that the information is distributed as soon as available. All efforts will be made to ensure that this is as early as possible.

PAGE: 3
 REPORT NUMBER: 18CE0001 MR:ph
 SUBJECT: COUNCIL BUSINESS PAPERS SCHEDULE

Town Planning

A variety of Town Planning reports are submitted to Council and the City Futures Committee for consideration each month. Significant matters are placed in front of Council for consideration, but due to external timelines many matters are resolved under the delegated authority of officers. Development Applications have a two week consultation period and many sign applications and other development requests are on short timelines.

Further matters could be considered under the delegation of the City Futures Committee to alleviate the workload for Ordinary Council Meetings. In addition, the information presented in the 'Council Responses to Planning Applications' report (the letters report) could be provided to Elected Members on the Intranet instead. The report is primarily an information report; by providing this information in another way, Elected Members would still have an opportunity to review the letters and provide comment to the Manager City Planning on any matters of particular interest. This would also remove between 30 - 70 pages from each Ordinary Council Meeting agenda.

The need for a separate Town Planning section in the Ordinary Council Meeting agendas was also taken into consideration. By separating these reports from the Officers Report section there is the appearance of devaluing these matters. The reports could be included as regular Officers Reports instead.

Liquor Licence Applications

Council's response to Liquor Licence Applications has statutory requirements and timeframes that City of Darwin is required to respond within. The earlier deadline may impact on officers' ability to place applications before Council.

Delegations

A solution to adhering to Council's legislative requirements would be to review Council's current delegations for Liquor Licences and Town Planning. Pursuant to Section 32 of the *Local Government Act* the Council has delegated powers and function to the Chief Executive Officer (CEO). Some of the issues around statutory reporting for Liquor Licence Applications and Town Planning could be reduced should the existing delegations be reviewed. Council may be able to respond to the community faster and some report workload to Ordinary Council Meetings could be reduced, allowing Council to retain a strategic focus.

How will this impact on presentation of significant documents to Council?

In addition to receiving business papers earlier, Council has requested a 3-4 week timeline for significant reports and plans to be presented for consideration. Officers balance internal and external priorities in the production of reports, noting that some are solely around City of Darwin business while others rely on information from external parties that is not always received well in advance of due dates. Improvements in performance reporting management will assist future document compilation and all efforts will be made to provide timely information to Council.

PAGE: 4
 REPORT NUMBER: 18CE0001 MR:ph
 SUBJECT: COUNCIL BUSINESS PAPERS SCHEDULE

What does this mean for Council's committees?

Option 1 - Reports to committee as usual

Currently the committees consider a combination of reports under delegated authority and recommendations to Council. The earlier agenda deadline removes the ability for committees to make recommendations to the 2nd Ordinary Council Meeting, as the business papers will already have been distributed by the time the committee meetings take place. This has further implications for timelines for Council's advisory committees, as their recommendations to Council are via the Executive Committees that they report to.

It is recommended that in the interim, Council forward these recommendations to the next Ordinary Council Meeting for consideration, noting that these meetings are between 3-4 weeks later.

It is acknowledged that there will be a time delay for some matters and this will be taken into account when scheduling reports: pressing matters can go directly to Council for decision. If required, Special Council Meetings can be called to resolve urgent items of business.

Option 2 - All reports to committee under delegated authority

With the recommendation to Council mechanism removed, all reports to committees could be under delegated authority. This would ensure that robust committee meetings are held, with the opportunity for good discussion around matters in those areas. All Elected Members receive copies of all the committee business papers and have the opportunity to attend committee meetings as observers should they have a particular interest in any reports. Council could also consider allowing delegations and briefings to present at committee meetings, rather than to Ordinary Council Meetings.

Option 3 - 'Present to Council' recommendations

Without a workflow mechanism to feed reports into an Ordinary Council Meeting, an option could be for committees to consider reports and matters prior to them being presented to Council. This would be particularly relevant to review of policies, which must be endorsed by Council. The committee could consider the policies a month in advance and provide recommendations prior to a follow up report to the full Council.

This option would require reports to be ready to go to committees earlier and could be seen as double handling, but it would allow the committees greater input into matters to be presented to Council. Regardless of the option endorsed, it is recommended that this method be endorsed for all policy reviews.

Future Status of Committees

City of Darwin has had the same committee structure for some time, and this structure fit the previous report timeline. Options 1, 2 and 3 run the risk of information presented to Council being out of date due to the time that has elapsed in the reporting process. The reporting process should enable decisions to be based on sound, robust, accurate and current advice.

PAGE: 5
 REPORT NUMBER: 18CE0001 MR:ph
 SUBJECT: COUNCIL BUSINESS PAPERS SCHEDULE

In considering the future state of its committees, Council could also consider whether the current structure, where the committees align to the departments, is the most appropriate. For example, the City Performance Committee has delegated authority to make decisions relating to business services, IT, risk, safety, governance, communications, etc. But these functions are primarily internal operational and therefore matters are not referred to the committee for consideration. This committee has seen light agendas for a number of months. Consideration of a more strategic Finance committee or otherwise is recommended in the review.

It is recommended that Council review the future state of its committees, prior to the election of members to committees in May 2018.

CONSULTATION PROCESS

This matter was considered by the Executive Leadership Team on 11 December 2017 and 17 January 2018 and now referred to Council for consideration.

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

- General Manager City Life
- Committee Administrator
- Manager City Planning
- Management Accountant
- Manager Strategy & Outcomes

POLICY IMPLICATIONS

Following Council Decision No. 22\0188, City of Darwin Policy No. 043 - Meetings, Meeting Procedures and Committees will need to be amended to reflect that written Notices of Motion be given to the Chief Executive Officer by 10.00am on the Monday preceding the Council Meeting.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The Local Government (Accounting) Regulations state:

Part 8 Financial reports to council

18 Financial reports to council

- 1) The CEO must, in each month, lay before a meeting of the council a report, in a form approved by the council, setting out:
 - a) the actual income and expenditure of the council for the period from the commencement of the financial year up to the end of the previous month; and
 - b) the forecast income and expenditure for the whole of the financial year.

PAGE: 6
REPORT NUMBER: 18CE0001 MR:ph
SUBJECT: COUNCIL BUSINESS PAPERS SCHEDULE

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MELISSA REITER
EXECUTIVE MANAGER

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

For enquiries, please contact Melissa Reiter on 89300516 or email:
m.reiter@darwin.nt.gov.au.

ENCL: ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 14.1.2
YES

SWITCHING ON DARWIN - SMART CITIES GRANT

REPORT No.: 18CF0002 MB:nt **COMMON No.:** 3226493 **DATE:** 30/01/2018

Presenter: Senior Project Officer, Michael Bruvel

Approved: General Manager City Futures, Gerard Rosse

PURPOSE

The purpose of this report is to seek Council endorsement of the Australian Government *Switching on Darwin*, Smart Cities and Suburbs grant project and to approve the funding model for the City of Darwin contribution.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.3 Connected community through technology

Key Strategies

1.3.1 Develop and promote information and communication technology capabilities to service and inform the community

KEY ISSUES

- The City of Darwin has been successful in its Australian Government Smart Cities and Suburbs Program grant application lodged in June 2017 for the *Switching on Darwin* project valued at \$10 million.
- The grant funding model is;
 - o Australian Government - \$5 million
 - o Northern Territory Government (NTG) - \$2.5 million
 - o City of Darwin - \$2.5 million
- The purpose of the grant is to implement city-wide smart infrastructure in the Darwin City Centre including smart services integrated through an open Internet of Things (IoT) platform.
- Council must decide on the final funding model for its \$2.5 million contribution prior to entering any agreement.
- This project will help the City develop leading edge infrastructure that is aligned with Council's vision and digital strategy.

PAGE: 2
 REPORT NUMBER: 18CF0003 JW:jg
 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

- *Switching on Darwin* will position Darwin as one of the leading smart cities in Australia.
- This report seeks Council endorsement of the Switching on Darwin project, the Council funding model and the signing of the Commonwealth Grant Agreement.

RECOMMENDATIONS

- A. THAT Report Number 18CF0002 MB:nt entitled Switching On Darwin - Smart Cities Grant, be received and noted.
- B. THAT Council approves the funding of the City of Darwin contribution of \$2,500,000 to the *Switching on Darwin* Project, as follows;
- | | |
|--|-------------|
| a. CBD Car Parking Levy Reserve | \$1,248,000 |
| b. 2017/2018 Municipal Plan Council Projects (Reserve) | \$ 824,195 |
| c. Asset Replacement and Revitalisation Reserve | \$ 427,805 |
- as outlined in Report Number 18CF0002 MB:nt entitled Switching On Darwin - Smart Cities Grant.
- C. THAT Council accepts the Australian Smart Cities and Suburbs grant for the \$10 million, *Switching on Darwin* project to be completed by 19 May 2019 and funded as follows:
- Australian Government - \$5 million
 - Northern Territory Government - \$2.5 million
 - City of Darwin - \$2.5 million
- D. THAT Council, pursuant to Section 32 (2) of the Local Government Act hereby delegate to the Chief Executive Officer, the power to finalise, sign and enter into grant agreements with the Australian Government and the Northern Territory Government for the *Switching on Darwin*, Smart Cities Project.

BACKGROUND

At its first Ordinary Council meeting of 13 June 2017, Council approved an application to the Australian Government Smart Cities and Suburbs program.

DECISION NO.21\5488 (13/06/17)

City of Darwin Smart Cities and Suburbs Program Application

Report No. 17TS0057 LC:tz (13/06/17) Common No. 3226493

- A. *THAT Report Number 17TS0057 LC:tz entitled City of Darwin Smart Cities and Suburbs Program Application, be received and noted.*

PAGE: 3
 REPORT NUMBER: 18CF0003 JW:jg
 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

- B. *THAT Council approve an application to the first round of the Smart Cities and Suburbs Program up to \$10 million, consisting of financial contributions as follows:*
- a. *\$5 million from the Australian Government,*
 - b. *\$2.5 million from the Northern Territory Government, and*
 - c. *\$2.5 million from the City of Darwin,*

as outlined in Report Number 17TS0057 LC:tz entitled City of Darwin Smart Cities and Suburbs Program Application.

- C. *THAT Council, pursuant to Section 32 (2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise and make an application to the first round of the Australian Government's Smart Cities and Suburbs Program as outlined in Report Number 17TS0057 LC:tz entitled City of Darwin Smart Cities and Suburbs Program Application.*

- D. *THAT a further report be prepared on the final funding model if the Smart Cities and Suburbs Program application is successful.*

- E. *THAT this decision and report be moved into open on 30 June 2017.*

Funding models identified in that report for future consideration included external or internal loans, funding from existing programs or reserves, or a combination of these options.

On the 13 November 2017 a joint media release between the Australian Government, NTG and City of Darwin occurred announcing the City of Darwin's grant submission for the \$10 million project had been successful.

On request of the Australian Government the name of the project was changed from *Smarter Together: People, Place and Partnerships* to *Switching on Darwin*. This request was made to simplify communications on the project.

At its 2nd Ordinary Council meeting of 28 November 2017, an update was provided to Council noting that City of Darwin has been successful in its bid for funding through the Australian Government Smart Cities and Suburbs Program.

Since the announcements, the Australian Government and City of Darwin officers have been finalising the details of the Commonwealth Standard Grant Agreement for the *Switching on Darwin* project.

The initial project commencement date was to be 1 December 2017. Due to the complexity of the project and Council meeting schedules the Commonwealth agreed that the date of acceptance and signing of the agreement would be pushed back to 7 February 2018 following the Ordinary Council Meeting in January 2018, to enable Council to endorse the grant agreement.

PAGE: 4
 REPORT NUMBER: 18CF0003 JW:jg
 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

It is noted that the completion date of the grant is 19 June 2019.

This report seeks Council's approval to finalise and enter into a grant agreement with the Commonwealth Government for the "Switching on Darwin" project. Furthermore Council endorsement of the funding model for its \$2.5million contribution is being sought.

DISCUSSION

The \$10 million *Switching on Darwin* project is the largest funded project by the Australian Government as part of its initial round of Smart Cities and Suburbs program.

Switching on Darwin is designed to trial a range of Smart City technologies that can be assessed and considered for rollout across the municipality.

The Council must enter into an agreement with the Commonwealth. The agreement is in the form of a Commonwealth Standard Grant Agreement with inclusion of *Switching on Darwin* specific elements.

The agreement has been developed to provide a flexible framework for the project. Detailed project design will be completed in collaboration with key stakeholders as the first stage of the project.

The project scope and description is detailed as follows;

Smart city technology will be applied to help rejuvenate the City of Darwin, while also addressing economic and social challenges such as business downturn and anti-social behaviour. Darwin will take advantage of total ownership of its lighting network to deliver city-scale smart infrastructure. Smart lighting, CCTV, mobile phone applications and expanded wifi will help address social and safety challenges. Smart parking will reduce congestion, attract residents and tourists to the city and reduce greenhouse gas emissions.

All technology and associated data will be integrated through an open standard IoT platform. The roll out of new technologies and open data is expected to stimulate new partnerships, create job opportunities and lead to business growth in the city.

The deployment of a multi-tiered communication network is an Australian-first, allowing the City of Darwin to plug in multiple smart technologies to meet the emerging needs of the council and community.

A number of key eligible activities are included in the agreement to reflect and deliver the Council's original application and the above description.

The grant project deliverables and key eligible activities are identified in **Attachment A**.

PAGE: 5
 REPORT NUMBER: 18CF0003 JW:jg
 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

The timeframe for the delivery of this project is that the infrastructure component of the project must be completed by 29 May 2019, with final reports and audits submitted to the Commonwealth by 19 June 2019.

It is recommended that following identification and confirmation of funding that Council accepts the grant and delegates the CEO to finalise and enter into the agreement.

Funding Model

The Council is required to contribute \$2.5 million to the delivery of this project. As identified in previous reports Council could source the funding via the following;

- Loan – internal or external
- General revenue
- Fund from existing programs
- Reserves
- Combination of the above

Recommended Funding Model

Council is unable to enter into the Commonwealth Agreement unless it has the funding available and approval at time of signing. As such to ensure appropriate governance and financing the following funding model for Council's contribution is being recommended;

Source	Value	Comment
CBD Car Parking Levy Reserve	\$1,248,000	Legal advice confirms this is a conforming use of this restricted reserve.
2017/2018 Capital Works Programs	\$824,195	The 2017/2018 Municipal Plan contains this allocation, held within reserves, which was provided for projects to be nominated by the new 22 nd Council.
Asset Replacement and Revitalisation Reserve	\$427,805	Council could replenish this reserve if the Street Lighting loan is approved

This model sources the City of Darwin funding without significantly impacting on the existing budget or programs or requiring a rates increase directly relating to the *Switching on Darwin* project. It further allows Council to enter into the agreement with the Commonwealth without further delay.

PAGE: 6
 REPORT NUMBER: 18CF0003 JW:jg
 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

Funding Options

Potential funding sources identified and considered are as follows.

Loan

Council could consider funding the entire or any part of the \$2.5 million via a loan, either internal, external or a combination.

A \$2.5 million loan over 10 years would result in estimated annual repayments of \$306,000, representing a 0.5% rate increase.

Should Council use an external loan then Council would require Ministerial approval and the Council could not enter into an agreement with the Commonwealth until the loan is secured. This would result in delays to the commencement of the project with the Commonwealth indicating the desire for immediate commencement with a timeframe specified of acceptance of the agreement by 7 February 2018.

An internal loan does not require Ministerial approval and therefore would not affect timeframes.

An initial review of the Long Term Financial Plan indicates based on commitments to and from reserves, that there is no capacity to fully fund the project via an internal loan, without a reprioritisation of commitments.

General Revenue or Existing Programs

Based on project timeframes to fully fund this project from General Revenue would require the following;

Year	Amount	Comment
2017/2018	\$824,195	To be funded from existing 2017/2018 budget.
2018/2019	\$1,675,805	Represents a rates increase of approximately 2.75% or alternatively Council could reprioritise existing programs and forward budgets to source funding and reduce rates impact.

As part of the 2017/2018 Municipal Plan developed and adopted by the previous Council an allocation of \$824,195 was placed into the Asset Replacement and Revitalisation Reserve for determination of use of the 22nd Council.

As part of Council's existing LED and Smart Lighting transition program Council has identified it will upgrade to Smart LED lighting within the City Centre and suburbs subject to approval of loan funding. This project loan has not yet received Ministerial approval, however the process is underway.

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 SUBJECT: SWITCHING ON DARWIN - SMART CITIES GRANT

It could be possible and would be recommended that if the Minister approves the Street Lighting Loan that the City Centre Upgrade component be utilised as part of Council's contribution to *Switching on Darwin* therefore value adding to both projects and reducing demand for additional Council funds. This represents about \$450,000 and should be further considered following approval of the loan.

Reserves

Council officers have sought legal advice regarding the potential use of the CBD Car Parking Levy Reserve, given that a number of initiatives to be delivered by this project relate to parking related improvements.

Legal advice indicates that Council could directly fund up to \$1,248,000 of this project from the CBD Car Parking Levy Reserve as this is the value of parking related works in the project.

The reserve currently contains approximately \$11 million. The impact of this would be that if and when Council chooses to construct additional parking within CBD these funds would not be available. That said, utilising the reserve to improve parking related matters is the Levy's intent and may result in delaying the need for additional new parking bays.

Furthermore, based on the Long Term Financial Plan commitments, it has been identified that Council's Asset Replacement and Revitalisation Reserve has \$489,000 which is uncommitted at present. This funding could be utilised for the project as it is considered to be in keeping with the intent of the reserve and the reserve is not legally restricted in its use. If utilised and taking into account current reserve commitments this would result in the reserve having an almost zero balance by 30 June 2018.

Beyond the project

Switching on Darwin should be seen as the first step in moving City of Darwin towards being a truly "Smart" City. The full extent of the technological capabilities will only be realised on project completion, however the technology is only one element of being a Smart City. Council will need to be clear about its commitment to being a Smart City, including the development of a Smart City Strategy, to realise the full value of this project and continue the progression of Darwin as a Smart City beyond the project.

As the project develops further consideration should be given to future resourcing to allow the growth, application and continual development of the City of Darwin as a Smart City, leading Australia. This will allow Council to deliver on its vision and digital strategy.

The Switching on Darwin project is considered the beginning of Darwin's emergence as a Smart City. If embraced and effectively resourced, the transformation of Darwin into a smart city will progress beyond the life of the Grant Agreement and project.

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CONSULTATION PROCESS

Community and stakeholder consultation and buy-in are central to the success of the project. A communication and engagement strategy will be developed prior to commencement, outlining the approach and desired outcomes. Regular formal and informal consultation sessions will be facilitated throughout the project to address questions and manage expectations.

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

- Chief Executive Officer
- General Manger City Operations
- Acting General Manager City Performance

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

- Next Energy
- City of Newcastle Council

POLICY IMPLICATIONS

This project supports a number of City of Darwin strategic documents and policies including:

- City of Darwin Digital Strategy.
- City of Darwin Policy No 067 - Financial Reserves Policy
- City of Darwin Policy No 023 - Borrowing Policy
- City of Darwin Policy No 086 - Open Data

BUDGET AND RESOURCE IMPLICATIONS

Possible funding models for Councils contribution of \$2.5 million have been discussed in the body of the report.

Council will require specialised resources to deliver this highly complex, technical and emerging technologies project. The project will require resources beyond its initial implementation for operation and maintenance. The quantum of funds required for this has not been defined nor have potential savings such as parking resourcing, energy efficiency.

The grant application identified that the City of Darwin will be contributing \$465,000 in-kind to the project in addition to the \$2.5 million. This contribution is composed of project support functions, administration and governance.

It has been identified that Council will need an immediate specialised resource if it endorses this project; this will be in the form of external specialised consultant.

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Funding from the \$10 million grant and project agreement has been allocated and can be utilised for the required consultant resources. Council officers are currently finalising securing these external resources and will seek to commission immediately following Council's acceptance of the grant, to ensure the successful delivery of the project. It has been identified that given the highly complex, specialised nature of this project and availability of such skill sets in the industry, resources sourced are highly likely to not be local.

The Chief Minister wrote to Council in July 2017 confirming the NTG contribution of \$2.5 million if the Council's application was successful, **Attachment B**. Council officers are progressing to finalise the agreement and transfer of this funding. It will be recommended that Council delegate the CEO to finalise and sign the required documents.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Legal advice has been sought from Paul Maher Solicitors regarding the use of the funds collected pursuant to the Local Government (Darwin Parking Local Rates) Regulations and held in the City of Darwin restricted reserves for specific elements of the "Switching on Darwin" project.

Advice is that for elements identified and having regard to the broad expression of regulation 3(2) all our intended expenditures are authorize by the regulation.

Given the timeframe, complexity, highly technical nature and leading edge nature of this project there is high risk of failure should the project not be adequately and appropriately resourced. It is intended to mitigate this risk by securing the required skill sets utilising external parties.

Appropriate governance structures and frameworks will be implemented to manage the project and agreements.

Council will need to enter into a funding agreement with the NTG for its \$2.5 million contribution.

Procurement and implementation will be undertaken in accordance with appropriate governance, legislative and policy requirements, including public procurement process.

A project risk management plan will be developed in accordance with the City of Darwin Risk Management Framework to identify and mitigate risks.

ENVIRONMENTAL IMPLICATIONS

The Smart Cities agenda will support sustainability objectives of Council.

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COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MICHAEL BRUVEL
SENIOR PROJECT OFFICER

GERARD ROSSE
GENERAL MANAGER
CITY FUTURES

For enquiries, please contact Michael Bruvel on 89300578 or email:
m.bruvel@darwin.nt.gov.au.

Attachments:

Attachment A: Key Eligible Activities and Project Deliverables

Attachment B: Letter from Chief Minister dated 29 June 2017

Switching in Darwin Project

Key Eligible Activities and Project Deliverables

Key Eligible Activities

- An industry design phase to include further scoping requirements for smart lighting, communication networks, smart parking, video analytics and open data platform
- A Project team to guide the design and conduct key stakeholder engagements with key stakeholders including the Northern Territory Government, Charles Darwin University, the Capital City Committee and Vibrant Sub-Committee
- Definition of key performance indicators, metrics and critical success factors to enable the measurement of the projects success
- The provision of smart street lights to enhance community safety, reduce energy consumption and provide dynamic lighting with the boundaries of the City of Darwin CBD as described in the application for funding, to include:
 - The replacement of existing road lighting luminaires, conduit and cable
 - The provision of additional road lighting luminaires, poles and conduit
 - The replacement of existing decorative luminaires
 - The provision of additional decorative luminaires, poles and conduit
 - Supply of ancillary equipment such as park pole extension brackets, street lighting smart control nodes, base stations and gateways.
- The provision of high, medium and low bandwidth communication networks to assist in the capture, transmission and analysis of an array of data points, within the boundaries of the City of Darwin CBD as described in the application for funding with
 - High bandwidth for the provision of HD CCTV, WiFi and Community Appy
 - Medium bandwidth for the provision of public lighting controls and sensors
 - Low bandwidth for smart parking monitors
- The provision of HD CCTV, HD CCTV with number plate recognition, red light violation and facial recognition capability, including cloud based control hardware, video analytic software and fibre extension in the City of Darwin CBD as described in the application for funding.
- The provision of parking vacancy sensors or other car parking management technology within the boundaries of the City of Darwin CBD as described in the applications for funding
- The supply of a microclimate monitoring system including rain sensors, sound sensors and other environmental sensors such as wind within the boundaries of the City of Darwin CBD as described in the application.
- The provision of a Smart City IT Platform and Open Data Platform
- The development and provision of Tourism App, Retail Trader App and Social Support App following community engagement with key stakeholders

Project Deliverables

The primary objective of the project is to harness innovative smart city technologies to provide positive impact to the community through delivering both environmental uplift and economic value. To achieve this, multiple projects are proposed:

- Smart street lights – To enhance community safety, reduce energy consumption and provide dynamic lighting, smart street lights would be installed, including:
- High, medium and low bandwidth communication networks – To assist in the capture, transmission and analysis of an array of data points, high, medium and low bandwidth communication networks would be implemented throughout the CoD. The respective networks will cater for the following infrastructure
 - High – HD CCTV, WiFi and community apps
 - Medium – platform support public lighting, controls and sensors
 - Low – low energy, small package data device e.g. smart rubbish bins, in-ground smart parking monitor
- Smart infrastructure – To further leverage the envisaged infrastructure, additional infrastructure would be installed to gather more in depth data, including:
 - Sensors (e.g. noise, movement, air quality)
 - Smart parking monitors located on lighting columns and in the ground
 - HD CCTV cameras
 - Video analytic software
- Community Apps - Tourism, retail and community apps will utilised the expanded Wi-Fi, located in high pedestrian areas such as the Mitchell Street entertainment precinct and Bi-Centennial Park. The apps will better connect the local community and tourisms with businesses and cultural experiences.
- Open data platform – Creating an open data platform for business and the broader community to access and encourage innovative development and use of this data.



CHIEF MINISTER



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The Right Worshipful the Lord Mayor of Darwin
Ms Katrina Fong Lim
City of Darwin
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor

Katrina

I am pleased to be writing in relation to the City of Darwin's application to the Commonwealth Government's Smart Cities and Suburbs Program. As you are aware, I have been a strong advocate for the development of an integrated package of initiatives to make Darwin more attractive to investors, residents and business, that will result in a revitalised city centre and increase jobs and economic growth.

The coming together of the Northern Territory Government and the City of Darwin in the re-established Northern Australia Capital City Committee to collaborate on enhancing the attraction, resilience and liveability of Darwin to create a smart city that is the gateway to the North will deliver benefits to the Darwin community for many years to come.

I am happy to confirm that the Northern Territory Government will support a successful City of Darwin application to the Commonwealth Government's Smart Cities and Suburbs Program through a \$2.5 million contribution. In addition, the Northern Territory Government stands ready to work with the City of Darwin to facilitate the smoothest possible implementation of the project.

In the event the City of Darwin application is successful, please contact Ms Bridgette Bellenger of my Department on (08) 8999 8808 or email bridgette.bellenger@nt.gov.au to arrange the execution of a Funding Agreement for this grant.

Yours sincerely

MICHAEL GUNNER

29 JUN 2017

ENCL: YES	ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM: 14.1.3
2ND QUARTER BUDGET REVIEW - 2017/2018		
REPORT No.: 18CP0006 IF:ks	COMMON No.: 2476534	DATE: 30/01/2018

Presenter: Management Accountant, Irene Frazis

Approved: Acting General Manager City Performance, Richard Iap

PURPOSE

The purpose of this report is to:

- Present the 1st quarter budget review and seek Council's endorsement of recommended amendments to the budget.
- Provide additional financial information to supplement statutory monthly financial reporting and cost of services.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

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

KEY ISSUES

- Parapool project additional costs of \$1.1M funded from identified savings in operational and capital programs.
- Surplus funds as at 30 June 2017, \$616,000, it is proposed that \$285,000 is allocated to additional expenditure and income decrease requirements; with the remaining balance to be transferred to the Waste Management Reserve to address future remediation and capping requirements.
- Additional grant monies recognised \$375,000.

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 SUBJECT: 2ND QUARTER BUDGET REVIEW - 2017/2018

RECOMMENDATIONS

- A. THAT Report Number 18CP0006 IF:ks entitled 2nd Quarter Budget Review - 2017/2018, be received and noted.
- B. THAT pursuant to Section 128 of the Local Government Act Council amend the budget 2017/2018 as detailed in report 18CP0006 IF:je entitled 2nd Quarter Budget Review - 2017/2018 and contained in **Attachments A-E** with Municipal Budget Summary implications as per **Attachment A**:
- a) "Operating Result (Income Statement)", increase of \$321,000 (credit) leading to more "Funds from operations" of \$321,000 (credit). **(Attachment A Notes 1).**
 - b) "Purchases of assets", increase by \$631,000 (debit). **(Attachment E).**
 - c) "Transfers to specific reserves" increases by \$306,000 (debit) **(Attachment D).**
 - d) The sum of the above (a-c) variations to the existing adopted budget results in a net decrease in General Funds of \$616,000 **(Attachment A – Bottom Line).**

BACKGROUND

Each quarter Council considers any variations required to the original budget. Where significant and urgent budget variations are necessary these may be the subject of a separate more timely report and are then also included in the following quarterly budget review to ensure Council can be advised in relation to its overall projected results.

DISCUSSION

The overall reduction in funds is acceptable to the extent of any identified surplus funds from last financial year (\$616,000).

Expenditure Budget Increases and Income Budget Decreases (excluding grant funded or reserve funded projects)

\$

Parap Pool capital	1,114,516
Pool operational income decrease	251,562
Alfresco dining fees income decrease	100,000
Executive recruitment	100,000
Strategic Plan resource	50,000
Memory Wall Parap Pool	45,129

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Additional legal costs	20,000
TOPROC Plan	15,000
Total	1,696,207

Expenditure Budget Decreases (savings identified)

Pools management operational expense	251,562
Footpaths capital	150,000
Roads maintenance operational	150,000
Mindil Beach Water Main	132,000
Walkways capital	100,000
Landscape improvements	100,000
Minor Capital Works	80,000
Driveway capital	80,000
Roads capital	73,135
Operations Administration operational savings	56,603
Building Services operational savings	52,232
Mosquito control capital	50,000
Boulter Road Upgrade	50,000
Public Art Development	25,964
Doctors Gully Slope stabilisation	20,547
Parap tennis court renewal	20,000
Parap pool public Art Commission	19,164
Total	1,411,207
Net Result (Deficit)	(285,000)

Residual Available Funds for the year ended 30 June 2017:

This review addresses the annual policy (City of Darwin Policy No 066 - Allocation of Surplus Funds) requirement to calculate residual available funds from last financial years audited results. The calculation indicates a deficit in funds of \$8,924,000. The 2016/17 Financial Statements included the first time recognition of remediation and capping liabilities based on the Whole of Life Plan for the Shoal Bay Waste Site. Subsequent advice from the Waste Section has confirmed that the recognised

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current liability for Waste Capping Stage 3/4 should be reclassified as non-current with expenditure not expected to occur in the following 12 months. This results in adjusted residual available funds of \$616,000.

The following table provides further details of the details the calculation of available funds:

<u>Calculation Surplus Funds 2017</u>	<u>\$'000</u>
	<u>As at</u>
	<u>30-June-2017</u>
Current assets	84,697
Less current liabilities	32,192
Net current assets	52,505
Cash backed reserves legally restricted	31,492
Cash backed reserves internally restricted	29,458
Less total cash backed reserves	60,950
Subtotal	-8,445
Less non current employee leave entitlement provisions (adjustment as per policy)	479
Residual deficit as at 30/6/2017 as per policy.	-8,924
Excluding cell capping stage 3/4 current liability (note 2)	9540
Residual available funds as at 30/6/2017 adjusted	616
Notes:	
1 As per 30/6/2015 calculations and 30/06/2016 calculation, report and Council decision thereon, there is no reversing adjustment for current portion of external borrowing (\$226,000). This reduces the risk of overstating the available funds.	
2 The current liability recognised in the 30 June 2017 Financial Statements is excluded from the calculation as subsequent information from Waste Section confirms this will not occur within the next 12 months. The current liability is treated in this calculation as a non - current liability.	

Summary of Main Variations

This is summary only and should be read in conjunction with the detailed notes provided in the attachments.

The budget variations increase the funds from operations by \$321,000. Primary reasons being additional capital grants recognised from Northern Territory Government Urban and Regional Oval Lights program and for Dwyer Park and the transfer of identified savings to capital for Parap Pool.

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Other Notable Items:

- Parap Pool project increase of \$1.1M – this is funded from operational transfers of \$259K and decreases in other capital programs of \$856K
- Urban and Regional Oval Lights Program \$250K – grant recognised from NTG
- Dwyer Park \$125K – grant received from NTG
- Parap pool operational income and expense adjustments to reflect new pool management contract

Identified Initiatives:

- Executive recruitment and additional associated expenses \$120K – Council Decision 22\0338
- Alfresco dining fees income reduction \$100K – Council Decision 21\0269
- Strategic Plan project additional resource \$50K – Council Decision 22\0303
- Top End Regional Organisation of Councils Regional Development Plan review \$15K– Council Decision 22\0329

Requested variations for transfers from/to specific reserves increases by \$306K.

- Transfer to Waste Reserve \$331K remaining balance of 2016/17 surplus funds to be utilised on future Waste remediation and capping liabilities.
- Transfer from Markets Reserve \$25K for design and scoping works of grease trap system and bollards at Mindil Beach Markets.

CONSULTATION PROCESS

This report was considered by the Executive Leadership Team on 17 January 2018 and now referred to Council for consideration.

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

- Responsible Officers in relation to requests for budget variations.

POLICY IMPLICATIONS

The surplus funds calculations deviates from the Surplus Funds Policy as an adjustment is made to reclassify the current liability for Waste Cell Capping Stages 3/4 recognised in the 2016/17 Financial Statements to non- current liabilities.

BUDGET AND RESOURCE IMPLICATIONS

Adoption of the recommendations in this report will result in Council varying the 2017/18 budget in accordance with Section 128 of the *Local Government Act*.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There is no formal NT legal requirement for quarterly budget reviews.

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Section 127 (3) of the Local Government Act prohibits Council from adopting a deficit budget. This review does on the surface indicate a “deficit” budget. However providing the deficit is limited to the available funds identified as at 30 June 2017 (\$616,000) there are no concerns and the budget is considered to be fully funded and in compliance with the Act.

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

RAM NAIK
FINANCE MANAGER

RICHARD IAP
ACTING GENERAL MANAGER
CITY PERFORMANCE

For enquiries, please contact Ram Naik on 89300523 or email:
r.naik@darwin.nt.gov.au.

Attachments:

- Attachment A:** Municipal Budget Summary
- Attachment B:** Statement of Costs Services
- Attachment C:** Statement of Financial Position
- Attachment D:** Statement of Cash & Investments (Reserves)
- Attachment E:** Statement of Capital Expenditure

Municipal Budget Summary	Full Original	Full Amended	Recommended	Projected	YTD	YTD v	
for the period ended 31/12/2017	Budget	Budget	Variations	Result	Actual	Projected	
	\$'000	\$'000	\$'000	\$'000	\$'000	Result	Notes
						%	
% of year elapsed						50%	
Operational and Capital Income	104,619	108,278	32	108,310	91,485	84%	
Expenses	-106,070	-107,420	289	-107,131	-53,032	50%	
Operating Result (Income Statement)	-1,451	858	321	1,179	38,453		1
Adjust non cash items:							
Add back depreciation	24,037	24,037	-	24,037	12,018	50%	
Funds from operations	22,586	24,894	321	25,215	50,471		
Sale of assets	783	783	-	783	205	26%	
Purchases of assets	-21,633	-50,806	-631	-51,437	-16,823	33%	2
Funds from investing	-20,850	-50,023	-631	-50,654	-16,618		
Loans raised	2,100	2,000	-	2,000	-	0%	
Loans repaid	-384	-384		-384	-117	30%	
Funds from financing	1,716	1,616	-	1,616	-117		
Transfers from (-to) specific reserves	-3,452	23,512	-306	23,206	10,905		3
Net increase (-decrease) in General Funds	-	-	-616	-616	44,641		4

Notes on recommended variations:

1. The increase in the Income Statement is as detailed in Attachment B, Cost of Services.
2. The increase in Purchases of assets is as detailed in Attachment D, Statement of Capital Expenditure .
3. Net increase in transfers from reserves is as detailed in Attachment C, Statement of Reserves.
4. This is the net sum of all fund flows after reserve transfers and results in a net decrease in General Funds of \$616K from the 2016/17 surplus funds. The 2016/17 surplus funds has been allocated to additional expense variations \$285K and \$331K transferred to Waste Reserve for future remediation liabilities.

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
<u>Office of the Chief Executive</u>							Attachment B-1
Income							
Governance	15	15	-	15	-	0%	
Total income	15	15	-	15	-	0%	
Expense							
Communications & Marketing	811	885	-74	811	421	52%	1
Governance	2,587	2,385	15	2,400	1,306	54%	2
Total expense	3,399	3,270	-59	3,211	1,727	54%	
Net surplus (-cost)	-3,384	-3,256	59	-3,196	-1,727	54%	
<u>Office of the Chief Executive Notes on recommended variations :</u>							
1. Transfer educational component of Bike Plan to City Futures Department.							
2. Top End Regional Organisation of Councils Regional Development Plan - Council Decision 22\0329							

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
City Futures						Attachment B-2	
Income							
City Parking	5,122	5,122	-	5,122	2,705	53%	
Climate Change & Environment	50	50	-	50	50	100%	
Economic Development & Tourism	1,622	1,622	-100	1,522	902	59%	1
Total income	6,794	6,794	-100	6,694	3,657	55%	
Expense							
Office of GM City Futures	358	458	-	458	194	42%	
City Parking	5,156	5,156	-	5,156	2,614	51%	
City Planning	447	547	-	547	202	37%	
Climate Change & Environment	469	524	74	598	264	44%	2
Economic Development & Tourism	669	819	25	844	360	43%	3
Total expense	7,099	7,504	99	7,604	3,635	48%	
Net surplus (-cost)	-305	-710	-199	-910	22	-2%	

City Futures Notes on recommended variations:

1. Alfresco dining fees income reduction as per Council Decision 21\0269.
2. Bike Plan educational component transferred from CEO Department.
3. Mindil Beach Markets - designs for grease trap system and bollards project. To be funded from the Markets Reserve.

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
City Life							
Income						Attachment B-3	
Office of GM City Life	-	-	3	3	-	0%	1
Arts & Cultural Development	-	-	5	5		0%	2
Customer Experience	122	122	-	122	49	40%	
Family & Children	173	218	-	218	137	63%	
Leisure and Events	636	636	-252	384	313	81%	3
Libraries	1,519	1,576	-	1,576	1,525	97%	
Regulatory Services	3,184	3,184	-	3,184	1,211	38%	
Youth Services	2	2	-	2	10	478%	
Total income	5,637	5,739	-244	5,495	3,245	59%	
Expense							
Office of GM City Life	512	1,083	-	1,083	645	60%	
Arts & Cultural Development	85	85	-	85	49	57%	
Community Development	863	823	-	823	506	61%	
Community Engagement & Participation	124	183	-	183	121	66%	
Customer Experience	628	628	-	628	335	53%	
Darwin Entertainment Centre	902	974	-	974	483	50%	
Darwin Safer City	551	551	-	551	221	40%	
Family & Children	352	397	-	397	298	75%	
Leisure and Events	2,291	2,291	-252	2,039	1,044	51%	3
Libraries	3,676	3,733	-	3,733	1,853	50%	
Regulatory Services	4,430	4,467	3	4,470	2,036	46%	1
Youth Services	492	492	-	492	213	43%	
Total expense	14,906	15,708	-249	15,459	7,802	50%	
Net surplus (-cost)	-9,269	-9,969	5	-9,964	-4,557	46%	

<u>Costs of Services</u> <u>for the period ended 31/12/2017</u>	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
<p><u>City Life Notes on recommended variations:</u></p> <ol style="list-style-type: none"> 1. Pet Friendly Park grant from Keep Australia Pet Friendly - income and offsetting expenditure 2. Parap Pool public art entry - commission altered during project - reimbursement of funds from artist (offsetting expenditure in capital program) 3. New pool management contract commenced 1 January 2018 - decrease income budgets as Council no longer receives pool income and decrease expense budgets as reduced cost of management fee. 							

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
City Operations						Attachment B-4	
Income							
Building Services	1	1	-	1	-	0%	
Civil Works	1,778	872	-	872	461	53%	
Development	486	486	-	486	136	28%	
Fleet Management	73	73	-	73	23	31%	
Parks and Reserves	192	192	-	192	136	71%	
Street Lighting			-	-	242	1000%	
Waste Management	21,152	21,152	-	21,152	14,103	67%	
Total income	23,682	22,775	-	22,775	15,102	66%	
Expense							
Office of GM City Operations	591	515	-	515	217	42%	
Asset Management	437	437	-	437	205	47%	
Building Services	4,205	4,205	-52	4,153	1,743	42%	1
Capital Works & Project Management	524	524	-	524	381	73%	
Civil Works	10,282	10,282	-150	10,132	3,909	39%	1
Design	1,196	1,271	-	1,271	696	55%	
Development	188	188	-	188	35	19%	
Fleet Management (net of internal charges/hire)	-1,624	-1,624	-	-1,624	-411	25%	
Operations Administration	1,175	1,175	-57	1,119	507	45%	1
Parks and Reserves	16,100	16,125	-	16,125	8,513	53%	

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
Street Lighting	1,894	1,894	-	1,894	1,008	53%	
Waste Management	16,568	16,436	-	16,436	7,593	46%	
Total expense	51,536	51,428	-259	51,169	24,396	48%	
Net surplus (-cost)	-27,855	-28,652	259	-28,393	-9,294	33%	

City Operations Notes on recommended variations:

1. Transfer \$259k identified savings YTD in operational budgets to Parap Pool capital budget - savings identified in building maintenance aquatic facilities, roads maintenance and in operations administration.

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
City Performance							
Income							Attachment B-5
Office of GM City Performance	6	6	-	6	-	0%	
Employee Overheads (net)			-	-			
Employee Relations	105	105	-	105	17	16%	
Financial Management	490	490	-	490	216	44%	
Information Technology	53	53	-	53	40	75%	
Organisational Development			-				
Records & Information Management	0	0	-	0	0	90%	
Risk, Audit and Safety			-				
Strategy & Outcomes			-				
Total income	653	653	-	653	273	42%	
Expense							
Office of GM City Performance	679	679	20	699	271	39%	1
Employee Overheads (net)	0	0	-	0	469	1000%	
Employee Relations	1,548	1,597	100	1,697	832	49%	1
Financial Management	3,201	3,201	-	3,201	1,352	42%	
Information Technology	2,751	2,788	-	2,788	1,625	58%	
Organisational Development	305	315	-	315	143	45%	
Records & Information Management	682	759	9	768	384	50%	2
Risk, Audit and Safety	1,263	1,330	-	1,330	1,032	78%	
Strategy & Outcomes	269	424	50	474	142	30%	3
Total expense	10,698	11,093	179	11,272	6,248	55%	
Net surplus (-cost)	-10,045	-10,440	-179	-10,619	-5,975	56%	

<u>Costs of Services</u> for the period ended <u>31/12/2017</u>	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
<p><u>City Performance Notes on recommended variations:</u></p> <ol style="list-style-type: none"> 1. Executive recruitment and additional legal expenses - Council Decision 22\0338. 2. Transfer from capital Records budget for system enhancement and development license 3. Additional resource for Strategic Plan project - Council Decision 22\0303. 							

Costs of Services for the period ended 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	YTD v Projected Result %	Notes
% of year elapsed						50%	
General							
Income							
General Revenues (rates, interest, Federal Asstce)	65,725	64,855	-	64,855	63,488	98%	
Grants & Contributions and Other Income for Capital Purposes	2,113	7,461	375	7,836	5,711	73%	1
Total income	67,838	72,316	375	72,691	69,199	95%	
Expense							
Contribution To General Funds by Other Activities	-5,607	-5,607	-	-5,607	-2,803	50%	
Depreciation	24,037	24,037	-	24,037	12,018	50%	
Total expense	18,430	18,430	-	18,430	9,215	50%	
Net surplus (-cost)	49,408	53,886	375	54,261	59,984		
Net surplus (-cost) All Services	-1,451	858	321	1,178	38,453		

(NB This is the same result as the Income and expenses section of the Municipal Plan Summary Income Statement Section.)

General Notes on recommended variations:

- Additional capital grants received:
 - \$250k NTG Grant Capital (urban and Regional Oval Lights Program) - Initial endowment to undertake a detailed design process for the lighting of Gardens Oval 1, Nightcliff Oval and Bagot Oval
 - \$125k Dept of Infrastructure Planning for Dwyer Park Project

ATTACHMENT C

2016-17 Actual \$'000	Statement of Financial Position as at 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	Notes
	ASSETS						
	Current Assets						
13,039	Cash at Bank & Investments - unrestricted	11,346	13,184	-616	12,568	27,617	
31,492	Cash at Bank & Investments - legally restricted	32,343	30,659	306	30,965	33,970	1
29,458	Cash at Bank & Investments - internally restricted	6,975	6,777	-	6,777	16,073	
10,598	Receivables	7,300	10,598		10,598	34,448	
110	Inventories	150	110		110	119	
-	Assets held for sale	250	-		-	-	
84,697		58,364	61,328	-310	61,018	112,227	
	Non-Current Assets						
953,325	Infrastructure, Property, Plant and Equipment	1,137,781	979,311	631	979,942	957,925	2
953,325		1,137,781	979,311	631	979,942	957,925	
1,038,022	TOTAL ASSETS	1,196,145	1,040,639	321	1,040,960	1,070,152	
	LIABILITIES						
	Current Liabilities						
14,695	Trade & Other Payables	11,000	14,695		14,695	8,438	
241	Borrowings	395	241		241	124	
17,256	Provisions & Other Liabilities	7,109	17,256		17,256	17,306	
32,192		18,504	32,192	-	32,192	25,868	
	Non-Current Liabilities						
3,046	Borrowings	6,340	4,805		4,805	3,046	
10,025	Provisions	500	10,025		10,025	10,025	
13,071		6,840	14,830	-	14,830	13,071	
45,263	TOTAL LIABILITIES	25,344	47,022	-	47,022	38,939	
992,759	NET ASSETS	1,170,801	993,617	321	993,938	1,031,212	
	EQUITY						
597,461	Asset Revaluation Reserve	771,670	597,461		597,461	597,461	
395,298	Retained Surplus & Reserves	399,131	396,156	321	396,477	433,751	3
992,759	TOTAL EQUITY	1,170,801	993,617	321	993,938	1,031,212	

Notes on recommended variations:

1. The decrease in legally restricted funds is as detailed in Attachment D, Statement of Cash & Investments.
2. The increase in capital expenditure is as detailed in Attachment E, Statement of Capital Expenditure..

ATTACHMENT D

Statement of Cash & Investments as at 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	Notes
Unrestricted	8,137	13,184	-616	12,568	27,617	
Legally restricted						
CBD Carparking Shortfall - Developer Cont.	12,736	12,726	-	12,726	12,426	
CBD Carparking Shortfall - Rate Levy	13,154	13,140	-	13,140	12,910	
DEC Air Conditioning Replacement	468	60	-	60	243	
Developer Contributions	1,464	1,614	-	1,614	1,889	
Highway/Commercial Carparking Shortfall	17	19	-	19	49	
Market Site Development	389	389	-25	364	374	1
Other Carparking Shortfall	85	93	-	93	356	
Unspent Grants	224	363	-	363	363	
Waste Management Reserve	3,806	2,255	331	2,586	5,360	2
Total legally restricted	32,343	30,659	306	30,965	33,970	
Internally restricted						
Asset Replacement & Refurbishment	1,122	1,313	-	1,313	3,316	3
Carry Forward	-	-	-	-	-	
Darwin General Cemetery	-	-	-	-	5	
DEC Asset Replacement/Refurbishment	133	133	-	133	133	
Disaster Contingency	1,035	1,035	-	1,035	1,035	
Election Expense	10	10	-	10	33	
Environmental	100	107	-	107	328	
IT Strategy	-	-	-	-	195	
Nightcliff Community Hall	39	39	-	39	34	
Off & On Street Carparking Reserve	807	369	-	369	4,992	
Plant Replacement	945	987	-	987	2,516	
Public Art	291	291	-	291	310	4
Street Lighting Reserve	2,312	2,312	-	2,312	2,995	

Statement of Cash & Investments as at 31/12/2017	Full Original Budget \$'000	Full Amended Budget \$'000	Recommended Variations \$'000	Projected Result \$'000	YTD Actual \$'000	Notes
Tree Risk Management Reserve	181	181	-	181	181	
Total internally restricted	6,975	6,777	-	6,777	16,073	
Total Cash & Investments	47,455	50,620	-310	50,310	77,660	

Notes on recommended variations:

1. Markets Reserve Transfer out: funding for design and scoping works of grease trap system and bollards at Mindil Beach Markets
2. Waste Management Reserve Transfer in: \$313k from 2016/17 surplus funds balance for remediation and capping future expenditure
3. Asset Renewal & Replacement Reserve repurpose funding (nil impact on reserve transfers) - \$132k Mindil Water Main Pipe and \$21k Drs Gully Slope stabilisation project savings repurposed to Parap Pool capital project. \$9k Records upgrade transferred from capital to operational budget for system enhancement and development license.
4. Public Art Reserve repurpose funding (nil impact on reserve transfers) - \$19k Public Art commission to Memory Wall Parap Pool

Statement of Capital Expenditure	Full Original	Full Amended	Recommended	Projected	YTD	YTD v Projected	
for the period ended 31/12/2017	Budget	Budget	Variations	Result	Actual	Result	
Master Account	\$'000	\$'000	\$'000	\$'000	\$'000	%	Notes
City Futures							
05/453065 Off Street Parking Capital Projects	100	448	-	448	-	0%	
City Futures Total	100	448	-	448	-	-	
City Life							
05/221060 Swimming Pools Capital Projects Expenditure	1,000	6,290	1,115	7,405	7,343	99%	1
05/221061 Community Projects Capital Expenditure	157	397	5	402	173	43%	2
05/223060 Recreation Capital Projects	150	165	-	165	114	69%	
05/223062 Leisure Capital Projects	100	120	250	370	-	0%	3
05/223065 Sports Facilities - Capital Projects	100	1,531	-20	1,511	36	2%	1
05/235060 Libraries Capital Expenditure	-	-	133	133	6	5%	4
05/242060 Regulatory Services Capital Projects	-	80	-	80	-	0%	
05/332089 Darwin Entertainment Centre Capital Projects	2,388	7,334	-	7,334	2,356	32%	
City Life Total	3,895	15,916	1,483	17,399	10,029	58%	
City Operations							
05/311060 Infrastructure Capital Projects	-	3,087	-	3,087	202	7%	
05/322062 Minor Capital Works Program	142	142	-80	62	30	48%	1
05/322063 Streetscape Development & Upgrade	550	560	-100	460	20	4%	1
05/322064 Road Works Capital Projects Expenditure	230	230	-50	180	9	5%	1
05/322066 Roads to Recovery Capital Projects Expenditure	1,780	2,073	-	2,073	-	0%	
05/322067 LATM Capital Projects Expenditure	251	377	-	377	189	50%	
05/322068 Cyclepath Capital Projects	558	1,118	-	1,118	156	14%	
05/322069 Black Spot Program	-	250	-	250	-	0%	
05/331061 Footpaths Capital Projects	840	850	-150	700	210	30%	1
05/331062 Disability Access Capital Projects (W/O ONLY)	54	76	-	76	3	4%	
05/331064 Driveway Capital Projects	235	235	-80	155	17	11%	1

Statement of Capital Expenditure	Full Original	Full Amended	Recommended	Projected	YTD	YTD v Projected	
for the period ended 31/12/2017	Budget	Budget	Variations	Result	Actual	Result	
Master Account	\$'000	\$'000	\$'000	\$'000	\$'000	%	Notes
05/331065 Road Reseal & Rehabilitation Capital Projects	1,906	2,104	-73	2,031	422	21%	1
05/331066 Streetlighting Capital Projects	615	734	-	734	21	3%	
05/331067 Parks Lighting Capital Projects	150	362	-	362	56	15%	
05/331068 Kerbing Capital Projects	30	30	-	30	-	0%	
05/331069 Traffic Signals Capital Projects	149	189	-	189	27	14%	
05/332060 Building Maintenance Capital Projects	1,005	1,415	-265	1,150	256	22%	1 & 4
05/332063 Signage & Memorial Capital Projects	22	39	-	39	-	0%	
05/332082 Investment Properties Capital Refurbish (W/O ONLY)	-	140	-21	120	91	76%	1
05/332083 Toilet Block Capital Projects	-	97	-	97	97	100%	
05/332086 Open Spaces Capital Refurbishment Costs (W/O ONLY)	610	1,038	-	1,038	129	12%	
05/333062 Shoal Bay Upgrade Works	1,300	9,275	-	9,275	1,814	20%	
05/334060 Stormwater Drainage Capital Projects	1,400	1,726	-	1,726	1,118	65%	
05/334065 Walkway Capital Projects	162	187	-100	87	-	0%	1
05/334068 Mosquito Control Capital Projects	125	350	-50	300	-	0%	1
05/335060 Fleet Management Capital Projects	3,166	4,296	-	4,296	690	16%	
05/341061 Fencing Capital Projects	148	148	-	148	3	2%	
05/341062 Parks & Reserves Revitalisation Capital Projects	1,215	1,325	125	1,450	400	28%	5
05/341063 Parks Infrastructure Capital Projects	139	189	-	189	49	26%	
05/341064 Parks & Reserves General Capital Projects	150	215	-	215	-	0%	
05/341065 Parks Landscaping & Irrigation Capital Projects	407	447	-	447	141	31%	
City Operations Total	17,340	33,303	-843	32,460	6,150	19%	

Statement of Capital Expenditure	Full Original	Full Amended	Recommended	Projected	YTD	YTD v Projected	
for the period ended 31/12/2017	Budget	Budget	Variations	Result	Actual	Result	
Master Account	\$'000	\$'000	\$'000	\$'000	\$'000	%	Notes
City Performance							
05/421061 Finance Capital Expenditure	-	35	-	35	29	81%	
05/431060 IT Capital Projects	299	1,078	-	1,078	616	57%	
05/432060 Records Capital Expenditure	-	25	-9	16	-	0%	6
City Performance Total	299	1,138	-9	1,130	645	57%	
Total	21,633	50,806	631	51,437	16,823		
<p>Notes on recommended variations:</p> <ol style="list-style-type: none"> Parap Pool project additional funding identified from various sources : <ul style="list-style-type: none"> \$20k Parap tennis court renewal \$80k minor capital works reprogramming to address funding requirement, \$100k landscape improvements made to Parap Development \$50k Boulter Rd project has long delivery time recommended design deferred and savings identified \$150k footpath reconstruction due to community feedback requested on new paths not to be reconstructed potential savings identified \$80k driveway delivery inherently linked to completion of footpath program; savings identified and program is being delivered \$73k savings identified in roads program, \$132k Mindil Beach water main pipe project completed savings identified (project funded from ARR reserve) \$21k Drs Gully slope stabilisation change in project scope (project funded from ARR reserve) \$100k walkways program underway savings identified \$50k 2017/18 program not fully identified by Medical Entomology (NTG) at this stage estimated savings Realign Public Art (-\$19k) and Parap Pool Public Art Commission (-\$26k) to Memory Wall Parap Pool (+\$45k)- (as projects within same budget number nil impact on budget account reflected). Increase of \$5k for Parap Pool public art entry - commission altered during project - reimbursement of funds from artist . Urban & Regional Oval Lights Program - initial endowment to undertake a detailed design process for the lighting of Gardens Oval 1, Nightcliff Oval and Bagot Oval \$133k transfer grant funded budget for Casuarina Library Silent Room from Buildings to Libraries Capital budget where expenditure is being costed to \$125k grant received from Dept of Infrastructure Planning for Dwyer Park Project - offsetting capital expenditure \$9k transferred to operational budget for Records system enhancement and development license 							

ENCL: YES	ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM:	14.1.4
LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY - STRATEGIC PLANNING			
REPORT No.:	17CE0039 MR:ph	COMMON No.:	3444213
			DATE: 30/01/2018

Presenter: Executive Manager, Melissa Reiter

Approved: Chief Executive Officer, Brendan Dowd

PURPOSE

The purpose of this report is to seek Council's consideration and resolution on a suggested list of strategic priority focus areas for submission to the Local Government Association of the Northern Territory's (LGANT) 2018/2019 Annual Priorities review.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.2 Display contemporary leadership and management practices

KEY ISSUES

- At the April 2017 LGANT General Meeting, the updated LGANT Strategic Plan 2014 - 2019, with priorities for 2016/2017, was approved.
- The current Strategic Plan is attached at **Attachment A** for Council's reference.
- At the General Meeting in November 2017, LGANT requested that member Councils to provide input into the 2018/2019 Annual Priorities.
- A strategic planning meeting is scheduled for February 2018 to consider this matter.

PAGE: 2
 REPORT NUMBER: 17CE0039 MR:ph
 SUBJECT: LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY
 - STRATEGIC PLANNING

RECOMMENDATIONS

- A. THAT Report Number 17CE0039 MR:ph entitled Local Government Association of the Northern Territory - Strategic Planning, be received and noted.
- B. THAT Council contribute the following suggestions towards the Local Government Association of the Northern Territory 2018/2019 Annual Priorities:
- Electoral Review pertaining to Local Government Elections in accordance with the *Local Government Act*
 - Independent Commission Against Corruption briefing sessions for Councils
 - Training and development, including governance, financial management, digital service delivery.

BACKGROUND

The LGANT Strategic Plan has four goal areas, each with outcomes, measures of the 5 year plan's performance, and annual priorities. The 2016/2017 priorities included, but were not limited to:

- Promote the 2017 Local Government elections.
- Convene appropriate meetings with member councils to facilitate collaboration, sector policy development and provide networking opportunities.
- Adopt a long term asset and financial management plan and ensure processes are in place for integration with annual budget and financial reporting.
- Ensure appropriate Local Government representation on relevant boards and committees.
- Work with councils to ensure communication materials about local government are up to date and online.

LGANT recommend that any suggestions be confirmed through a Council resolution, which is the purpose of this report.

DISCUSSION

City of Darwin has been requested to provide strategic input into priority suggestions for LGANT's upcoming fiscal year priorities.

Accordingly, the suggested priorities for Council's consideration to the LGANT 2018/2019 Annual Priorities are:

- Electoral Review pertaining to Local Government Elections in accordance with the *Local Government Act*

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 REPORT NUMBER: 17CE0039 MR:ph
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 - STRATEGIC PLANNING

- Independent Commission Against Corruption briefing sessions for Councils
- Training and development, including governance, financial management, digital service delivery.

CONSULTATION PROCESS

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

- Committee Administrator
- Elected Members

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

At the LGANT meeting of November 2017 members were offered the choice of not consulting with their councils. This was not recommended as Council would not have had the opportunity to have their needs fully considered.

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

MELISSA REITER
EXECUTIVE MANAGER

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

For enquiries, please contact Melissa Reiter on 89300516 or email:
 m.reiter@darwin.nt.gov.au.

Attachments:

Attachment A: LGANT Strategic Plan 2014 - 2019



**Local Government Association of the
Northern Territory**

Strategic Plan 2014 – 2019

Including 2016 - 2017 annual priorities

VISION

For LGANT to lead, represent and be influential for the benefit of local government in the Northern Territory.

OUR BUSINESS

To provide leadership, support and representation for the local government sector on all issues in the Northern Territory.

CORE VALUES

To achieve the Vision and implement Our Business, the guiding principle of the Association is to be responsive to the needs of our members.

Our values are:

- transparency
- honesty
- accountability
- responsiveness
- flexibility
- innovation

ENVIRONMENTAL ANALYSIS

INTERNAL	STRENGTHS	WEAKNESSES
	<ul style="list-style-type: none"> • Council membership of the Association. • Membership of Australian Local Government Association. • Experienced support from key personnel. • Representation on external committees. 	<ul style="list-style-type: none"> • Reliance on member subscriptions and Territory/Commonwealth funding. • Policy formulation, research and data collection. • Influence exerted does not always achieve outcomes. • Elected member performance and knowledge • Insufficient governance plans
EXTERNAL	OPPORTUNITIES	THREATS
	<ul style="list-style-type: none"> • Strengthen relationships with the Northern Territory and Commonwealth Governments. • Increased collaborative efforts on data collection, significant issues, policy and services. • Increase the awareness and profile of LGANT. • Incorporation of Local Government across the Territory. • Increased delivery of training. 	<ul style="list-style-type: none"> • Lack of knowledge and awareness. • De-amalgamation of councils. • Negative public attitudes about local government. • Lack of elected member governance training. • Rate capping. • Financial instability • Territory/Commonwealth policy decisions

Goal 1

To enhance the status of local government (Local Government Understanding)

LGANT shall pursue the improved standing of local government in the Northern Territory. LGANT will do this on behalf of, and in conjunction with its members through fostering effective communication between LGANT, member councils and all local government stakeholders. We will use available resources to disseminate information which assists all parties to better understand matters relating to local government.

Outcomes

- The role of local government is understood by local communities, other spheres of government, the media, and other stakeholders.
- Increased participation for council elections and voter turnout.
- Member councils and LGANT keep each other informed on relevant issues.
- Territory Local Government awards are implemented.

Measuring 5 Year Strategic Plan Performance – Goal 1 Outcomes

- An increase in nominations for elected member positions at the next local government elections compared to 2012
- Voter turnout is increased at the next local government elections compared to 2012.

2016/17 Annual Priorities

- 1.1 Prepare and disseminate information products to member councils.
- 1.2 Work with councils to ensure communication materials about local government are up to date and online.
- 1.3 Promote the 2017 Local Government elections
- 1.4 Improve councils knowledge and use of social media

Goal 2

To enhance the performance of local government (Local Government Capacity)

LGANT shall pursue the continued improvement of local government performance in the Northern Territory. LGANT will do this on behalf of, and in conjunction with its member and will coordinate and run activities which focus on members council issues and assist with professional development.

Outcomes

- Policies are formulated, implemented and reviewed.
- Local government revenues are boosted, costs are reduced.
- Elected members and council staff participate in networking, governance training, professional development and capacity building activities.
- Councils are financially sustainable and practicing recognised asset and financial management and planning.
- Opportunities for collaboration and shared services between Local Government and the other spheres of government are explored which recognise Councils' contributions to the economic, social, cultural, and environmental wellbeing of Northern Territory communities
- Maintain relationship with the Northern Territory Government through the Local Government Excellence Programme.

Measuring 5 Year Strategic Plan Performance – Goal 2 Outcomes

- Financial sustainability studies are completed for all councils on an annual basis.
- All councils implementing recognised asset and financial management practices.
- All councils adopt an elected member training plan.
- HR policies are updated during the period of the plan.
- There is no land not part of a local government area in the NT with the exception of special purpose areas.

2016/17 Annual Priorities

- 2.1 Provide councils with specialist human resources and industrial relations services.
- 2.2 Facilitate training and professional development activities for elected and local authority members and staff.
- 2.3 Review LGANT policies, research and develop new policies for submission to Executive and General Meetings for approval.
- 2.4 Assist member councils with their policy and By-law development.
- 2.5 Assist councils to implement policies and procedures that facilitate financial sustainability
- 2.6 Work towards the full incorporation of the Northern Territory under the *Local Government Act (2013)* with the exception of special purpose areas.

- 2.7 Work with councils to gather relevant data including the development of checklists, for the production of an annual 'State of the Local Government Sector' report for the Northern Territory.
- 2.8 Convene appropriate meetings with member councils to facilitate collaboration, sector policy development and provide networking opportunities.
- 2.9 Assist member councils to develop reconciliation action plans as per CEO reference group item 4.1, November 5 2014.

Goal 3

To effectively advocate for and represent member councils (Local Government Influence)

LGANT shall represent the interests of local government in the Northern Territory as a sector and in doing so we will act as the conduit to other spheres of government, non-government organisations, media, industry groups and other relevant individuals and organisations through our activities and those of the Australian Local Government Association (ALGA).

Outcomes

- LGANT is recognised as the peak representative body for local government and has a strong relationship with the Northern Territory and Commonwealth Governments.
- The position of Northern Territory Local Government is considered in the development and/or amendment of Northern Territory and Commonwealth Governments legislation.
- Partnering culture and strong relationships are maintained with Territory and Commonwealth governments, media, industry groups and other stakeholders.
- Maintaining an understanding at all levels of government of the principle of subsidiarity where Local Government is best placed to perform functions.
- Australian Local Government Association (ALGA) effectively advocates key Northern Territory issues.

Measuring 5 Year Strategic Plan Performance – Goal 3 Outcomes

- Local Government is represented on relevant Territory and Commonwealth Government boards and committees
- Submissions are made to Northern Territory and Commonwealth Governments on legislation and policy impacting Local Government.
- Annual data collections are undertaken.
- LGANT publishes the annual local government ‘State of the Sector’ report.

2016/17 Annual Priorities

- 3.1 Work with councils to secure tenure on land with council assets.
- 3.2 Submit proposals in response to legislation, policy or programs which are enacted or proposed by the Northern Territory and Commonwealth Governments.
- 3.3 Ensure appropriate Local Government representation on relevant boards and committees
- 3.4 Provide information and support to ALGA and other state associations.
- 3.5 Facilitate engagement and collaboration between Local and Northern Territory Governments in relation to Local Government matters such as;
 - Electoral matters
 - Land use and town planning proposals
 - A service level agreement for the operation, maintenance and energy charges for street lighting
 - Transfer of transport assets (roads, airstrips, barge landings and boat ramps) from the Northern Territory Government to Local Government
 - Regional waste management

Goal 4

Maintain an effective and efficient service. (Maintaining and improving LGANT capacity)

LGANT shall ensure quality management services including human, financial and physical resources to achieve successful outcomes

Outcomes

- Best practice internal systems, policies and procedures are in place and operating effectively.

Measuring 5 Year Strategic Plan Performance – Goal 4 Outcomes

- LGANT business systems are reviewed for functionality, fit for purpose and potential cost savings.
- A reduction in the principal loan to less than one million dollars.
- Financial reporting is in accordance with governance requirements.

2016/17 Annual Priorities

- 4.1 Maintain the servicing of the LGANT local road network as identified by the Northern Territory Grants Commission.
- 4.2 Review and refine LGANT's internal systems and processes.
- 4.3 Adopt a long term asset and financial management plan and ensure processes are in place for integration with annual budget and financial reporting.
- 4.4 Manage the leasing and maintenance requirements for Units 1 - 5, and contribute to the effective management of 21 Parap Road through the body corporate.

ENCL: YES	ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM:	14.1.5
COUNCIL'S SUBMISSION TO THE NORTHERN TERRITORY GOVERNMENT REVIEW - MODERNISATION OF ANTI-DISCRIMINATION ACT			
REPORT No.:	18CL0005 TJ:kl	COMMON No.:	3681449
		DATE:	30/01/2018

Presenter: Community Inclusion Coordinator, Tahlia Joy

Approved: General Manager City Life, Anna Malgorzewicz

PURPOSE

This report responds to the Northern Territory (NT) Government's Department of Attorney-General and Justice modernisation proposal of the NT *Anti-Discrimination Act*. This report seeks endorsement of Council's response to proposed changes.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

Goal

5. Effective and Responsible Governance

Outcome

5.4 Effective leadership and advocacy

Key Strategies

5.4.2 Advocate on behalf of the community

KEY ISSUES

- The Northern Territory (NT) Government's Department of Attorney-General and Justice has invited stakeholder and community feedback on potential and future amendments to the *Anti-Discrimination Act*. **Attachment A**.
- The *Anti-Discrimination Act* came into effect on 1 August 1993. Since this time only procedural amendments have been made to the *Act*. Language use and vulnerable population groups have changed and evolved in 25 years, resulting in the current *Act* not providing explicit protection for many groups.

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 GOVERNMENT REVIEW - MODERNISATION OF ANTI-DISCRIMINATION
 ACT

- The use of language in the *Act* has also created confusion and ambiguity for some population groups whom seek protection from discrimination under the *Act*. Specifically people experiencing homelessness and men and women of diverse sexual orientation.
- **Attachment B** draws from the remit of Council's Access and Inclusion Advisory Committee and advocates modernisation of the key priority areas and is recommended for endorsement.

RECOMMENDATIONS

- A. THAT Report Number 18CL0005 TJ:kl entitled Council's Submission to the Northern Territory Government Review - Modernisation of Anti-Discrimination Act, be received and noted.
- B. THAT Council endorse the Draft Submission to the Department of the Attorney General and Justice, Northern Territory Government at **Attachment B** to Report Number 18CL0005 TJ:kl entitled Council's Submission to the Northern Territory Government Review - Modernisation of Anti-Discrimination Act.

BACKGROUND

In September 2017, the Northern Territory Government's Department of the Attorney-General and Justice released a Discussion Paper to seek feedback on potential *Modernisation of the Anti-Discrimination Act*. This report presents Council's suggested response in context of the work of its Access and Inclusion portfolio.

DISCUSSION

In the Northern Territory, the *Anti-Discrimination Act* has only had procedural reforms and amendments since its initial introduction in 1993. Many other Australian jurisdictions have reformed their own legislation of Anti-Discrimination over recent years. Other jurisdictions have amended legislation to include language that imposes positive obligation rather than punitive measures against detriment. An opportunity presents in the modernisation of the NT *Anti-Discrimination Act* to embed language that promotes inclusion and positive obligation, rather than deficiencies.

To promote an inclusive model for contribution to the discussion modernising *the Act*, the NT Department of Attorney-General and Justice has provided opportunity for submissions to be made informally via email or phone and in person. Submissions are invited on any or all of the questions in the Discussion Paper.

This submission responds to the aspects of the Discussion Paper that were deemed to be most relevant to Local Government and its subsequent advocacy agenda.

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CONSULTATION PROCESS

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

- City of Darwin's Access and Inclusion Advisory Committee

Representative members from City of Darwin's Access and Inclusion Advisory Committee attended a half day workshop hosted by the Anti-Discrimination Commission and National Disability Services in November 2017. The representative members shared their views at the Access and Inclusion Advisory Committee Meeting on 13 December, 2017 which has contributed in part, to informing the proposed City of Darwin response.

POLICY IMPLICATIONS

Commentary contained within Council's response to the *Modernisation of the Anti-Discrimination Act* aligns with its existing adopted Council Policy No. 008 Community Participation, Access and Inclusion.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The Northern Territory (NT) Government's Department of Attorney-General and Justice has invited stakeholder and community feedback on the potential and future amendments to the *Anti-Discrimination Act*. Council has a stake in the outcomes of this review as representative and advocate for all residents and visitors.

ENVIRONMENTAL IMPLICATIONS

Nil

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COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

TAHLIA JOY
COMMUNITY INCLUSION
COORDINATOR

ANNA MALGORZEWICZ
GENERAL MANAGER CITY LIFE

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

Attachments:

Attachment A: Anti-Discrimination-Act-Discussion-Paper-September-2017

Attachment B: Draft City of Darwin Submission

ATTACHMENT A

Discussion Paper**Modernisation of the *Anti-Discrimination Act*****September 2017**

This paper has been prepared for internal government discussion purposes only and any views expressed are not to be taken to represent the views of the Northern Territory Government, the Northern Territory Attorney-General and Minister for Justice or the Department of the Attorney-General and Justice.

Legal Policy

Department of the Attorney-General and Justice

GPO Box 1722, DARWIN NT 0801

Telephone: (08) 8935 7659 Facsimile: (08) 8935 7662

<http://www.nt.gov.au/justice>

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MAKING A COMMENT

The Department of the Attorney-General and Justice is seeking your comments on potential future amendments to the *Anti-Discrimination Act*.

Comments can be as short or informal as an email or letter, or can be a more substantial document. Comments do not have to address all aspects of the discussion paper nor are confined to the any of the proposed options as discussed in this paper.

Electronic copies of comments are preferred and should be sent whenever possible by email to Policy.AGD@nt.gov.au.

Comments can also be sent to:

Director, Legal Policy
Department of the Attorney-General and Justice
GPO Box 1722
DARWIN NT 0801

The contact officer is Ms Sarah Witham.

The closing date for comments on this Discussion Paper is 3 December 2017.

Any feedback or comment received by the Department of the Attorney-General and Justice will be treated as a public document unless clearly marked as 'confidential'. In the absence of such clear indication, the Department of the Attorney-General and Justice will treat the feedback or comment as non-confidential.

Non-confidential feedback or comments are likely to be made publicly available and published on the Department of the Attorney-General and Justice website. The Department of the Attorney-General and Justice may draw upon the contents of such and quote from them or refer to them in reports, which may be made publicly available.

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INTRODUCTION

The *Anti-Discrimination Act* (the Act) came into effect on 1 August 1993. While some amendments have been made to the Act, including procedural reforms in 2015 to coincide with the conferral of jurisdiction under the Act on the Northern Territory Civil and Administrative Tribunal (NTCAT), the Act has not been comprehensively reviewed since its commencement.

Discrimination law is an evolving area of practice and the law needs to keep pace with contemporary standards and expectations. The Act is in urgent need of modernisation to support achieving the objects of the Act. Since the commencement of the Act, there has been a number of developments in discrimination laws in Australia that have informed some of the issues raised in this discussion paper.

In the ACT, the *Discrimination Act 1991* was amended by the *Discrimination Amendment Act 2016* following recommendations made by the ACT Law Reform Advisory Council. The amendments reformed the ACT *Discrimination Act 1991* to include new protected attributes (including accommodation status, intersex person status and domestic and family violence) and revise the application of vilification provisions to expand the list of attributes for which protections against vilification apply.

In Tasmania, the *Anti-Discrimination Act 1998* was amended by the *Anti-Discrimination Amendment Act 2012* to include gender identity as an attribute and the inclusion of all attributes into the anti-vilification provisions.

The Commonwealth's *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* introduced sexual orientation, gender identity and intersex status as protected attributes under the *Sex Discrimination Act 1984* (Cth).

Some of the issues that have been raised for consideration in the review of the Act are:

- modernising gender and sexuality protections and language in line with the *Sex Discrimination Act 1984* (Cth) and the current Government's commitments to support changes to the law to end discrimination against women of diverse sexualities accessing artificial fertilisation procedures;
- introducing new protections under the Act such as domestic violence, homelessness, lawful sexual activity and socioeconomic status;
- introducing specific anti-vilification laws prohibiting offensive conduct on the basis of race, religious belief, disability, sexual orientation, gender identity and intersex status;
- extending coverage of the sexual harassment provisions to include all areas of public life;
- introducing a representative complaints model that enables organisations to bring complaints about acts of systemic discrimination on behalf of groups who may be limited in their ability to bring an individual complaint; and

- broadening the scope of clubs by removal of the requirement for clubs to sell or supply liquor for consumption on its premises.

Considerable work has also been done with the Northern Territory Anti-Discrimination Commissioner (ADC) to develop this material. It is anticipated that a review could be conducted and completed with legislation passed within 18 months.

SUMMARY OF QUESTIONS

Modernisation Reforms

1. Is updating the term sexuality to sexual orientation without labels appropriate? Are there any alternative suggestions?
2. Should the attribute of “gender identity” be included in the Act?
3. Should intersex status be included as an attribute under the Act?
4. Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?
5. Should the Act create rights for people experiencing domestic violence in relation to public areas of life such as employment, education and accommodation?
6. Should the Act protect people against discrimination on the basis of their accommodation status?
7. Should “lawful sex work” be included as an attribute under the Act?
8. Should “socioeconomic status” be included as a protected attribute?
9. Should the Act be broadened to include specifically trained assistance animals such as therapeutic and psychiatric seizure alert animals?

New Reforms

10. Should a representative complaint model process be introduced into the Act? Should there be any variations to the process of the complaint model as described above?
11. Should the requirement for clubs to hold a liquor licence be removed?
12. Should the restriction of areas of activity on sexual harassment be removed?
13. Should the definition of “service” be amended to extend coverage to include the workers?

Removing Content that Enshrines Discrimination

14. Should any exemptions for religious or cultural bodies be removed?
15. Should the exclusion of assisted reproductive treatment from services be removed?

Clarifying and Miscellaneous Reforms

16. What are your views on expanding the definition of “work”?
17. Should section 24 be amended to clarify that it imposes a positive obligation?
18. Is the name “Equal Opportunity Commissioner” preferred to the name “Anti-Discrimination Commissioner”? Would the benefits of a new name outweigh the financial cost that comes with re-naming an office?
19. Is increasing the term of appointment of the ACD to five years appropriate? Should the term of appointment be for another period, if so what?

Modernising Language

20. Should definitions of “man” and “woman” be repealed?
21. Should the term “parenthood” be replaced with “carer responsibilities”?
22. Should the term “marital status” be replaced with “relationship status”?

MODERNISATION REFORMS

GENDER AND SEXUALITY PROTECTIONS

In 2013, the Commonwealth amended the *Sex Discrimination Act 1984* (Cth) to make it illegal to discriminate against people on the basis of their gender identity, sexual orientation, or intersex status.

The Act currently provides some level of protection but requires reform to make it clear that gender identity, sexual orientation and intersex status are protected by the Act in line with the reforms to the *Sex Discrimination Act 1984* (Cth). Clearly recognising gender identity and intersex status as protected attributes will achieve this.

The Australian Human Rights Commission ‘Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights National, National Consultation Report 2015’ found that state and territory anti-discrimination law provides an incomplete and inconsistent protection from discrimination on the grounds of sexual orientation, gender identity and intersex status.¹

Sexual Orientation

Sexual orientation is a person’s sexual orientation towards persons of the same sex, persons of a different sex, or both persons of the same sex and persons of a different sex.

The Act currently uses the term sexuality and identifies particular sexual orientations using terms such as “homosexuality” and “lesbian.” The *Sex Discrimination Act 1984* (Cth) removed specific terms preferring to keep the definition general. This approach moves away from using labels.

The Act also includes the term “transsexuality” in the definition, which is incorrect. Transsexuality is a gender identity issue not a sexual orientation issue, and should be removed from this definition. The term transsexuality is also an old fashion term.

Alternative approaches

The term sexuality could be replaced with the term sexual orientation and could be defined in line with *Sex Discrimination Act 1984* (Cth)

What difference should it make?

Modernising the term sexuality to sexual orientation and changing the definition will ensure the Act uses up-to-date terminology that is consistent with the *Sex Discrimination Act 1984* (Cth).

¹ Australian Human Rights Commission Resilient Individuals: Sexual Orientation Gender Identity and Intersex Rights National Consultation Report 2015, page 71-72.

Question 1

Is updating the term sexuality to sexual orientation without labels appropriate? Are there any alternative suggestions?

Gender Identity

The Act currently uses the term “sex” rather than gender identity. The term “sex” is not defined in the Act leaving the question of whether gender identities outside male and female categorisation are protected. ‘Gender’ is a broader concept than “sex”. Sex is based on traditional notions that all people can be classified as male or female, based on the existence of key biological features and does not recognise that some people are born with both male and female biological features. Gender is not limited to biological sex assignment; it takes into account appearance, mannerisms and the social identity a person chooses for themselves, including to be something other than male or female. Gender refers to the way a person presents and is recognised within the community. A person’s gender might include outward social markers, including their name, outward appearance, mannerisms and dress. It also recognises that a person’s assigned biological sex and gender may not necessarily be the same. Some people may identify as a different gender to their assigned biological birth sex and some people may identify as neither male nor female.

Alternative approaches

The Act could be amended to include gender identity as a protected attribute rather than the existing attribute of “sex”.

What difference should it make?

Including gender identity as a protected attribute would provide clarity that people of diverse gender are protected. These changes would also ensure that the Act is consistent with the *Sex Discrimination Act 1984* (Cth) and ensure a more inclusive coverage.

Question 2

Should the attribute of “gender identity” be included in the Act?

Intersex Status

An intersex person will have biological variations on the traditional biological assignment of male and female. An intersex person may face many barriers in accessing equal opportunities because of the pervasive binary view of sex, which influences many aspects of life including systems, physical structures and processes. For example it is common that most forms ask if someone is male or female. It is presently unclear the extent to which the attribute “sex” in the current Act includes intersex people.

Alternative approaches

The Act could be amended to include intersex status as a protected attribute.

What difference should it make?

Intersex status was introduced into the *Sex Discrimination Act 1984* (Cth) to recognise that intersex is a biological characteristic and not a gender identity issue. Including intersex status ensures that the Act is consistent with the *Sex Discrimination Act 1984* (Cth) and is a more inclusive term than “sex”.

Question 3

Should intersex status be included as an attribute under the Act?

VILIFICATION

All jurisdictions except the Territory have enacted legislation that makes public incitement to acts of racial hatred either an unlawful act or a criminal offence or both. Territorians who experience vilification because of their race only have protections and rights under the *Racial Discrimination Act 1975* (Cth). There is currently no Territory law providing the equivalent rights and protection, aside from criminal laws that may cover some conduct (for example, the threat to kill). Territorians who experience vilification need to lodge a complaint under the *Racial Discrimination Act 1975* (Cth) with the Australian Human Rights Commission in Sydney to obtain protection.

There are also no federal or Territory laws that protect against vilification on the basis of religious belief, disability, sexual orientation, gender identity or any other attribute under the Act.

Alternative approach

The Act could be amended to make it unlawful for a person to do an act, other than in private (for example at home), if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of a characteristic of that person or they are a members of the group on the basis of race, disability, sexual orientation, religious belief, gender identity or intersex status.

To balance these protections, the Act could also be amended by including appropriate exemptions to cover acts done “reasonably and in good faith” to allow for free and fair speech on related topics. For example, this could include artistic works, statements made for any genuine academic, artistic or scientific purpose or in the public interest. These exemptions would also extend to publishing a fair and accurate report of any event or matter of public interest or a fair comment on any event or matter of public interest if it is a genuine belief held by the person making the comment.

What difference should it make?

Protection under the Act from vilification will provide legal redress against extreme or pervasive vilification that is essential for Territorians to maintain the right to live their lives free from harassment, psychological distress, hurt, anger and anxiety that exists in society.

Providing appropriate exemptions recognises that we live in a free and democratic society with a right to voice opinions in a respectful manner.

Question 4

Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?

ADDITIONAL ATTRIBUTES

In line with discrimination reforms interstate and to reflect current issues being faced in the Northern Territory, the attributes of domestic violence, accommodation status, lawful sexual activity and socioeconomic status are considered for inclusion as new attributes in the Act.

Domestic Violence

Individuals living in or seeking to leave a domestic or family violence situation are highly vulnerable. At present, domestic violence discrimination only has limited protection under the attribute of marital status.

Alternative approaches

Providing domestic violence as an attribute under the Act would create rights for people experiencing domestic or family violence in relation to public areas of life such as employment, education and accommodation. Including domestic violence as an attribute would create a number of protections for individuals including a positive obligation that employers reasonably accommodate leave or work hour changes to enable workers to make appropriate accommodation arrangements, protect workers from being dismissed or not employed because they are living in a domestic or family violence situation, prevent the removal of children from education institutions because of domestic or family violence and prevent refusal of accommodation.

What difference should it make?

Legislative backing to ensure continued employment, education and housing are vital to ensure safe decisions are made that will support the greater family needs, including children. Breaking the domestic and family violence cycle in the Territory requires a community response and cannot rely on individual responses only. Including domestic violence as an attribute is part of a broader community solution.

Question 5

Should the Act create rights for people experiencing domestic violence in relation to public areas of life such as employment, education and accommodation?

Accommodation Status

There is currently no protection under the Act for discrimination experienced as a result of a person's accommodation status. A significant percentage of Territorians are homeless², living without permanent shelter, couch surfing or living in overcrowded accommodation. Often discrimination occurs where a person is treated less favourably because of stereotyped perceptions of homeless people. For example, it is often assumed the person has a drinking problem or a mental health issue and is therefore dangerous.

Accommodation status is a significant issue as it can prevent a person from accessing various public services. For example, not being able to meet requirements to access a service because inquiries can only be made online or require a residential address. It is common for people without a permanent home to carry what few belongings they have with them at all times. In these circumstances, restrictions from accessing public services may occur because there is nowhere for belongings to be placed, or they are not allowed to be brought in with the person and the person fears they will be stolen if asked to leave their belongings in an unsecure area or outside.

Alternative approaches

Including accommodation status as an attribute under the Act would provide rights for people without a permanent home to have equal access to the areas covered by the Act (work, goods, services and facilities, accommodation, education, superannuation and insurance and clubs) without unreasonable barriers.

Homelessness is intended to cover individuals without a home who may be living rough as well as individuals who may have no permanent address and who are moving from place to place, for example couch surfing.

Question 6

Should the Act protect people against discrimination on the basis of their accommodation status?

Lawful sexual activity

Lawful sexual activity refers to a person's status as a lawfully employed sex worker, whether or not self-employed. Australia is signatory to a number of International Covenants

² 731 of every 10,000 Territorians are homeless, 15 times the national average, a majority are aboriginal. About 85% are living in overcrowded accommodation, about 40 in every 10,000 sleep rough or in improvised shelter. Australian Bureau of Statistics (ABS) 2049.0 Census of Population and Housing Estimating homelessness, 2011.

that protect sex industry workers from discrimination. One of these is the Universal Declaration of Human Rights that states “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Other relevant international covenants to which Australia is a signatory are the International Labor Organisations Employment Policy and the Convention to Eliminate All Forms of Discrimination Against Women.

Queensland, Tasmania and Victoria include “lawful sexual activity” as a protected ground of discrimination. The ACT is the only jurisdiction that prohibits discrimination on the basis of “profession, occupation, trade or calling”.

Alternative approaches

The NT could include a “lawful sex work” as an attribute under the Act.

What difference should it make?

Sex workers may experience discrimination on the basis of their occupation in areas such as goods and services, accommodation and seeking other employment. Discrimination of sex workers often occurs due to negative stigma attached to the occupation based on stereotyped views around drug use and assumed health status. Recognition of “lawful sex work” would provide equal rights for sex industry workers to participate on the same footing as everyone else in public life.

Question 7

Should “lawful sex work” be included as an attribute under the Act?

Socioeconomic status

A number of social and economic factors may interfere with a person’s ability to gain equal access to the areas of public life covered by the Act, such as education, employment and services. Discrimination may cause further social and economic disadvantage and result in further inequity.

Alternative approach

The Act could be amended to include socioeconomic status as a protected attribute to provide maximum protection to people who experience discrimination because of their socioeconomic status.

What difference should it make?

Society could benefit from an increased focus on the foundations of socioeconomic inequities. Introducing socioeconomic status as a protected attribute could reduce the barriers for people resulting from their socioeconomic status.

Question 8

Should “socioeconomic status” be included as a protected attribute?

RIGHTS FOR CARER ASSISTANCE ANIMALS

The Act currently protects discrimination against a person with a guide dog who has a visual, hearing or mobility impairment. However, it is recognised that there are a range of people with other disabilities who also obtain valuable assistance from appropriately trained animals, other than guide dogs. Increasingly assistance animals are being used to support mental wellbeing in cases of PTSD, anxiety and other mental health related illness, neurological conditions such as Asperger’s Syndrome and physical issues such as seizure.

Alternative approaches

To modernise the Act to keep pace with contemporary standards and expectations, the definition of guide dog could be expanded to include all assistance animals required by people who identify as having a disability. The definition of assistance animals could be expanded to include therapeutic and psychiatric seizure alert animals or accredited animals or specifically trained animals as prescribed by regulations.

Existing liability provisions that provide for guide dog owners to be responsible for any damage caused could be extended to include any damage or injury from an assistance animal. Amendments would need to be restricted to certified or specifically trained animals so that it does not extend to people training their own assistance animals. Amendments could also specify that it includes assistance animals certified under a law of another state or territory to make it clear they are covered by the Act.

What difference should it make?

Recognising a broader use of assistance animals is appropriate to keep pace with contemporary standards and expectations.

Question 9

Should the Act be broadened to include specifically trained assistance animals such as therapeutic and psychiatric seizure alert animals?

NEW REFORMS

REPRESENTATIVE COMPLAINT MODEL

Currently it is only possible for an individual who has experienced discrimination to make a complaint under the Act. Individual complaints are important for individuals to assert their rights to redress discrimination they personally experience. However, an individual complaint model does not suit all complaints or all complainants. Sometimes a more systemic approach is required such as a representative complaint model. There is currently no power to lodge representative complaints.

A representative complaint model allows representative bodies to bring a complaint about discrimination on behalf of a group of people identified as having a protected attribute under the Act. Some examples of the types of complaints that could be made under a representative complaint model include a complaint by a non-government disability organisation about a businesses practice that negatively impacts on their members; or a complaint by an organisation established to represent the interests of Northern Territory Aboriginal people regarding an act, practice, policy, program or process that impacts Northern Territory Aboriginal people as a group.

Alternative approaches

A representative complaint model could be introduced that enables organisations to bring complaints about acts of systemic discrimination on behalf of groups who may be limited in their ability to bring an individual complaint. A representative complaint could be lodged without obtaining individual consent of each person who may assist the subject of the complaint.

After a written complaint is lodged by an organisation, the ADC would need to determine if the complaint can be accepted for consideration. Requirements for a valid complaint could include an allegation of one or more acts, practices, policies, programs or processes that may be unlawful discrimination under the Act. The complaint would be required to include as much detail as possible of the alleged conduct. If not accepted, the complaint would be declined and where appropriate referred to another avenue of recourse.

If a complaint is accepted, the process could include a requirement for compulsory conciliation. The ADC's role in conciliation could include directing who should attend conciliation. Compulsory conciliation provides an option for the parties involved to find a practical resolution to the issues raised by the complainant.

If the matter does not settle at conciliation, the ADC could commence an investigation. The powers of the ADC during an investigation could include seeking written submissions from any party; compelling witnesses (including anonymous statements where appropriate); and compelling information.

The ADC would then consider the information and prepare a written report setting out the views and recommendations where necessary. After the party adversely affected by the report has been given an opportunity to comment on the report, the ADC could decide to release the report publicly and make public comment on its content. In order to make the organisation responsible, the ADC could require the organisation to make a public announcement to explain the changes or actions the organisation proposes to take in response to the report to address the complaint within a specified period of time.

The written report containing the ADC's findings could be used as evidence to support the lodging of an individual complaint.

What difference should it make?

The value of a representative complaint model is the ability to obtain greater systemic reach than the individual complaint model, and enables issues for particularly vulnerable groups to be properly considered. It also enables the ADC to better meet the objectives of the Act of "equality of opportunity".

Question 10

Should a representative complaint model process be introduced into the Act? Should there be any variations to the process of the complaint model as described above?

BROADENING THE SCOPE OF CLUBS

The Act provides that a club cannot discriminate on any of the prohibited grounds such as race, sex, sexuality, age or marital status. Exemptions are permitted if the club is of a type only suitable to one particular sex, or if it is impracticable for there to be simultaneous enjoyment by club members of a different sex provided different sexes are provided for separately.

The Act defines clubs as ones established for social, literary, cultural, political, sporting, athletic, recreation or community service purposes or any other similar lawful purpose. The definition of club includes an association (either incorporated or unincorporated) with more than 30 members that sells or supplies liquor for consumption on its premises.

The definition of club in the Act was based on the definition of club as originally introduced by the Commonwealth House of Representatives in the Sex Discrimination Bill 1983. In 1983, the focus of the Sex Discrimination Bill was to eliminate all forms of discrimination against women arising from the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Article 2 of the Convention required all Australian jurisdictions to take all appropriate measures, in particular in the areas of political, social, economic and culture, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality

with men. Australian society up until the 1980s included public bars that refused to serve women or “gentlemen’s clubs” established in towns in lieu of pubs that strictly forbid entry to women. It was against this social fabric that the Commonwealth decided to eliminate discrimination from clubs that sold or supplied liquor for consumption on its premises.

The reasons for the restriction to the scope of clubs was very specific to needs at the time the legislation was created and there appears to be no logical reason to continue to narrow clubs in this way. Expanding the definition of clubs will ensure protection of members in a range of settings not currently available such as sporting clubs. Sport is a key part of public life. It is important that groups protected by the Act have an equal opportunity to engage in this aspect of life.

Alternative approaches

The definition of club could be amended to remove the requirement that clubs be limited to those who sell liquor. If this occurs, the Act will be broadened to cover a larger number of clubs and associations.

What difference should it make?

This amendment will better reflect modern society’s use and expectation from clubs and associations. Currently the requirement for a club to hold a liquor licence restricts the application of discrimination law to a limited number of clubs and associations. The distinction based on whether a club or association holds a liquor licence is no longer relevant.

Question 11

Should the requirement for clubs to hold a liquor licence be removed?

SEXUAL HARRASMENT

The Act prohibits sexual harassment of a person in any of the areas of activity in Part 4 of the Act. Currently these areas of activity are work, goods, services and facilities, accommodation, education, clubs, superannuation and insurance. However, consideration needs to be given to whether sexual harassment should continue to be restricted by area of activity.

The scope of the prohibition against sexual harassment in employment is particularly unclear. The concept of work is less fixed than it was in 1992. People’s employment obligations are not always as clear and employees may work in environments where there are cross-overs in other areas of life. The current law and the extent of the rights and obligations for employers and employees are unclear. For example, in the 2016 decision of *Smyth v NTT & Kerr*, the ADC was satisfied that the sexually harassing conduct had occurred but was not satisfied in all instances that the requisite nexus to work was established.

Issues also arise for people working in service industries such as the hospitality industry because the area of “service” only currently applies to people receiving the service. (Please also see reforms proposed in this paper in regards to changing the definition of “services”).

Alternative approaches

Anti-discrimination legislation in Queensland and Tasmania do not restrict sexual harassment by area of activity.

What difference should it make?

Removing the restriction of area of activity for the prohibition of sexual harassment will remove the complexity and uncertainty about when such conduct is unlawful and provides for greater protection and prevention for individuals who may be exposed to such conduct.

Question 12

Should the restriction of areas of activity on sexual harassment be removed?

THE DEFINITION OF “SERVICES”

In the area of “goods, services and facilities”, only customers are protected, not the service providers themselves. Providers of services who experience discrimination from customers have no protection under the Act. Currently a worker’s rights in this context only exist in criminal law or work safety laws. This is of concern for industries such as the hospitality industry e.g. pubs and clubs.³ If a customer or client is considered important to a business or organisation, there can be a significant imbalance of power in their relationship with an employee and that relationship may be open to abuse, particularly if the client is important to the business or it directly impacts on the worker’s salary. Many workers may feel reluctant to take assertive action, out of fear of the repercussions from their employer.

Consideration also needs to be given to amending the definition of “services” to clarify that it includes services provided by the police. It is likely that the Act already covers services by police. Making it explicit in the Act will avoid litigation over the issue and provide a clear message to the community about the standard of conduct they can expect from police officers.

Alternative approaches

The Act could be amended so that people providing a service would also be able to seek protection under the Act. For example, a taxi driver being subjected to racially offensive comments directed personally to the racial group they belong may have rights against a

³ A recent study by United Voice found that 89% of hospitality staff (90% of which were women) in Australia had been sexually harassed: United Voice Media Release, 28 April 2017, http://www.unitedvoicevic.org.au/hospo_sexual_harassment_survey accessed on 16 June 2017.

passenger. Another example is a female working in a bar who is sexually harassed by a customer.

The Act could also be amended to make it clear that “services” include services provided by police.

What difference should it make?

Extending the coverage would allow for workers to have the same protection as applies to customers or clients.

In practice, it is likely that the option of bringing a formal complaint will not always be available as the complaint process requires the identity and contact details of that person. However the existence of the right will enable individuals to exercise their right at the time of contact. In an employment context, it will enable employees to exercise their right and for employers to support them. For example, if a patron at a bar sexually harasses a staff member, that staff member will be able to tell the patron to stop, that what they are doing is unlawful. Their manager will be able to support this. The establishment will be able to develop policies and provide information to patrons about appropriate behaviour in their establishment. This will support employers to provide safe workplaces for their staff.

Clarifying that services includes police will reduce potential litigation and clarify for the community the standard of conduct they can expect from the police.

Question 13

Should the definition of “service” be amended to extend coverage to include the workers?

REMOVING CONTENT THAT ENSHRINES DISCRIMINATION

RELIGIOUS EXEMPTIONS

Religious or cultural bodies currently have exemptions under the Act for certain attributes and areas if in line with the religious doctrines necessary to avoid offending the cultural or religious sensitivities of people of that particular culture or religion. The exemptions apply automatically for religious organisations and do not require any justification by the religious organisation as to why the exemption should apply.

To promote equality of opportunity for all Territorians, the removal of some of these exemptions is being considered.

Alternative approaches

The Act could be amended to remove the current exemptions for religious bodies in the areas of religious educational institutions, accommodation under the direction or control of a body established for religious purposes and access to religious sites. Religious or cultural bodies would instead be required to apply for an exemption with the ADC and justify why their service requires a particular exemption.

One of exemptions that could be removed is section 30(2) that permits religious schools to exclude prospective students who are not of that religion.

Another exemption that could be removed is section 37A that permits religious schools to discriminate against employees on the grounds of religious beliefs, activity or sexuality if done in good faith to avoid offending the religious sensitivities of people of the particular religion. For example, under this exemption a religious school could justify not employing a prospective employee on the basis that they identify as LGBTI, if the religious doctrine does not support LGBTI relationships.

In the area of accommodation there are two exemptions that could be removed. Section 40(2A) that permits religious educational authorities as accommodation providers to restrict use of the accommodation to people of that religion and section 40(3) that provides an exemption for discrimination if necessary to avoid offending the religious sensitives of people of the religion.

In respect to access to cultural or religious sites section 43 could also be removed. Section 43 permits restricted access to land, building or place of cultural or religious significance on the basis of sex, age, race or religion if it is in line with the religious doctrine or necessary to avoid offending the cultural or religious sensitivities of people of the culture or religion. It is noted that protection of Aboriginal sacred sites is available through existing provisions in the *Northern Territory Aboriginal Sacred Sites Act*.

However, exemptions relating to discriminatory acts that are permitted or necessitated by legislation would remain. These include ordination of priests, ministers of religion or members of a religious order (including training or education), selection or appointment of people to perform functions in relation to any religious observance or practice and an act or body established for religious purposes if the act is done as part of any religious observance or practice.

What difference should it make?

Removal of these exemptions would make the system fairer by ensuring people of certain attributes have the same opportunities under the Act. It would also ensure that cultural and religious bodies are more accountable for their actions and more inclusive.

Question 14

Should any exemptions for religious or cultural bodies be removed?

ASSISTED REPRODUCTIVE TREATMENT EXCLUSION FROM SERVICES

Assisted reproductive treatment (ART) is any medical procedure that enables artificial fertilisation of the human ovum, including IVF.

There are no ART laws in the NT that govern the right to access ART. Victoria, Western Australia and South Australia are the only jurisdictions in Australia with legislation that requires satisfying certain criteria to access ART. Therefore, in the NT the only limitations on accessing ART are found in the Act.

The NT Department of Health does not offer ART and does not currently have a position on eligibility for ART services. In the NT, the only place where you can receive ART is through a private company called Repromed, based within the Darwin Private Hospital. Repromed is a South Australian company with local clinicians who are registered in SA, thus the availability of services in the NT is influenced by South Australian legislation.

The recent passing of the *Statutes Amendment (Surrogacy Eligibility) Act 2017* (SA) removed barriers to same-sex couples and transgender people from accessing ART. It also made it clear that relationship status was not considered a barrier. Under the *South Australia Assisted Reproductive Treatment Act 1988*, the following registration requirement must be satisfied before ART services can be provided:

- (i) if it appears to be unlikely that, in the person's circumstances, the person will become pregnant other than by an assisted reproductive treatment;
- (ii) if there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child conceived naturally;

- (iii) if the donor died and his partner was fertilised or an embryo had been recreated, and the donor provided consent, any directions of the donor complied with and assisted reproductive treatment is provided for the benefit of a woman who was living with the donor on a genuine domestic basis;
- (iv) for the purposes of a recognised surrogacy agreement;
- (v) where a person suffers from an illness or other medical condition that may result in, or the appropriate treatment of which may result in, the person becoming infertile at a future time.

The Act prohibits discrimination from occurring in the provision of services. ART is a service that is specifically exempted in the Act. This means that providers of ART services in the NT are permitted to discriminate against people on the basis of sex, gender identity or marital status.

Alternative approaches

The Act could be amended to remove the current exemption that the provision of a service does not include the carrying out of an artificial fertilisation procedure.

What difference should it make?

An amendment of this nature would ensure there are fewer additional barriers placed on people who are in same sex or de facto relationships, single and transgender people, who would like to access ART in the NT. These changes would also ensure that the Act is consistent with the *Sex Discrimination Act 1984* (Cth) and the *Assisted Reproductive Treatment Act 1988* (SA).

Question 15

Should the exclusion of assisted reproductive treatment from services be removed?

CLARIFYING AND MISCELLANEOUS REFORMS

WORK INCLUDES VOLUNTEERS AND MODERN WORKPLACES

It is unclear whether the current definition of “work” includes volunteers. The Act currently defines “work” as including being in a relationship of employment (including full-time, part-time, casual, permanent and temporary employment); under a contract for services; remunerated in whole or in part on a commission basis; under a statutory appointment; by a person with an impairment in a sheltered workshop; and under a guidance program, vocational training program or other occupational training or retraining program. This definition is not exhaustive and may include volunteer work.

Further, workplaces have evolved since the introduction of the Act and work arrangements are no longer limited to a traditional employer/employee relationships. It is common that workers today work for a number of different entities or organisations but they work collectively, for example subcontractors on a construction site.

The definition of work is intended to cover a broad range of working environments such as subcontractor arrangements. A common issue that arises is whether prohibited conduct occurred at “work” for the purposes of the Act because it occurred between two workers who were engaged by different employers or are working for different companies.

Lastly is the issue of organisations who legally structure their workplaces to get around legal obligations such as the Act. The Act provides important rights and it is important that those rights are not lost because someone is engaged in what, to all extent and purposes, looks and feels like a work arrangement but is legally set up to be a different type of arrangement.

Alternative approaches

The definition of “work” could be amended to clarify that it includes a “volunteer”, shared workplaces and anything akin to a work arrangement.

What difference will this make?

Clarifying the categorisation of a “volunteer” would ensure that expectations of the same professional conduct apply to a “volunteer” as they do to a person in paid employment. Volunteers give their time freely and should not be subjected to discrimination. It is important that organisations have a clear understanding as to whether the obligations under the Act apply to volunteer workers.

Including volunteers or people in non-traditional work arrangements in the definition of work would provide the same protections currently provided to workers. It would also include the new protections for workers also being considered in this discussion paper such as work includes “at work” and the definition of “services”.

Question 16

What are your views on expanding the definition of “work?”

FAILURE TO ACCOMMODATE A SPECIAL NEED

Section 24(1) of the Act provides that “A person shall not fail or refuse to accommodate a special need⁴ that another person has because of an attribute.⁵” Whether a person has unreasonably failed to provide for a special need depends on the relevant circumstances of the case including but not limited to:

- the nature of the special need;
- the cost of accommodating the special need and the number of people who would benefit or be disadvantaged;
- the disruption that accommodating the special need may cause;
- the nature of any benefit or detriment to all persons concerned.

Section 24 creates a positive duty on the employer, service provider, educator and accommodator etcetera. The wording of the section should be amended to clearly articulate this.

Alternative Approaches

The wording in section 24 could be amended to express this obligation more clearly.

What difference should it make?

A clear statement of this kind encourages a proactive response to equal opportunity rather than a reactive response. It means the starting point is that the accommodation is required unless there are reasonable grounds upon which to not make the accommodation. It will mean that action taken is not limited to complaints made to the ADC.

Question 17

Should section 24 be amended to clarify that it imposes a positive obligation?

⁴ A special need must relate to an attribute the person complaining has. For example a student who uses a mobility device such as a wheelchair will have a special need for ramp access or flat graduated pavements to enter and use the school’s facilities. A failure to provide this would create a barrier for that student in having equal access compared to others (who do not use a wheelchair) in accessing an education. Disability and education are areas protected by the Act.

⁵ Please note that it is assumed, based on the overall structure of the Act and its objectives, that section 24, as with other sections, is limited to the areas of public life in s28 of the Act. Section 24 applies to all attributes in s19. Examples of types of complaints under this section are:

- disability (a range of disability, physical, mental health, neurological disorders (Asperger’s Syndrome))
- access issues (at work, while receiving a service and in education);
- accommodations at work for parents;
- accommodations at work for pregnancy or breastfeeding;
- accommodations based on race (e.g. language, cultural).

ANTI-DISCRIMINATION COMMISSIONER AMENDMENTS

Re-naming of the Anti-Discrimination Commissioner

The review of the Act is an opportune time to consider changing the name of the “Anti-Discrimination Commissioner” to be the “Equal Opportunity Commissioner”. Equal opportunity is more positive wording and reflects better the work being done by the ADC. This would require the “office of the Anti-Discrimination Commissioner” to also be re-named to the “office of the Equal Opportunity Commissioner”. A new name will not change the functions or the work of the ADC. There would not be any impact upon complaints currently going through a complaint process.

Alternative approaches

The Act could be amended to change the name of the “Anti-Discrimination Commissioner” to be the “Equal Opportunity Commissioner” .

What difference should this make?

A name change to the Equal Opportunity Commissioner will more accurately reflect the scope of the work undertaken by the ADC; encourages public awareness of functions beyond those related to complaints; and communicates a broader role in promoting practices that promote equality of opportunity and inclusion.

Question 18

Is the name “Equal Opportunity Commissioner” preferred to the name “Anti-Discrimination Commissioner”? Would the benefits of a new name outweigh the financial cost that comes with re-naming an office?

Extending term of Anti-Discrimination Commissioner’s appointment

The Act provides that the ADC is to be appointed for a term no longer than 3 years. In comparison to the other jurisdictions that have terms between five to seven years, a term of three years is relatively short.

In the Australian Capital Territory, Tasmania and South Australia, Commissioners are appointed for five year terms. In Queensland, Western Australia and New South Wales, Commissioners are appointed for seven year terms. Terms are also seven years for Commissioners appointed under the *Australian Human Rights Commission Act 1986* (Cth), the *Sex Discrimination Act 1984* (Cth), the *Racial Discrimination Act 1975* (Cth), the *Age Discrimination Act 2004* (Cth) and the *Disability Discrimination Act 1992* (Cth).

In the Territory, the Information Commissioner, the Commissioner of Public Interest Disclosure and the Children’s Commissioner are appointed for five year terms. In comparison, the Commissioner for Consumer Affairs does not have any limits on the

appointment term and the Ombudsman is appointed for seven years without any ability for re-appointment.

Alternative approach

The term of appointment for the ADC could be increased to five years to be in-line with a majority of the Commissioners appointed under other anti-discrimination legislation and other independent statutory offices in the Territory.

What difference should it make?

Increasing the term of appointment will provide greater certainty to the ADC office holder. A longer term of appointment could also provide greater certainty to complainants going through the complaints process. It would also reduce the amount of red tape that surrounds the appointment of office holders by reducing the frequency of the appointment process.

Question 19

Is increasing the term of appointment of the ACD to five years appropriate? Should the term of appointment be for another period, if so what?

MODERNISING LANGUAGE

It is proposed that the language in the Act be modernised generally to be gender neutral and remove offensive language.

In particular it is proposed that the terms “man” and “woman” be amended as follows.

Repeal the definition of ‘man’ and ‘woman’

The Act provides definitions for the terms “man” and “woman”. “Man” is defined as “a member of the male sex irrespective of age” and “woman” is defined as “a member of the female sex irrespective of age”.

The definitions in the Act were modelled on the definition of ‘man’ and ‘woman’ as defined in the *Sex Discrimination Act 1983* (Cth) at the time the Act was drafted. In 2013, the *Sex Discrimination Act 1983* was amended to repeal the definitions to ensure that “man” and “woman” were not interpreted so narrowly so as to exclude, for example, transgender women from accessing protections from discrimination on the basis of other attributes contained in the Act.

References to “man” and “woman” as they appear in the *Sex Discrimination Act 1983* (Cth) are to now take their ordinary meaning. It was also not intended by the Commonwealth that the removal of the reference to “irrespective of age” is to limit the application of the *Sex Discrimination Act* to adults only.

Alternative Approach

The Act could be amended by repealing the definitions of “man” and “woman”.

What Difference Should It Make

Repealing the definitions will allow for the ordinary meaning of “man” and “woman” to be applied to the Act. This is a flexible way of allowing the Act to accommodate a changing society as the ordinary meaning will naturally incorporate those changes.

Question 20

Should definitions of “man” and “woman” be repealed?

Carer responsibility

The Act currently protects discrimination experienced because of parenthood which is defined as “whether or not a person is a parent” and includes a step-parent, adoptive parent, foster parent, guardian and a person who provides care, nurturing and support to a child. While the definition is quite broad, it fails to take into account that many people have caring relationships outside this paradigm that impacts on their ability to participate equally in life. Examples include caring for a spouse or parent. Carers perform an important role for the community and it is important that they are protected under the Act.

Alternative approaches

The Act could be amended to replace “parenthood” with “carer responsibilities”.

What difference will this make?

Provide protection for all carers.

Question 21

Should the term “parenthood” be replaced with “carer responsibilities”?

Relationship status

The Act currently provides protection for “marital status.” Marital status includes a range of relationships beyond married couples and includes who you are or have been married to and if you are single. The term marital status is misleading as it does not reflect the true extent of this protection. The protection is broader than married couples.

Alternative approaches

“Marital status” could be replaced with the term “relationship status”.

What difference will this make?

The term “relationship status” is more likely to be understood by people seeking to rely on the rights the Act provides.

Question 22

Should the term “marital status” be replaced with “relationship status”?

Context

City of Darwin's Evolving Darwin Towards 2020 Strategic Plan provides a framework that aims to advance the needs and aspirations of the Darwin community. This Plan endeavours to foster a Collaborative, Inclusive and Connected Community by playing an active role in strategic and statutory planning processes (*Effective and Responsible Governance, 5.4.2 Advocate on behalf of the community*)¹.

Council has had in place for many years a disability advisory mechanism to support efforts in growing a just and accessible community. In more recent times, this Committee has broadened its remit to encompass Access and Inclusion in recognition of the changing needs of the community. Its Terms of Reference include the provision of education and information to improve community awareness of the needs and rights of people living with disability, as well as partnering with services and organisations to improve access and inclusion in community life. This response speaks to aspects of the *Discussion Paper on the Modernisation of the NT Anti-Discrimination Act*² in alignment with Council's Access and Inclusion Advisory Committee Terms of Reference established under section 54 of the *NT Local Government Act*³.

¹ City of Darwin, Evolving Darwin Towards 2020, Strategic Plan
https://www.darwin.nt.gov.au/sites/default/files/publications/attachments/city_darwin_strategic_plan_2012_web.pdf

² Discussion Paper, Modernisation of the *Anti-Discrimination Act*
https://justice.nt.gov.au/_data/assets/pdf_file/0006/445281/anti-discrimination-act-discussion-paper-september-2017.pdf

³ *Local Government Act*, Northern Territory, Australia http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/consol_act/lga182/

City of Darwin submission

Modernisation Reforms – Discussion paper questions

- (1) *Is updating the term sexuality to sexual orientation without labels appropriate? Are there any alternative suggestions?*
- (2) *Should the attribute of “gender identity” be included in the Act?*
- (3) *Should intersex status be included as an attribute under the Act?*
- (4) *Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?*
- (5) *Should the Act create rights for people experiencing domestic violence in relation to public areas of life such as employment, education and accommodation?*
- (6) *Should the Act protect people against discrimination on the basis of their accommodation status?*
- (7) *Should “lawful sex work” be included as an attribute under the Act?*
- (8) *Should “socioeconomic status” be included as a protected attribute?*
- (9) *Should the Act be broadened to include specifically trained assistance animals such as therapeutic and psychiatric seizure alert animals?*

CITY OF DARWIN RESPONSE

The current NT *Anti-Discrimination Act* refers to the term ‘sexuality’ with the restrictive labels of ‘homosexuality’ and ‘lesbian’. The change of term to ‘sexual orientation’ without labels allows for the changing landscape of sexual identity in the immediate future, because people identify sexual orientation beyond the terms ‘homosexuality’ and ‘lesbian’. This also will allow for future terms in alignment with social change and the Commonwealth *Sex Discrimination Act 1984*⁴.

⁴ *Sex Discrimination Act 1984*, Australia <https://www.legislation.gov.au/Details/C2014C00002>

Contemporising *the Act* to include gender identity, lawful sex work and socioeconomic status as a protected attribute is supported by City of Darwin, recognising the inclusion of these terms will align the Northern Territory with Commonwealth Legislation under the *Sex Discrimination Act 1984*.

The Northern Territory is currently the only jurisdiction in Australia without legislation to protect people against vilification, other than under the Commonwealth *Racial Discrimination Act 1975*⁵.

One catalyst for change is recognition of the growing crisis of family and domestic violence and violence against women in the Northern Territory and nationally.⁶ It is vital that these rights be included in modernisation of the *Act* so that protective measures are accountable under legislation.

Many workplaces are developing their own initiatives to support and better protect employees who are experiencing family and domestic violence, including City of Darwin. While this is a welcome advancement, population level change is better achieved through significant policy and legislative reform.

People who are experiencing homelessness or altered accommodation status are often vulnerable to many access barriers, including discrimination. The protection of people in these circumstances will provide the necessary means for equitable access to goods, services and fair treatment.

The *Anti-Discrimination Act* currently provides protection for guide dogs to assist people with vision or hearing impairments. Broadening of the term to include other assistance animals is necessary due to the increase of animal types trained to provide therapeutic assistance to people with a range of physical and psychosocial impairments. Given the increased scope of the term *assistance animal*, changes to *the Act* should include the prescribed definition of *assistance animal* so that it

⁵ *Racial Discrimination Act 1975*, Australia <https://www.legislation.gov.au/Details/C2014C00014>

⁶ Northern Territory Government Submission to the Senate Inquiry into Domestic Violence in Australia. Submission 158
<https://www.humanrights.gov.au/sites/default/files/57.2%20Northern%20Territory%20submission%20o%20the%20Inquiry%20into%20Domestic%20Violence.pdf>

pertains to the accreditation of an animal under local and Territory Governing bodies and aligns with the *Disability Discrimination Act*⁷. The inclusion of these attributes will clarify areas that are currently ambiguous or missing from *the Act* and offer greater protections for people experiencing discrimination.

Modernising Language – Discussion paper questions

(20) Should definitions of “man” and “woman” be repealed?

(21) Should the term “parenthood” be replaced with “carer responsibilities”?

(22) Should the term “marital status” be replaced with “relationship status”?

CITY OF DARWIN RESPONSE

The modernisation of language in the *Anti-Discrimination Act* is essential for the inclusion of all people. The effective use of modern language and terms provides clarity for all people seeking assistance or protection under the Act. There is universal support and recognition of the term *carer responsibilities* as opposed to *parenthood* and *relationship status* as opposed to *marital status*. Updating this language will align the Northern Territory with Commonwealth legislation and more broadly better reflect community change.

The historical use of the terms ‘man’ and ‘woman’ in the *Anti-Discrimination Act* are accompanied by definitions that dictate a ‘man’ or a ‘woman’ must belong to the male or female sex, a biological assignment that limits the inclusion of others, such as those whom identify as transgender or intersex. In offering protection from discrimination, the modernisation of *the Act* should include eliminating restrictive definitions and leave the terms ‘man’ and ‘woman’ without predefined parameters.

⁷ *Disability Discrimination Act 1992, Australia* http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/dda1992264/s8.html

New Reforms – Discussion paper questions

(10) Should a representative complaint model process be introduced into the Act? Should there be any variations to the process of the complaint model as described above?

CITY OF DARWIN RESPONSE

The current *NT Anti-Discrimination Act* prevents people lodging complaints on behalf of another person, even if that person does not have capacity to complain. The inclusion of a representative complaint model is necessary to ensure protections of people who are unable to self-advocate. The process described in the Discussion Paper is an appropriate model that is supported by City of Darwin.⁸

Clarifying and Miscellaneous Reforms – Discussion paper questions

(16) What are your views on expanding the definition of “work”?

(18) Is the name “Equal Opportunity Commissioner” preferred to the name “Anti-Discrimination Commissioner”? Would the benefits outweigh the financial cost that comes with re-naming an office?

(19) Is increasing the term of the commissioner to five years appropriate? Should the term of appointment be for another period, if so what?

CITY OF DARWIN RESPONSE

The Act currently has limited definitions of *work*, that doesn't provide for a person volunteering or on a student placement arrangement with an employer. The contribution that people in volunteer or similar capacities make to workplaces and the community are invaluable and as such should be afforded the same protections from discrimination as a paid employee. The broadening of the definition of *work* is

⁸ Discussion Paper, Modernisation of the *Anti-Discrimination Act*
https://justice.nt.gov.au/_data/assets/pdf_file/0006/445281/anti-discrimination-act-discussion-paper-september-2017.pdf

necessary to keep pace with community expectations and to make contemporary the *Anti-Discrimination Act*.

In South Australia, Western Australia and Victoria the Commissioners that uphold the jurisdictional *Anti-Discrimination Acts* all have some delineation of the terms “Equal Opportunity” in their title. In aligning with a more contemporary approach, the change of the name from Anti-Discrimination Commissioner to Equal Opportunity Commissioner will create a more strength based approach. Whilst there will be administrative costs associated with such change of name, the evocative response to Equal Opportunity holds a clear positive obligation, rather than Anti-Discrimination.

A continuing theme in this submission is the alignment with other jurisdictions and their best practice models in terms of modern legislation to protect people from discrimination. In the case of extending the term of the Anti-Discrimination Commissioner there are examples within the Northern Territory jurisdiction. Other Commissioners, such as the Information Commissioner, Children’s Commissioner and Commissioner for Public Interest Disclosure, hold a term for longer than the three years currently under legislation in the *Anti-Discrimination Act NT*. City of Darwin supports the change of term for the Anti-Discrimination Commissioner from three years to five years. The benefit of a longer term will ensure a more consistent approach and provide opportunity for adopting and reviewing policies and other in-office procedural approaches. The invitation for a longer term should be initially extended to the sitting Commissioner at the time of these amendments.

ENCL: ORDINARY COUNCIL MEETING/OPEN
NO

AGENDA ITEM: 14.1.6

**CLOSING AND SALE OF ROAD RESERVATION - 27 LAMBELL TERRACE, LOT 5390
TOWN OF DARWIN - UPDATE JANUARY 2018**

REPORT No.: 18CO0002 JW:jg COMMON No.: 3526896

DATE: 30/01/2018

Presenter: Team Leader Development, James Whyte

Approved: Acting General Manager City Operations, Drosso Lelekis

PURPOSE

The purpose of this report is to seek approval for the signing and sealing of the sale of road reserve adjacent 27 Lambell Terrace, Lot 5390 Town Of Darwin previously approved by Council.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

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

KEY ISSUES

- In July 2017, Council resolved to sell a portion of road reserve adjacent to 27 Lambell Terrace, Lot 5390 Town of Darwin.
- Prior to seeking Ministerial approval, the proposed road closure was exhibited for 28 days as per the requirements under the Local Government Act and no submissions were received during the exhibition period.
- Ministerial approval has now been granted in order to finalise the sale Council must sign and seal all relevant documents.
- This report recommends approving the affixing of the common seal to all associated documentation for the closure and sale of road reserve.
- Once the documents are affixed with the common seal of Council, a public notice advising of the road closure will be required.

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 REPORT NUMBER: 18CO0002 JW:jg
 SUBJECT: CLOSING AND SALE OF ROAD RESERVATION - 27 LAMBELL
 TERRACE, LOT 5390 TOWN OF DARWIN - UPDATE JANUARY 2018

RECOMMENDATIONS

- A. THAT Report Number 18CO0002 JW:jg entitled Closing and Sale of Road Reservation - 27 Lambell Terrace, Lot 5390 Town Of Darwin - Update January 2018, be received and noted.
- B. THAT pursuant to Section 26 (2) of the *Local Government Act*, Council authorises the affixing of the common seal to all documents associated with the closure and sale of road reserve adjacent to property located at 27 Lambell Terrace, Lot 5390 Town Of Darwin and that this be attested by the signatures of the Chief Executive Officer and the Lord Mayor.

BACKGROUND

At the 2nd Ordinary Council Meeting held 25 July 2017 Council resolved as follows:

DECISION NO.21\5606 (25/07/17)

Request to Purchase Road Reserve at 27 Lambell Terrace, Larrakeyah
Report No. 17CO0002 MV:lf (25/07/17) Common No. 3526896

- B. *THAT Council approve the sale of a portion of the Lambell Terrace road reserve, Larrakeyah adjacent to Lot 5390 Town of Darwin, 27 Lambell Terrace to David and Pam Flint, as described in Report Number 17CO0002 MV:lf entitled Request to Purchase Road Reserve at 27 Lambell Terrace, Larrakeyah subject to the following:*
- *an agreed sale price of \$6000*
 - *that the road reserve once excised be consolidated into the adjacent lot 5390 Town of Darwin, and*
 - *that all costs associated with the sale of the road reserve and consolidation including survey plans, application fees, the road closure process inclusive of advertising, legal and other associated fees be borne by the proponent.*

DISCUSSION

Following Council's decision to approve the sale of road reserve adjacent 27 Lambell Terrace, Lot 5390 Town of Darwin, a request for Ministerial consent under the Local Government Act to permanently close this portion of Lambell Terrace was submitted and approved. Finalisation of the documentation now requires the Council common seal to complete the sale of road reserve.

It is recommended that Council approve the affixing of the common seal of Council to all associated documentation for the closure and sale of road reserve adjacent to property located at 27 Lambell Terrace, Lot 5390 Town Of Darwin

PAGE: 3
 REPORT NUMBER: 18CO0002 JW:jg
 SUBJECT: CLOSING AND SALE OF ROAD RESERVATION - 27 LAMBELL
 TERRACE, LOT 5390 TOWN OF DARWIN - UPDATE JANUARY 2018

CONSULTATION PROCESS

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

- Contract Officer

POLICY IMPLICATIONS

City of Darwin Policy No. 010 - Land Acquisition and Disposal provides guidance in relation to the proposed sale of Council land.

BUDGET AND RESOURCE IMPLICATIONS

There is no cost to Council associated with the Common Seal.

All cost associated with the sale of land are to be borne by the proponent.

Council will receive an income of \$6,000.00 from the sale of the land.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The proposed closure of road was exhibited for 28 days as per the requirements under the Local Government Act, prior to seeking Ministerial consent. No submissions were received in during the exhibition period.

Once the documents are affixed with the common seal of Council, a public notice advising of the road closure will be required.

ENVIRONMENTAL IMPLICATIONS

No environmental impacts are identified.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

JAMES WHYTE
TEAM LEADER
DEVELOPMENT

DROSSO LELEKIS
ACTING GENERAL
MANAGER CITY
OPERATIONS

For enquiries, please contact Drosso Lelekis on 89300514 or email:
 d.lelekis@darwin.nt.gov.au.

14.2 OFFICERS REPORTS (RECEIVE & NOTE)



ENCL: YES	ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM:	14.2.1
MONTHLY FINANCIAL REPORT - DECEMBER 2017			
REPORT No.:	18CP0001 RN:je	COMMON No.:	2476534
			DATE: 30/01/2018

Presenter: **Manager Finance, Ram Naik**

Approved: **Acting General Manager City Performance, Richard Iap**

PURPOSE

The purpose of this report is to provide a comparison of income and expenditure against the budget for the period ended 31 December 2017 in accordance with the Local Government (Accounting) Regulations.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

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

KEY ISSUES

- The monthly report meets Council's statutory requirements.
- The Quarterly Budget Reviews will provide additional accountability information to supplement the monthly financial reports.
- There are no overall concerns with Council's financial position in relation to its original budgets.

RECOMMENDATIONS

THAT Report Number 18CP0001 RN:je entitled Monthly Financial Report - December 2017, be received and noted.

PAGE: 2
REPORT NUMBER: 18CP0001 RN:je
SUBJECT: MONTHLY FINANCIAL REPORT - DECEMBER 2017

BACKGROUND

Council has endorsed the format of the Monthly Financial Report. It is in compliance with the Local Government (Accounting) Regulations in respect of monthly financial reporting.

DISCUSSION

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

Overall Income Statement

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

Municipal Plan Summary

The Municipal Plan Summary follows a similar format to the statement of cash flows, but is based on working capital rather than cash. Elected Members can also refer to the quarterly budget reviews for more detailed final information as these become available.

Amended Budget

The amended budget column in the Overall Income Statement and Municipal Plan Summary (**Attachment A**) includes projects/programs carried forward from 2016/17 into 2017/18 for completion and the adopted variations as per the 1st Quarter Budget Review 2017/18.

Investments Report

Details all cash and investments held by institution and provide information on interest rate returns, maturities and policy compliance.

Accounts Receivable Report

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

CONSULTATION PROCESS

Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil

PAGE: 3
REPORT NUMBER: 18CP0001 RN:je
SUBJECT: MONTHLY FINANCIAL REPORT - DECEMBER 2017

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The information that is provided is considered to more than achieve statutory compliance as set out below:

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

Regulation 18 states:-

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

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

ENVIRONMENTAL IMPLICATIONS

Nil

PAGE: 4
REPORT NUMBER: 18CP0001 RN:je
SUBJECT: MONTHLY FINANCIAL REPORT - DECEMBER 2017

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

RAM NAIK
MANAGER FINANCE

RICHARD IAP
ACTING GENERAL MANAGER
CITY PERFORMANCE

For enquiries, please contact Ram Naik on 8930 0523 or email:
r.naik@darwin.nt.gov.au.

Attachment:

Attachment A: Monthly Financial Report – December 2017

Income Statement
For the Period Ended 31/12/2017



	<u>2017/18</u>				
	Full Original Budget \$'000	Full Amended Budget \$'000	YTD Actual \$'000	YTD v FAB %	
% of year elapsed				50%	
Income from Continuing Operations					Comment
Rates & Annual Charges	69,069	69,068	69,130	100%	No issues
User Charges, Fees & Other	26,341	26,327	12,752	48%	Below LY
Interest & Investment Revenue	1,953	1,954	1,167	60%	No issues
Grants & Contributions - Operating	5,143	3,468	2,720	78%	No issues
Total Income from Continuing Operations	102,506	100,817	85,769	85%	
Less Expenses from Continuing Operations					
Employee Costs	32,313	32,358	16,142	50%	No issues
Borrowing Costs	291	291	135	47%	No issues
Materials and Services	49,429	50,735	24,728	49%	No issues
Depreciation and Amortisation	24,037	24,037	12,018	50%	No issues
Total Expenses from Continuing Operations	106,070	107,420	53,024	49%	
Operating Result - Continuing Operations	(3,564)	(6,603)	32,746		
Grants & Contributions - Capital	2,113	7,461	5,711	77%	No issues
Net Operating Result For the Year	(1,451)	858	38,457		

Income Statement

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

Outlines income and operating expenses. Capital expenditure has been excluded however depreciation expense has been recognised. The net operating surplus or deficit for the reporting period is a measure of Council's financial performance. This figure is determined by deducting total operating expenses including depreciation from total operating revenue.

Operating income: Rates are recognised at the beginning of the year hence 100% achieved. User charges, fees and other revenue is slightly below target at 48% and also below the Actual YTD for the same period last year. This is mainly due to reduced animal registrations, infringements, and parking income. Operating grants & contributions are showing 78% achieved as General Purpose Grants and FAA Road Grants for 1st & 2nd quarters have been received. Library grants received in full for the year. Funbus grant for 1st & 2nd quarters received. Streetlighting Maintenance grant from Dept of Housing & Community Development has been recognised but not budgeted.

Operating expenses: Overall expenditure appears reasonable for this 6th month of the financial year. Borrowing expenses paid in November and the next scheduled payment is in May 2018. Depreciation expense is recognised pro-rata over each of the 12 months.

Capital income: \$1.98M R2R grant for Dinah Beach Road Project received in full. A \$2M DEC grant for upgrade of aircon was received from Dept of Housing and Community. \$1.3 M received for Construction of Parap Leisure & Sports Centre. Progress Report 1 for Malak Lighting Project \$50k. NT Cricket, Nightcliff Sports Club & Royal Life Savings Society Grants received combined \$18k. Dept of Infrastructure Planning Grant for Play Equipment - Dwyer Park, The Narrows received for \$175k, \$125k of which was not budgeted.

Manager Finance: There are no overall concerns in relation to the amended budget.



**Municipal Plan Summary
For the Period Ended 31/12/2017**

	Full Original Budget \$'000	<u>2017/18</u> Full Amended Budget \$'000	YTD Actual \$'000	YTD v FAB %
% of year elapsed				50%
Funds From Operating Activities				
Net Operating Result From Above	(1,451)	858	38,457	
Add back depreciation (not cash)	24,037	24,037	12,018	
Net Funds Provided (or used in) Operating Activities	22,586	24,894	50,475	
Funds From Investing activities				
Sale of Infrastructure, Property, Plant & Equipment	783	783	205	26%
Purchase of Infrastructure, Property, Plant & Equipment	(21,633)	(50,806)	(16,823)	33%
Net Funds Provided (or used in) Investing Activities	(20,850)	(50,023)	(16,618)	
Funds From Financing Activities				
Proceeds from borrowings & advances	2,100	2,000	-	0%
Repayment of borrowings & advances	(384)	(384)	(117)	30%
Net Funds Provided (or used in) Financing Activities	1,716	1,616	(117)	
Net Increase (-Decrease) in Funds Before Transfers	3,452	(23,512)	33,740	
Transfers from (-to) Reserves	(3,452)	23,512	10,905	
Net Increase (-Decrease) in Funds After Transfers	-	-	44,645	

Municipal Plan Summary

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

Full Amended Budget: Includes carry forwards from 2016/17 and approved budget variations as per the 1st Quarter Budget Review.

Net funds provided by operating activities: These will reduce throughout the year to equate more closely to budget as the rates struck are expended.

Sale of Plant & Equipment: This appears low and should increase once fleet purchases are achieved.

Purchase of Infrastructure, property etc. This is 33% spent compared to 50% of year elapsed.

Transfers from (-to) reserves. This discloses the transfers to & from cash backed reserves.

Manager Finance: There are no overall concerns in relation to the budgets.

Statement of Financial Position
For the Period Ended 31/12/2017



<u>2016-17</u> Audited Actual \$'000		Full Original Budget \$'000	2017/18 Full Amended Budget \$'000	YTD Actual \$'000
Current Assets				
13,040	Cash at Bank & Investments	11,346	13,184	27,620
31,491	Cash at Bank & Investments - externally restricted	32,343	30,659	33,970
29,458	Cash at Bank & Investments - internally restricted	6,975	6,777	16,073
10,598	Receivables	7,300	10,598	32,487
110	Inventories	150	110	119
-	Other	250	-	-
84,697		58,364	61,328	110,270
Non-Current Assets				
953,325	Infrastructure, Property, Plant and Equipment	1,137,781	979,311	957,925
953,325		1,137,781	979,311	957,925
1,038,022	TOTAL ASSETS	1,196,145	1,040,639	1,068,195
Current Liabilities				
14,695	Payables	11,000	14,695	7,174
241	Borrowings	395	241	124
17,256	Provisions & Other Liabilities	7,109	17,256	16,609
32,192		18,504	32,192	23,908
Non-Current Liabilities				
3,046	Borrowings	6,340	4,805	3,046
10,025	Provisions	500	10,025	10,025
13,071		6,840	14,830	13,071
45,263	TOTAL LIABILITIES	25,344	47,022	36,979
992,759	NET ASSETS	1,170,801	993,617	1,031,216
Equity				
658,411	Asset Revaluation Reserve	771,670	658,411	658,411
334,348	Retained Surplus	399,131	335,206	372,805
992,759	TOTAL EQUITY	1,170,801	993,617	1,031,216

Statement of Financial Position Comments:

The Statement of Financial Position outlines what Council owns (assets) and what it owes (liabilities) at a point in time. Council's net worth is determined by deducting total liabilities from total assets - the larger the net equity, the stronger the financial position.

Manager Finance: there are no concerns in relation to the original budgets at this stage. Note that the full original budget is as published in the adopted Municipal Plan 2017/18. The full amended budget column is based on the audited closing balances as at 30/6/2017 plus full original budget plus Council approved amendment, the YTD Actual column is based on audited actual closing balances as at 30/6/2017 and adjustment of actual movements since.


**CITY OF
DARWIN**
CASH AND INVESTMENTS SUMMARY

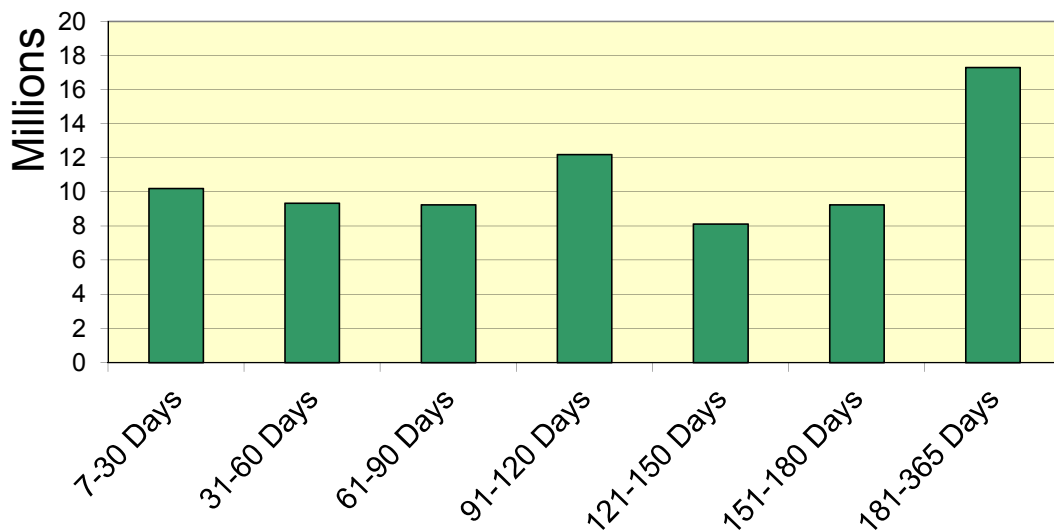
As at 31 December, 2017 Council's short term cash position was as follows:

1. General Fund

Cash at Bank	\$ 2,955,667
Short Term Investments	\$ 74,471,988
Total Funds	\$ 77,427,655

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

**FUNDS INVESTED MATURITY PROFILE
AS AT 31 DECEMBER 2017**



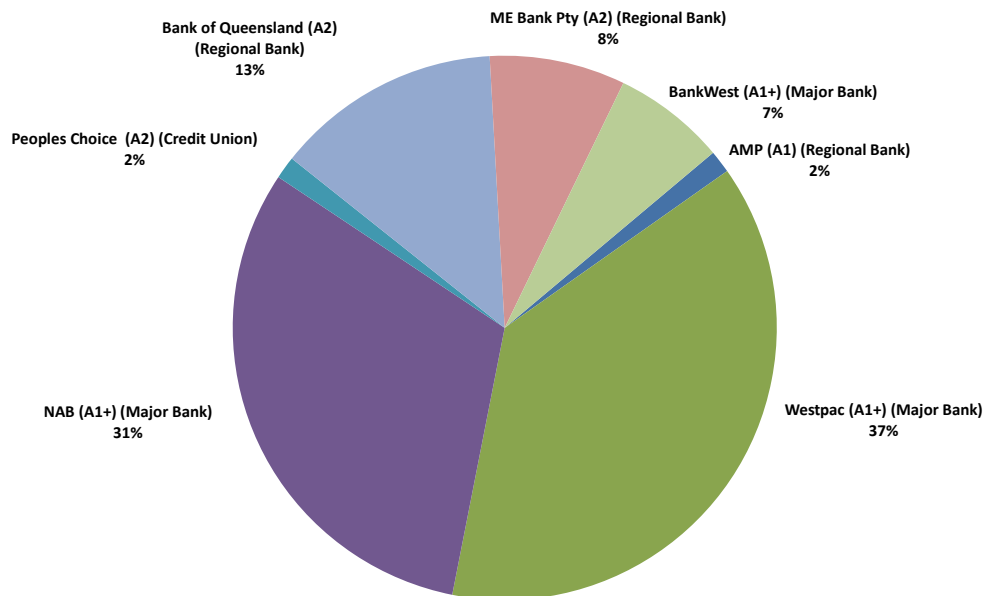
2. Trust Account

Cash at Bank	\$591,825.40
Total Funds	\$591,825.40

INVESTMENTS REPORT TO COUNCIL AS AT 31 DECEMBER 2017



INVESTMENT FUNDS DISTRIBUTION PER INSTITUTION



Investment Policy Limits

	Policy Max.	Actual Portfolio
Short Term		
A1+	100%	76%
A1	45%	1%
A2	25%	23%
Unrated*	10%	0%

Total 100%

	Policy Max.	% Over Total Investment
Individual Banks		
National Australia Bank (A1+) (AA-)	40%	31%
Westpac (A1+) (AA-)	40%	37%
AMP (A1) (A)	30%	2%
Bankwest (A1+) (AA-)	30%	7%
Bank of Qld (A2) (BBB+)	10%	13%
ME Bank (A2) (BBB)	10%	8%
People's Choice Credit Union (A2) (BBB)	10%	2%
Total		100%

	Policy Min.	Policy Max.	Actual Portfolio
Counterparty			
Major Banks	15%	100%	70%
Regional Banks	0%	45%	29%
Credit Unions/Building Societies/ Other ADI's	0%	45%	1%

Total 100%

	Policy Min.	Policy Max.	Actual Portfolio
Term to Maturity			
< 1 Year	30%	100%	100%
> 1 Year	0%	50%	0%
> 3 Years	0%	30%	0%
> 5 Years	0%	10%	0%

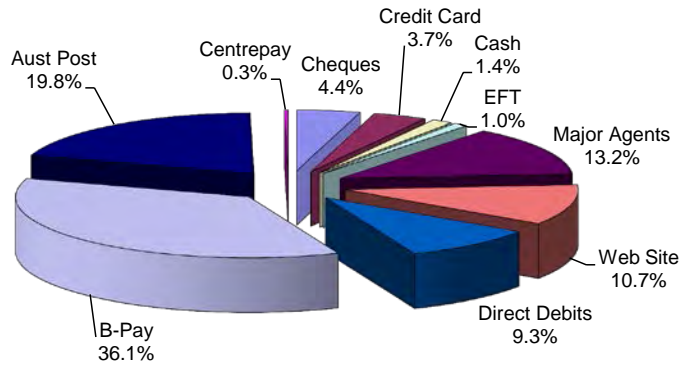
Total 100%

Term deposits in Bank of Queensland were marginally over the policy limits in December 2017. As at the date of the Council meeting, the balances are in accordance with policy limits.

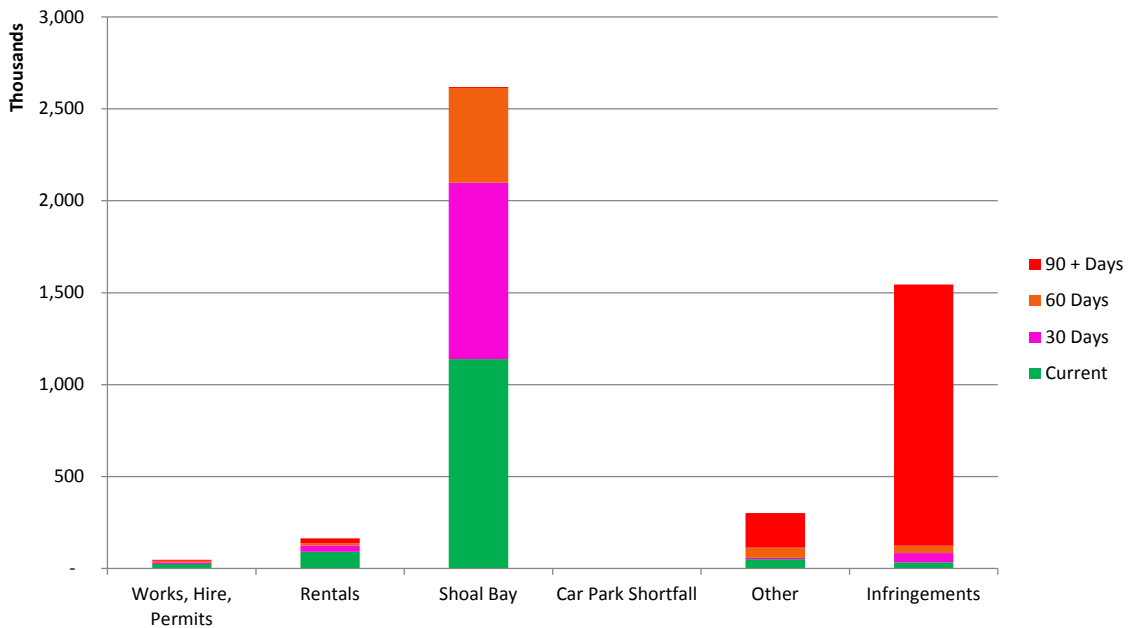


**FINANCE DEPARTMENT
SERVICE LEVEL REPORT TO COUNCIL
FOR THE MONTH OF DECEMBER 2017**

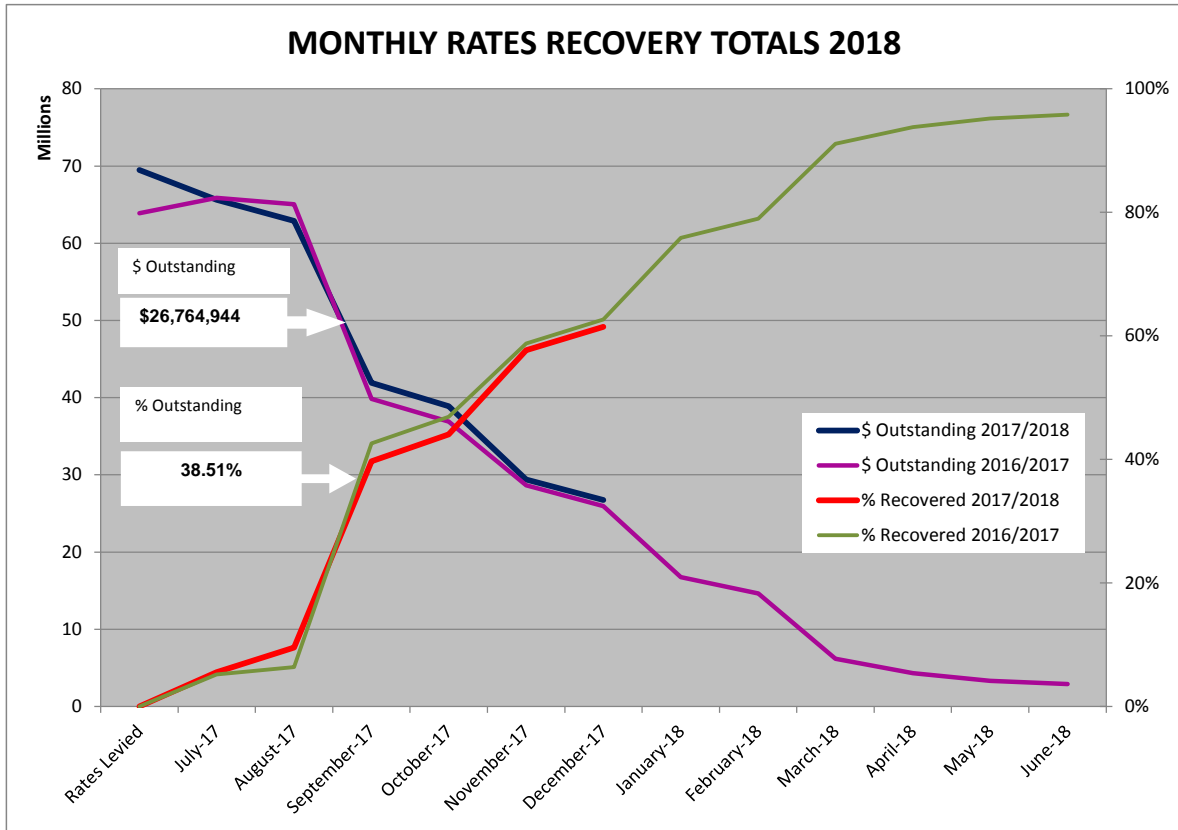
RATE RECEIPTS BY PAYMENT TYPE LAST 12 MONTHS



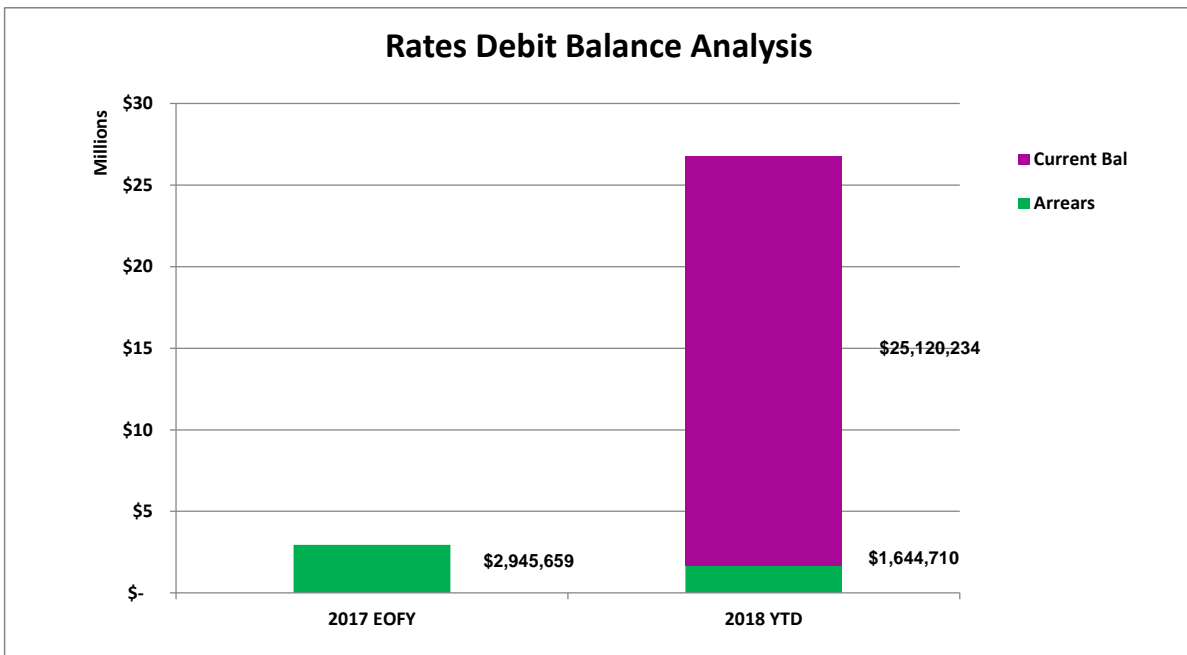
ACCOUNTS RECEIVABLE OUTSTANDING DEBTORS



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



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



ENCL: ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.2.2
NO

CITY OF DARWIN STRATEGIC PLAN – PROJECT UPDATE JANUARY 2018

REPORT No.: 18CP0010 VG:je COMMON No.: 3683848 DATE: 30/01/2018

Presenter: Manager Strategy & Outcomes, Vanessa Green

Approved: Acting General Manager City Performance, Richard Iap

PURPOSE

The purpose of this report is to provide a project update as at 16 January 2018, on the City of Darwin Strategic Plan Project.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.1 Demonstrate good corporate practice and ethical behaviour

KEY ISSUES

- In December 2017, Council endorsed the process to develop a new Strategic Plan which will result in a Strategic Plan to be adopted by June 2018.
- Council approved the provision of an additional resource at a cost of \$50,000 to deliver the project, noting that staff would determine the structure of that resource.
- Monthly progress reports will be provided to Council on this key strategic project.

RECOMMENDATIONS

THAT Report Number 18CP0010 VG:je entitled City Of Darwin Strategic Plan – Project Update January 2018, be received and noted.

PAGE: 2
 REPORT NUMBER: 18CP0010 VG:je
 SUBJECT: CITY OF DARWIN STRATEGIC PLAN – PROJECT UPDATE JANUARY 2018

BACKGROUND

Council considered the process to develop a new Strategic Plan at the Ordinary Meeting held on 12 December 2017 and resolved as follows.

DECISION NO.22\0303 (12/12/17)

City of Darwin Strategic Plan

Report No. 17CP0061 VG:je (12/12/17) Common No. 3683848

- A. THAT Report Number 17CP0061 VG:je entitled City of Darwin Strategic Plan, be received and noted.*
- B. THAT Council endorse the process to develop a new Strategic Plan, at **Attachment C** to Report Number 17CP0061 VG:je entitled City of Darwin Strategic Plan, noting a final Strategic Plan is expected to be adopted in June 2018.*
- C. THAT Council approve the provision of an additional resource at a cost of \$50,000 to deliver the project.*

DISCUSSION

At this point in time there is a slight delay (approximately 2 weeks) to the project due to competing workloads and Council funding submissions prior to the Christmas break.

Progress between 12 December 2017 and 16 January 2018 included:

- Internal work on refining the project plan.
- Continued work on developing a strategic planning discussion paper to inform community engagement.
- Internal progress on drafting a communication and engagement plan.
- Development of a position description to resource the project.

Project work planned for the period 16 January 2018 to 30 January 2018 includes:

- Sourcing a facilitator for Elected Member workshops and confirming workshop dates.
- Finalisation of the communication and engagement plan and tools to conduct engagement.
- Project resources to be secured.
- Final drafting of the strategic planning discussion paper.

A critical milestone is to establish suitable dates to conduct strategic planning workshops with Elected Members. It is envisaged that the first round of workshops be scheduled for late March just prior to the Easter Weekend and that Elected Members would be required for a minimum period of 1 day to a maximum of 2 days.

PAGE: 3
 REPORT NUMBER: 18CP0010 VG:je
 SUBJECT: CITY OF DARWIN STRATEGIC PLAN – PROJECT UPDATE JANUARY 2018

It is preferred that Elected Members allow 2 days for the first round of workshops and dates would be circulated as soon as possible for feedback.

A further progress report will be provided to the 1st Ordinary Council meeting scheduled for 13 February 2018.

CONSULTATION PROCESS

Nil

POLICY IMPLICATIONS

Consideration of this report does not impact existing Council plans and policies.

BUDGET AND RESOURCE IMPLICATIONS

\$120,000 has been allocated in the 2017/18 operational budget to develop a Strategic Plan.

In order to meet Council's timeframe for a 30 June project deadline, additional resources of \$50,000 were allocated to the project at the Ordinary Meeting on 12 December 2017.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Strategic Planning - Project Risks primarily relate to timing and community engagement.

The project completion date is scheduled for 30 June 2018. Project milestones are outlined as follows:

December 2017	Project Plan
January 2018	Research and Analysis (Discussion Paper to be developed)
February 2018	Community Engagement
March 2018	Elected Member Workshop 1
April 2018	Draft plan endorsed
May 2018	Community consultation Elected Member Workshop 2
June 2018	Final Plan Adopted

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

PAGE: 4
REPORT NUMBER: 18CP0010 VG:je
SUBJECT: CITY OF DARWIN STRATEGIC PLAN – PROJECT UPDATE JANUARY
2018

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

VANESSA GREEN
MANAGER STRATEGY &
OUTCOMES

RICHARD IAP
ACTING GENERAL MANAGER
CITY PERFORMANCE

For enquiries, please contact Vanessa Green on 8930 0531 or email:
v.green@darwin.nt.gov.au.

ENCL: ORDINARY COUNCIL MEETING/OPEN
YES

AGENDA ITEM: 14.2.3

DOMESTIC WASTE COLLECTION SERVICE TRANSITION UPDATE - JANUARY 2018

REPORT No.: 18CO0004 EL:jg

COMMON No.: 3440909

DATE: 30/01/2018

Presenter: Acting Manager Technical Services, Emma Lewis

Approved: Acting General Manager City Operations, Drosso Lelekis

PURPOSE

The purpose of this report is to provide Council with an update on the transition of service provider and services performed under the Domestic Waste & Recycling Services contract.

LINK TO STRATEGIC PLAN

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

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.3 Understand and manage Council's risk exposure

KEY ISSUES

- The Domestic Waste & Recycling Services contract was awarded to JJ Richards and services commenced under the contract on 1 December 2017.
- The contract services in the order of 26,000 households across the municipality for the collection of general waste and recycling.
- A number of transitional issues have arisen during the commencement of services which are being resolved.
- Missed service complaints after week five account for 0.38% (approximately 100 services) of the total number of services performed weekly, including both contractor missed services and non-presentation of bins by residents.
- Council and JJ Richards continue to proactively work to ensure provision of a valued service to the community and additional communications will be developed to keep the community well informed.
- Council officers believe the majority of transitional issues have been resolved and, on average, 29,000 services are being delivered in accordance with Council service levels.

PAGE: 2
 REPORT NUMBER: 18CO0004 EL:jg
 SUBJECT: DOMESTIC WASTE COLLECTION SERVICE UPDATE - JANUARY 2018

RECOMMENDATIONS

THAT Report Number 18CO0004 EL:jg entitled Domestic Waste Collection Service Transition Update - January 2018, be received and noted.

BACKGROUND

The Domestic Waste & Recycling Services contract services in the order of 26,000 households across the municipality. There are currently 17,700 dwellings receiving a weekly garbage collection and fortnightly recyclables collection and 960 multi-unit dwellings (MUDs), consisting of 8200 units, receiving a twice weekly garbage collection and weekly recyclables collection. This equates to approximately 36,000 potential bin collections each week.

On 29 May 2017, Council resolved to award Contract No. 2017/060 Domestic Waste & Recycling Services to JJ Richards Pty Ltd for a contract term of 8 years, with a services commencement date of 1 December 2017.

DISCUSSION

The service levels required under the Domestic Waste & Recycling Services contract have not altered from previous contracts, these being:

- All single-unit dwellings receive a weekly garbage collection and fortnightly recyclables collection;
- All multiple-unit dwellings (MUDs) receive a twice weekly garbage collection and weekly recyclables collection; and
- Bin collection times can occur anytime between 7am and 5pm on scheduled collection days.
- For single-unit dwellings, residents are required to present the bins at the kerbside prior to 7am on the nominated collection day.

Prior to the services commencing on 1 December 2017 a communications plan was developed and implemented to inform and reinforce with the wider community the services and requirements, this included:

- Television, radio, social media and newspaper advertisements reminding residents of the requirement to have bins out for collection by 7am on the nominated day;
- Letters to kerbside residents in Fannie Bay and Moil in regards to a change in the recycling week impacting on their recycling collections;
- Additional newspaper, radio and social media advertisements for Fannie Bay residents;
- Letters to body corporates in relation to the recycling collection day moving from Thursday or Friday to Wednesday impacting MUDs in the northern suburbs;
- Council website updates including development of a 'My Bin Day' application for residents to search their next collection days;
- Media release, television news story and radio interviews detailing change in contractors and any schedule changes impacting residents, including reminders on collections commencing at 7am;

PAGE: 3
REPORT NUMBER: 18CO0004 EL:jg
SUBJECT: DOMESTIC WASTE COLLECTION SERVICE UPDATE - JANUARY 2018

- Written requests and follow ups to body corporates in regards to accessing secure MUD properties. Council requested access to the property including keys, advising that keys would be transferred between contractors however additional keys were requested early to minimise any risk of service issues.

Of the 960 MUDs, 48 properties had secure access into their waste compounds requiring the provision of keys. Of these, 15 properties responded to Council requests by the relevant body corporates, providing the required access. The existing Contractor could not hand over any keys until the day prior to the contract ending as they still required access to complete their services. The remaining access keys were handed over between the outgoing contractor, Council and JJ Richards on 30 November 2017 after final services were completed.

Prior to commencing services, route planning was undertaken in the months leading up to finalise the routes prior to commencement. All properties that pay the Council waste levy are entitled to the Council waste collection service. The Council's financial system, Authority, is used to track each service entitled property and whether or not they receive a kerbside service or manual service for MUDs. This data was provided to JJ Richards to integrate into their system to ensure each property received the correct service under the new contract.

A requirement of the contract was the provision of a Council accessible data management system which captures all servicing information. The introduction of a data management system not only allows Council to monitor service performance but also better capture instances of contamination and target education campaigns to improve recycling rates and reduce waste going to landfill.

Service Summary

Of the 36,000 potential bin collections to be undertaken each week, there are currently 29,000 collections on average being performed weekly. The average is calculated based on the number of services performed each week from services commencement so will constantly change. The current average equates to a presentation (bins placed on the verge) rate of approximately 84% for red bins and 72% for yellow bins. The service is monitored by Council through an electronic portal which details collection times, GPS locations and any service issues associated with each property. Screen shots of this system are included in **Attachment A**.

Where a collection service is missed and reported to Council (or directly to JJ Richards), the missed service is logged and actioned within 24 business hours. A summary of the number of missed service complaints from the commencement of the contract is detailed in **Attachment B**.

Compared with the overall number of services provided each week, missed service complaints can be apportioned to 0.38% which is down from 1.22% at the time of writing. Furthermore it is noted in the first week of January 2018, 40% of the total missed service complaints were verified as being due to bins not presented on time, reducing the contractor missed services rate down to 0.23%.

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 SUBJECT: DOMESTIC WASTE COLLECTION SERVICE UPDATE - JANUARY 2018

The nominated method of servicing MUDs differs from the previous contract, however JJ Richards utilise this service method across numerous Councils in Australia as it is considered to be a more efficient process. The process involves the deployment of runners ahead of the waste trucks to retrieve the bins from MUD compounds, followed by the return of runners after bins are emptied to return them back to the compounds.

Transitional Issues

There have been a number of service issues that arose as a result of the contract transition which impacted the community. Council and JJ Richards have been proactively working to resolve these issues and minimise the impact on residents. The issues affecting the delivery of the service are summarised below.

Issue	Description	Resolution	Status
MUDs- Access to secure compounds	<ul style="list-style-type: none"> A number of the keys provided during the handover did not match the properties; The actual number of reported MUD properties with secure access requirements increased from 48 to 102 	<ul style="list-style-type: none"> JJ Richards & Council worked closely with residents and body corporates to resolve all access issues 	<i>Resolved</i> Access requirements met for all outstanding properties on register
MUD servicing methodology	<ul style="list-style-type: none"> Routing errors sending waste trucks ahead of runners Runners missing compounds which are consequently then missed by waste trucks Runners leaving bins kerbside after collection 	<ul style="list-style-type: none"> Additional resources deployed by JJ Richards to train, assist and audit process to ensure service completion Updates made to data management system to introduce alerts for missed MUDs 	<i>Resolved</i> Drivers now receive alerts if a MUD property is missed for either bin retrieval or put back
Route planning	<ul style="list-style-type: none"> Errors in routing resulting in missed properties 	<ul style="list-style-type: none"> All routes reviewed and amended to capture every property Runner & truck routes amended to ensure they complement one another 	<i>Resolved</i> All outstanding issues in relation to route errors resolved. Routes continually reviewed an updated to reflect new services or change in services

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 SUBJECT: DOMESTIC WASTE COLLECTION SERVICE UPDATE - JANUARY 2018

<p>Errors in Council's waste service entitled property data</p>	<ul style="list-style-type: none"> • Properties registered under one address but fronting another • Single dwelling residences recently subdivided and not yet updated in the planning database which feeds the rates system • Properties paying for a kerbside service but inadvertently receiving a manual service under the preceding contract 	<ul style="list-style-type: none"> • Data amended as issues arose to prevent repeat occurrences • Council process of entering data between waste & rates department to be reviewed to minimise risk of error 	<p><i>Ongoing</i> Council rectifying issues in data as they are identified. Process to be reviewed with rates department by 31 January 2018</p>
<p>MUD audit</p>	<ul style="list-style-type: none"> • An audit of MUDs undertaken identified an additional 10% of bins in MUD complexes above service entitlements • Additional unaccounted bins resulted in additional services to be performed that weren't scheduled, implicating collection runs 	<ul style="list-style-type: none"> • Final audit results to be provided to Council • Council to work closely with body corporates and residents to reinstate correct bin allocations or implement additional services as required 	<p><i>Ongoing</i> MUD audit complete. Council to work with body corporates to rectify correct bin allocations by start of March 2018</p>

Additional Communications

Due to the issues encountered during services commencement a number of additional communications were developed to keep residents informed, including:

- Continued television, radio, social media and newspaper advertisements reminding residents of the requirement to have bins out for collection by 7am on the nominated day;
- Further updates to the Council website, including MUD servicing process and resident responsibilities;
- Radio interview on 1 December 2017 regarding service provisions;
- Media release, social media and Council website updates in regards to servicing over Christmas public holidays (picked up by newspaper & radio);
- Article in the newspaper on 6 January 2018 in response to recent service complaints and explaining current service data;

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Resources

As part of the contract, JJ Richards established a local office in Berrimah and employed an adequate number of local staff to perform the service. In preparation for services commencement, JJ Richards engaged a number of additional internal staff to assist with the contract roll-out. As the issues detailed above started to arise, JJ Richards continued to provide additional resources and support to their local Darwin office as required to rectify any issues. The additional resources included employment of local drivers and ground staff, administration staff, internal management and driver training support and an additional collection vehicle.

Council also committed all available resources to managing the transition between contractors and provide contract support as required.

Summary

All outstanding issues impacting on the service provided to residents, as identified above have been resolved and any further issues arising are being actioned as priority.

Missed services are common within domestic waste contracts for a number of reasons and there are provisions in the contract to ensure these services are rectified within a specified timeframe. Whilst a higher than average number of missed services were experienced during the transition period, Council and JJ Richards continue to work closely to reduce the missed services rate further and provide a highly valued service to the community.

CONSULTATION PROCESS

As outlined in this report, a communications plan was developed and implemented in the weeks preceding the services commencement to keep residents informed. As a result of the service issues encountered, further communications will be rolled out across various media streams to reinforce the key messages and keep the community informed on the service performance.

Residents are encouraged to contact Council if they are experiencing any issues and the various communication channels through which residents can contact Council will be emphasised. Currently residents can contact Council with service issues through a dedicated 1800 number, phone Council direct, website form, See-Click-Fix app or email.

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

- JJ Richards

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POLICY IMPLICATIONS

All services are being provided in accordance with the City of Darwin Policy No 054 - Waste Management and the 2017/2018 Declaration of Rates. Where issues or missed services are encountered they are actioned as a matter of priority to minimise impact to the resident.

BUDGET AND RESOURCE IMPLICATIONS

All services are undertaken within the approved 2017/2018 budget.

As mentioned within the report, JJ Richards have provided a number of resources in addition to their contract requirements, to focus on rectifying any service issues.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

It is evident that there has been a level of community dissatisfaction with the Council provided waste service since the transition of service provider in December 2017. Council will continue to work proactively with JJ Richards and will keep the community informed on the service provision through communication channels such as social media and the Council website.

It is not unusual given the size of this service, a change in service provider and introduction of new processes to improve efficiencies that some issues would be experienced in the transition period. That said Council and JJ Richards have been working proactively and consider that the significant issues have been resolved and that ongoing normal operation matters will now be dealt with as they arise as would be the normal situation.

ENVIRONMENTAL IMPLICATIONS

The contract was modelled based on current good practice in the waste industry around Australia and is aimed at achieving positive outcomes for the environment.

The data management system will be utilised to monitor contamination rates and introduce tailored education campaigns to target problem areas with the aim of improving recycling rates and reducing waste to landfill.

Missed MUD collections that resulted in overflowing bins or excess waste build up in compound were rectified by JJ Richards and all excess waste was removed to minimise any environmental impact.

JJ Richards purchased new Euro VI Volvo waste trucks to perform the service and these are the first of their kind to be rolled out for JJ Richards in Australia for Darwin and Cairns Councils. The trucks are more efficient and produce less carbon emissions and noise emissions whilst operating resulting in positive outcomes for the community and the environment.

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COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

EMMA LEWIS
ACTING MANAGER
TECHNICAL SERVICES

DROSSO LELEKIS
ACTING GENERAL MANAGER
CITY OPERATIONS

For enquiries, please contact Emma Lewis on 89300529 or email:
e.lewis@darwin.nt.gov.au.

Attachment A: Screen shots of Online Service Portal

Attachment B: Data summary of Services

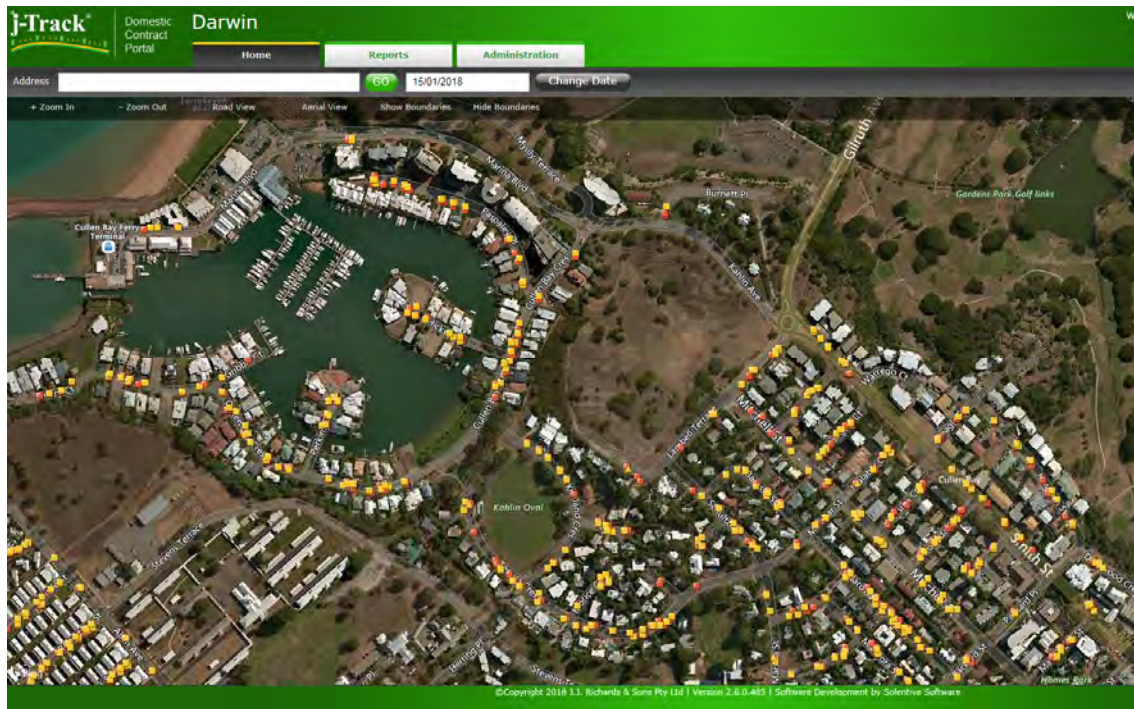


Figure 1: Overview of portal detailing collections performed on collection day (red nodes = general waste, yellow nodes = recyclables)

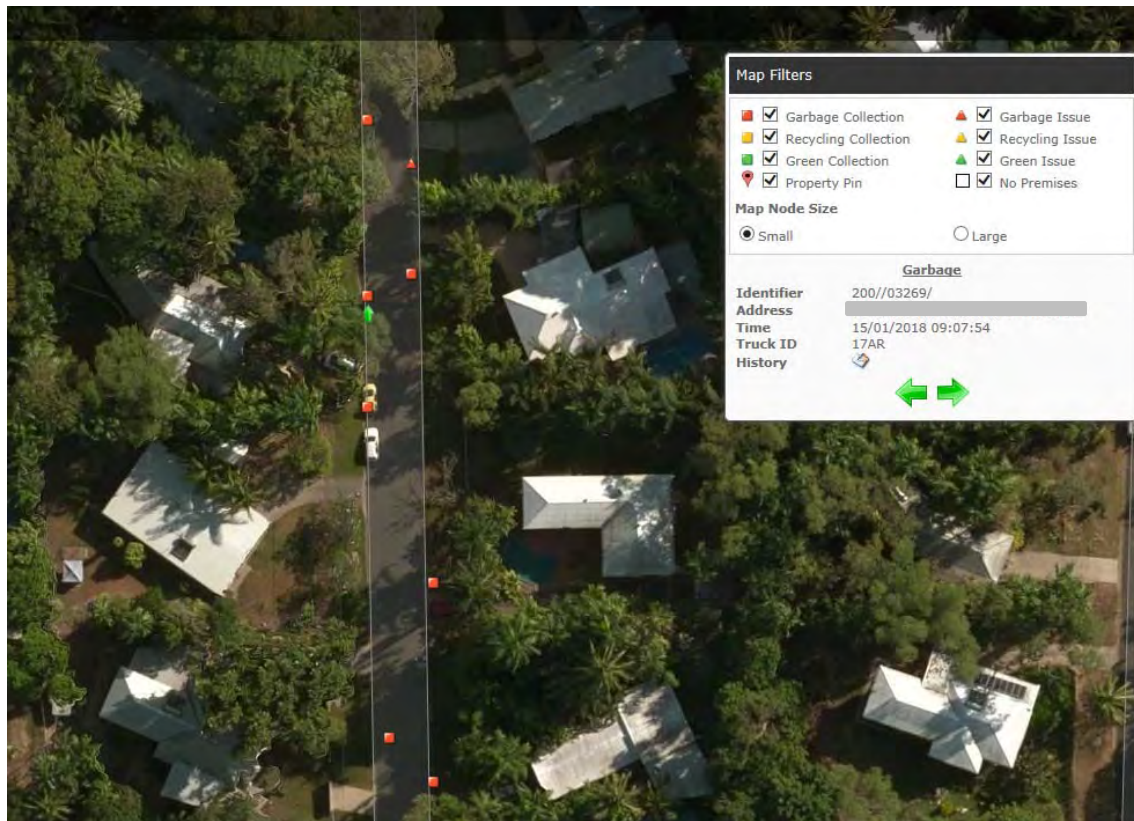


Figure 2: Details of bin collection by property (date and time of collection and truck ID)*



Snapshot Information	
Date	15/01/2018 8:12:56 AM
Latitude	[REDACTED]
Longitude	[REDACTED]
Waste Type	Garbage
Collection Issue	Bin not presented
Truck ID	17AR

Figure 3: Details of non-presentation of bin at time of collection, including photo evidence*



Snapshot Information	
EventDate	15/01/2018 8:06:39 AM
Latitude	[REDACTED]
Longitude	[REDACTED]
Waste Type	Recycling
Collection Issue	Minor contamination (emptied) garbage
Truck ID	1746

Figure 4: Photo evidence showing contamination (plastic bags) from recycling bin*

*addresses removed for privacy

Table 1: Summary of services provided and reported missed services from services commencement

	Collection Week Commencing				
	4 Dec	11 Dec	18 Dec	25 Dec	1 Jan
Garbage Services provided	21374	20459	21676	19841	20752
Recycling Services provided	8782	8313	8532	7671	8033
Total Services provided	30156	28772	30208	27512	28785
Reported Missed Services	368	363	124	80	109
% of reported missed services	1.22%	1.26%	0.41%	0.29%	0.38%
Contractor at fault	N/A	N/A	86	49	66
Bin not presented	N/A	N/A	38	31	43
% of reported missed services at fault of Contractor	1.22%	1.26%	0.28%	0.18%	0.23%

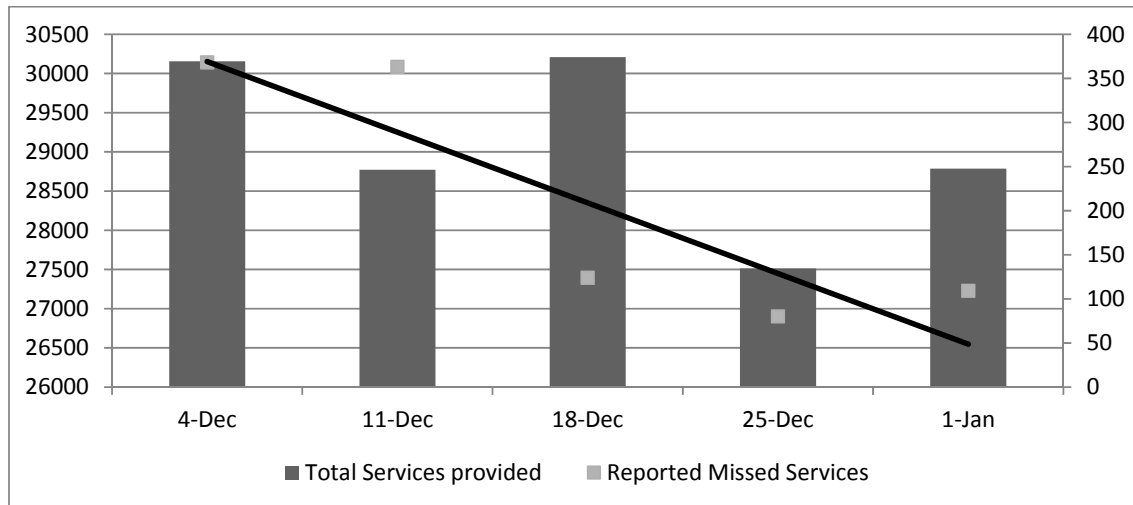


Figure 1: Total services provided vs reported missed services over contract weeks

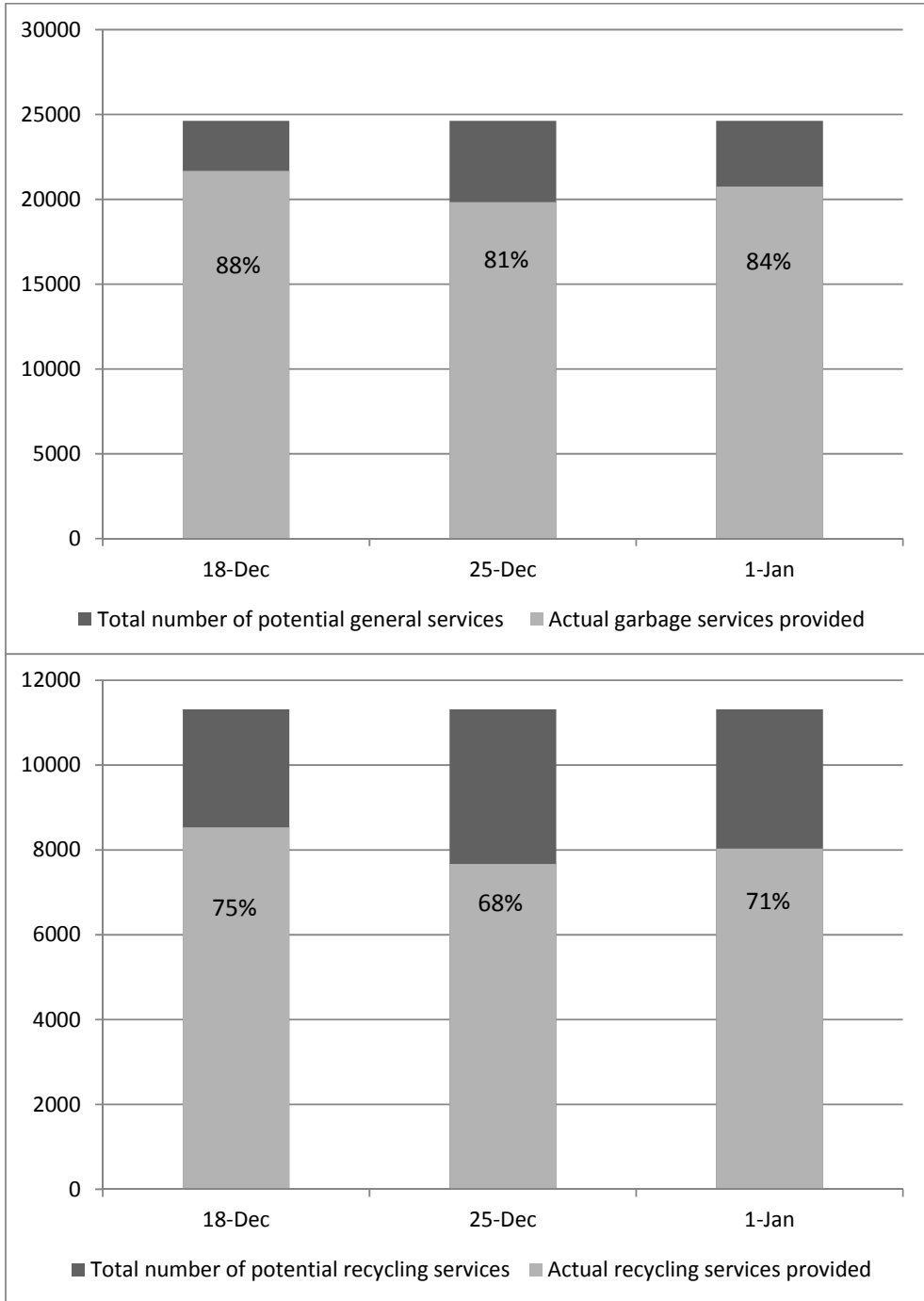


Figure 2: Actual weekly services provided v potential weekly services, outlining presentation rates

15. TOWN PLANNING REPORT/LETTERS



ENCL: ORDINARY COUNCIL MEETING/OPEN
YES

AGENDA ITEM: 15.1

COUNCIL RESPONSES TO PLANNING APPLICATIONS- JANUARY 2018

REPORT No.: 18CF0003 BS:hd

COMMON No.: 2547669

DATE: 30/01/2018

Presenter: Manager City Planning, Cindy Robson

Approved: Acting General Manager City Futures, Shenagh Gamble

PURPOSE

The purpose of this report is to present to Council for consideration, responses to Planning Applications exhibited between 2 December 2017 and 12 January 2018.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- A summary of City of Darwin responses to the Development Consent Authority for Development Applications exhibited between 2 December 2017 and 12 January 2018 is provided.
- As a result of the Christmas and New Year meeting schedules, City of Darwin has been informed that five of the Development Applications have been determined prior to this report being finalised for Council.
- A comparison of Council responses for Planning-related Development Applications and the Development Consent Authority outcomes is included.

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 REPORT NUMBER: 18CF0003 BS:hd
 SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - JANUARY 2018

RECOMMENDATIONS

- A. THAT Report Number 18CF0003 BS:hd entitled Council Responses to Planning Applications - January 2018, be received and noted.
- B. THAT Council receive and note the responses at **Attachment A**, which have been determined by the relevant authority, within Report Number 18CF0003 BS:hd entitled Council Responses to Development Applications - January 2018.
- C. THAT Council endorse the responses to the Development Consent Authority within **Attachments B** and **C** to Report Number 18CF0003 BS:hd entitled Council Responses to Planning Applications - January 2018.
- D. THAT Council receive and note the cross-reference table of the Development Consent Authority outcomes at **Attachment D** to Report Number 18CF0003 BS:hd entitled Council Responses to Planning Applications - January 2018.

BACKGROUND

City of Darwin responded to nine Development Applications exhibited between 2 December 2017 and 12 January 2018.

DISCUSSION

City of Darwin officers recommend supporting all the Development Applications subject to normal or specific conditions.

As a result of meeting schedules over the Christmas and New Year period, City of Darwin officers have been informed that at the time of writing this report five of the nine development applications have been determined under officer delegations prior to this Council Meeting. These development applications have been provided within **Attachment A** to this report.

The remaining four development applications are provided within **Attachment B** to this report.

Development Applications supported, subject to normal Council conditions

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

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 SUBJECT: COUNCIL RESPONSES TO PLANNING APPLICATIONS - JANUARY 2018

Property Address	Description of Development Proposal	Actions
Lots 4051 - Hundred of Bagot 5 Links Road, Marrara	Alterations and additions to an existing leisure and recreation use, in two stages. (Darwin Golf Club)	Approved under delegation
Lot 00147 Town of Nightcliff 12 Pandanus Street, Nightcliff	Shed addition to an existing single dwelling with a reduced side setback (Requires 1.5m, proposes 0.6m)	Approved under delegation
Lot 9716, Town of Nightcliff 5 Rothdale Road, Jingili	Unit title schemes subdivision to create 21 units and common property	Approved under delegation
Section 06437 Hundred of Bagot 655 Stuart Hwy, Berrimah	Unit title schemes subdivision to create four units and common property (New warehouse – Berrimah Business Park)	Application has been deferred
Lot 3463 Town of Darwin 29 Parap Road, Parap	Shade sail additions to existing multiple dwellings with reduced side and rear setbacks (Setbacks comply at 0.9m from both boundaries. Height requires 2.4m, proposes 3.4m)	Approved under delegation

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

Property Address	Description of Development Proposal	Actions
Lots 6652 & 7012 - Town of Sanderson 38 & 40 Patterson Street, Malak	Supporting Accommodation. (New 16 bed mental health rehabilitation facility, located behind Red Cross)	Scheduled for DCA meeting 02/02/18

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Property Address	Description of Development Proposal	Actions
Lots 2845 - Town of Darwin 11 Goyder Road, Parap	Change of use to vehicle sales and hire and light industry. (Vehicle sales and hire to be included into existing business activities)	Scheduled for DCA meeting 02/02/18
Section 7202 - Hundred of Bagot 56 Jessop Crescent, Berrimah	Warehouse and ancillary office. (Compliant development – use is discretionary in the NT planning Scheme)	Scheduled for DCA meeting 02/02/18

Development Applications supported subject to specific matters being adequately resolved:

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

Responses to these Development Applications are provided at **Attachment C** to this report.

Property Address	Description of Development Proposal	Specific Matters
Section 7202 - Hundred of Bagot 56 Jessop Crescent, Berrimah	Transport terminal including workshop, laboratories, storage areas and office space (Department of Primary Industry and Resources – Fisheries. Storage and maintenance of boats)	Titles for ‘Stage 2’ (to which this proposal relates) will only be cleared once the ‘Collector Road to Amy Johnson’ is completed to the satisfaction of City of Darwin. Subsequently, City of Darwin will not be providing any clearances for Development Permit conditions for any development until land titles have been issued for respective proposals. (Scheduled for DCA meeting 02/02/18)

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Cross Reference Table

A comparison of Council letter responses and the Development Consent Authority outcomes for hearings held on Friday 8 December 2017 is provided at **Attachment D**.

CONSULTATION PROCESS

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

- Town Planner
- Planning Officer

POLICY IMPLICATIONS

Relevant Council policies are noted in individual letter responses.

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

CINDY ROBSON
MANAGER CITY PLANNING

SHENAGH GAMBLE
ACTING GENERAL MANAGER
CITY FUTURES

For enquiries, please contact Cindy Robson on 8930 0528 or email:
 c.robson@darwin.nt.gov.au.

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Attachments:

- Attachment A:** Response letters for development applications which have been actioned by the relevant Authority.
- Attachment B:** Letters of support, subject to normal Council conditions, for Development Applications not yet considered by the Development Consent Authority
- Attachment C:** Letters of conditional support to Development Applications not yet considered by the Development Consent Authority.
- Attachment D:** Cross reference table of City of Darwin responses and the Development Consent Authority outcomes.

13 December 2017

Reference: PA2017/0563 BS:hd

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

Dear Ms Parkes

Parcel Description: Lots 4051 - Hundred of Bagot
5 Links Road, Marrara

Proposed Development: Alterations and additions to an existing leisure
and recreation use (Darwin Golf Club) in two
stages

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

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

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

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

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING

13 December 2017

Reference: PA2017/0554 BS:nt

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

Dear Ms Parkes

**Parcel Description: Lot 00147, Town of Nightcliff
(12) Pandanus Street, Nightcliff**

**Proposed Development: Shed addition to an existing single dwelling with
a reduced side setback**

Thank you for the Development Application referred to this office 1 December 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin does not object to the granting of a Development Permit.**
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
 - a). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.
 - 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

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

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

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

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

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING

3 January 2018

Reference: PA2017/0518 DB:nt

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

Dear Ms Parkes

**Parcel Description: Lot 9716, Town of Nightcliff
5 Rothdale Road, Jingili**

**Proposed Development: Unit title schemes subdivision to create 21 units
and common property**

Thank you for the Development Application referred to this office 20 December 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

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

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

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

Yours faithfully



**CINDY ROBSON
MANAGER CITY PLANNING**

15 December 2017

Reference: PA2017/0567 BS:nt

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

Dear Ms Parkes

Parcel Description: **Section 6437, Hundred of Bagot
655 Stuart Highway, Berrimah**

Proposed Development: **Unit title schemes subdivision to create four
units and common property**

Thank you for the Development Application referred to this office 8 December 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

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

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

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

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING

20 December 2017

Reference: PA2017/0596 BS:hd

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

Dear Ms Parkes

**Parcel Description: Lot 3463 Town of Darwin
29 Parap Road, Parap**

Proposed Development: Shade sail additions to existing multiple dwellings with reduced side and rear setbacks

Thank you for the Development Application referred to this office 14 December 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

i). **City of Darwin does not object to the granting of a Development Permit.**

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

- Stormwater shall be collected and discharged into City of Darwin's drainage network to the requirements and satisfaction of City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.

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

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

Yours faithfully

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

CINDY ROBSON
MANAGER CITY PLANNING

13 December 2017

Reference: PA2017/0570 BS:hd

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

Dear Ms Parkes

**Parcel Description: Lots 6652 & 7012 - Town of Sanderson
38 & 40 Patterson Street, Malak**

Proposed Development: Supporting Accommodation

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin supports the granting of a Development Permit.**
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
 - b). **Access to the site shall meet City of Darwin requirements, particularly the relationship between existing infrastructure (including street trees) to the location of the proposed crossover. City of Darwin is also requesting that the applicant provide an engineer's traffic assessment detailing adequate access sightlines for pedestrians, cyclists and vehicles.**
 - c). **A landscaping plan demonstrating the designs and specifications of the road verges adjacent to the property shall be submitted for approval by City of Darwin. The plan is to include the location of the existing street trees and infrastructure and all approved works**

.../2

shall be constructed at the applicant's expense, to the requirements of City of Darwin

d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.

1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.

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

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

The applicant's plans fail to demonstrate adequate waste management.

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

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

The ECMP should specifically address the following:

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

to the satisfaction of City of Darwin.

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

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

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

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

a). **Protection of Street Trees**

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

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

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

b). **Building Identification**

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

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

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at

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the applicant's expense and to the requirements and satisfaction of City of Darwin.

- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

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

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

Yours faithfully



CINDY ROBSON
MANAGER CITY PLANNING

13 December 2017

Reference: PA2017/0568 BS:hd

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

Dear Ms Parkes

**Parcel Description: Lots 2845 - Town of Darwin
11 Goyder Road, Parap**

**Proposed Development: Change of use to vehicle sales and hire and light
industry**

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

i). **City of Darwin does not object to the granting of a Development Permit.**

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

- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

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

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

Yours faithfully

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

CINDY ROBSON
MANAGER CITY PLANNING

15 December 2017

Reference: PA2017/0585 BS:hd

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

Dear Ms Parkes

**Parcel Description: Section 7202 - Hundred of Bagot
56 Jessop Crescent, Berrimah**

Proposed Development: Warehouse and ancillary office

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin supports the granting of a Development Permit.**
- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
 - b). **The crossover and driveway shall meet City of Darwin requirements.**
 - c). **A landscaping plan demonstrating the designs and specifications of the road verge adjacent to the property, submitted for approval by City of Darwin. The plan must include the location of street trees and all other infrastructure. All approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.**

- d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.
- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
 - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- e). **Waste**
City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054. The applicant's plans fail to demonstrate adequate waste management.

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

- f). **Site Construction**
City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
 The ECMP should specifically address the following:
- waste management,
 - traffic control,
 - haulage routes,
 - storm water drainage,
 - use of City of Darwin land, and
 - how this land will be managed during the construction phase;

to the satisfaction of City of Darwin.

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

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

Should the above issues be adequately addressed, City of Darwin offers the following comments:

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

a). **Building Identification**

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

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

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.

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- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

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

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully



DAVIN BURROW
ACTING MANAGER CITY PLANNING

15 December 2017

Reference: PA2017/0566 BS:hd

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

Dear Ms Parkes

**Parcel Description: Section 7202 - Hundred of Bagot
56 Jessop Crescent, Berrimah**

**Proposed Development: Transport terminal including workshop,
laboratories, storage areas and office space**

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin supports the granting of a Development Permit provided the following issue is adequately addressed:**

Berrimah North Business Park Development Stages

City of Darwin acknowledges that the proposed development is located within lots to be titled in 'Stage 2' of the subdivision, pursuant to the Development Permit DP15/0813.

City of Darwin advises that titles for 'Stage 2' (to which this proposal relates) will only be cleared once the 'Collector Road to Amy Johnson' is completed to the satisfaction of City of Darwin. Subsequently, City of Darwin will not be providing any clearance for Development Permit conditions for any development until land titles have been issued for respective proposals.

- ii). **City of Darwin requests that should a Development Permit be issued, that the following be provided as a condition precedent:**
- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
 - b). **Access to the site shall meet City of Darwin requirements, particularly the location, the width and number of proposed crossovers.** As the number of crossovers do not comply with City of Darwin standards, City of Darwin is requesting further information be submitted for the amount of crossovers proposed for the development.
 - c). **A landscaping plan demonstrating the designs and specifications of the road verge adjacent to the property, submitted for approval by City of Darwin. The plan must include the location of street trees and all other infrastructure. All approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.**
 - d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.
 - 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
 - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
 - e). **Waste**
City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.
 The applicant's plans fail to demonstrate adequate waste management, this includes:
 - any access gates to the bin enclosure not being locked,

- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

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

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

The ECMP should specifically address the following:

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

to the satisfaction of City of Darwin.

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

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

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

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

a). **Building Identification**

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

Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act*

are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

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

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully

A handwritten signature in black ink, appearing to be 'DB', with a long horizontal line extending to the right.

DAVID BURROW
ACTING MANAGER CITY PLANNING

CROSS REFERENCE SHEET – Meeting 307 – Friday 8 December 2017

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

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 1</p> <p>PA2017/0522</p> <p>Lots 1278 & 5216 (139) Mitchell Street, Darwin City</p> <p>Town of Darwin</p>	<p>Unit title schemes subdivision to create six units and common property</p> <p>City of Darwin did not raise any issues in relation to the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.</p>
<p>ITEM 2</p> <p>PA2017/0521</p> <p>Section 3243 (1) Tate Place, Winnellie</p> <p>Hundred of Bagot</p>	<p>Workshop/shed and office addition to an existing leisure and recreation use (Darwin Showgrounds)</p> <p>City of Darwin did not raise any issues in relation to the granting of a Development Permit.</p>	<p>The Development Consent Authority issued a Development Permit.</p>
<p>ITEM 3</p> <p>PA2017/0504</p> <p>Lot 4128 (22) Charlotte Street, Parap</p> <p>Town of Darwin</p>	<p>1 x 4 and 1 x 3 bedroom multiple dwellings in 1 x 2 storey building</p> <p>City of Darwin supported the granting of a Development Permit provided the following issues were adequately addressed:</p> <ul style="list-style-type: none"> • All landscaping of the verge has been removed without obtaining a Works Permit, and damage to existing City of Darwin infrastructure has occurred. 	<p>The Development Consent Authority issued a Development Permit.</p> <p>Relevant Condition Precedents: Detailed landscaping plan for the nature strip, including replacement street trees</p> <p>Relevant General Conditions: All damaged infrastructure is to be repaired to the standards and satisfaction of City of Darwin, at the cost of the developer.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 4</p> <p>PA2017/0486</p> <p>Section 4681 (388) Stuart Highway</p> <p>Hundred of Bagot</p>	<p>Offices in a 2 storey building (Previously deferred)</p> <p>City of Darwin originally supported the granting of a Development Permit (with conditions), however, the application was deferred due to access issues and the Consent Authority requested a traffic management plan.</p>	<p>The Development Consent Authority deferred the application again, as the traffic management plan submitted was not completed to the standards of the Development Consent Authority.</p>
<p>ITEM 5</p> <p>PA2017/0526</p> <p>Lot 2329 (35) Cavenagh Street, Darwin City</p> <p>Town of Darwin</p>	<p>Change of use from motel to restaurant</p> <p>City of Darwin supported the granting of a Development Permit provided the following issues were adequately addressed:</p> <ul style="list-style-type: none"> • A ratable levy is currently being paid for 27 car parking bays, in which it is considered the payment under the Local Government (Darwin Local Rates) Regulations to be an appropriate substitute for the car parking shortfall onsite. However, if the Development Consent Authority considers there still to be a shortfall in car parking spaces, City of Darwin requests that the Authority require a monetary contribution be paid to the City of Darwin in accordance with its Car Parking Contribution Plan. 	<p>The Development Consent Authority issued a Development Permit.</p> <p>It was noted that any future applications for a mixed-use development must provide the required number of car parking spaces on site. Any request to waive or reduce the required number of car parking spaces (including requests for a payment made in-lieu of those spaces to the City of Darwin) will be considered in accordance with the Planning Act and the applicable Planning Scheme at the time by the relevant consent authority.</p>

ENCL: ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 15.2
YES

577 LEE POINT ROAD, LEE POINT - PA2017/0569 - SUBDIVISION IN TWO STAGES

REPORT No.: 18CF0001 DB:hd COMMON No.: PA2017/0569 DATE: 30/01/2018

Presenter: Manager City Planning, Cindy Robson

Approved: Acting General Manager City Futures, Shenagh Gamble

PURPOSE

The purpose of this report is to refer to Council for endorsement, City of Darwin's response to planning application: PA2017/0569 – Subdivision to create 498 allotments in two stages at Lot 4873 (577) Lee Point Road, Lee Point Pursuant to Section 49 of the *Northern Territory Planning Act* (Planning Act), within **Attachment A**.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

- 1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

- 1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- The proposal is for a subdivision to create 498 allotments in two stages at Lot 4873 (577) Lee Point Road, currently zoned FD (Future Development) pursuant to Clause 14.1.5 Planning Principles for the Lee Point Area Plan of the Northern Territory Planning Scheme (NTPS) within **Attachment A**.
- City of Darwin supports the subdivision in principle; however it is recommended that Council request a deferral until the matter of community infrastructure and a recreational lake have been resolved to the satisfaction of City of Darwin.
- Planning Scheme Amendment PA2014/0922 – “To include Lot 4873 Town of Night into the NTPS Zone FD...” provided a document titled ‘Lee Point Area Community Infrastructure Requirements, workshop outcomes’ which suggested a number of community facilities necessary within the Subject Site that have not been provided within this planning application.
- A “possible recreational lake” is suggested within proposed zone PS (Public Open Space). Due to environmental and public safety concerns additional details have been requested for Council’s consideration.

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RECOMMENDATIONS

- A. THAT Report Number 18CF0001 DB:hd entitled 577 Lee Point Road, Lee Point - PA2017/0569 - Subdivision in two Stages PA 2017/ 0569 be received and noted.
- B. THAT Council endorse the submission, dated 21 December 2017, to the Development Assessment Services within **Attachment B** to Report Number 18CF0001 DB:hd entitled 577 Lee Point Road, Lee Point - PA2017/0569 - Subdivision in two Stages – Noting Council’s in principle support and request for deferral.

BACKGROUND

Site and Surrounds

The Subject Site, identified as Lot 4873 (577) Lee Point Road, Lee Point, is located wholly within zone FD (Future Development) as per recent Planning Scheme Amendment (PA2014/0922), which rezoned the land from Zone SD26 (Specific Use Darwin) to Zone FD (Future Development) and ceded a portion of the Subject Site to the west of the escarpment to Zone CN (Conservation Zone). In addition, Clause 14.1.5 of the Northern Territory Planning Scheme (Lee Point Area Plan) was introduced.

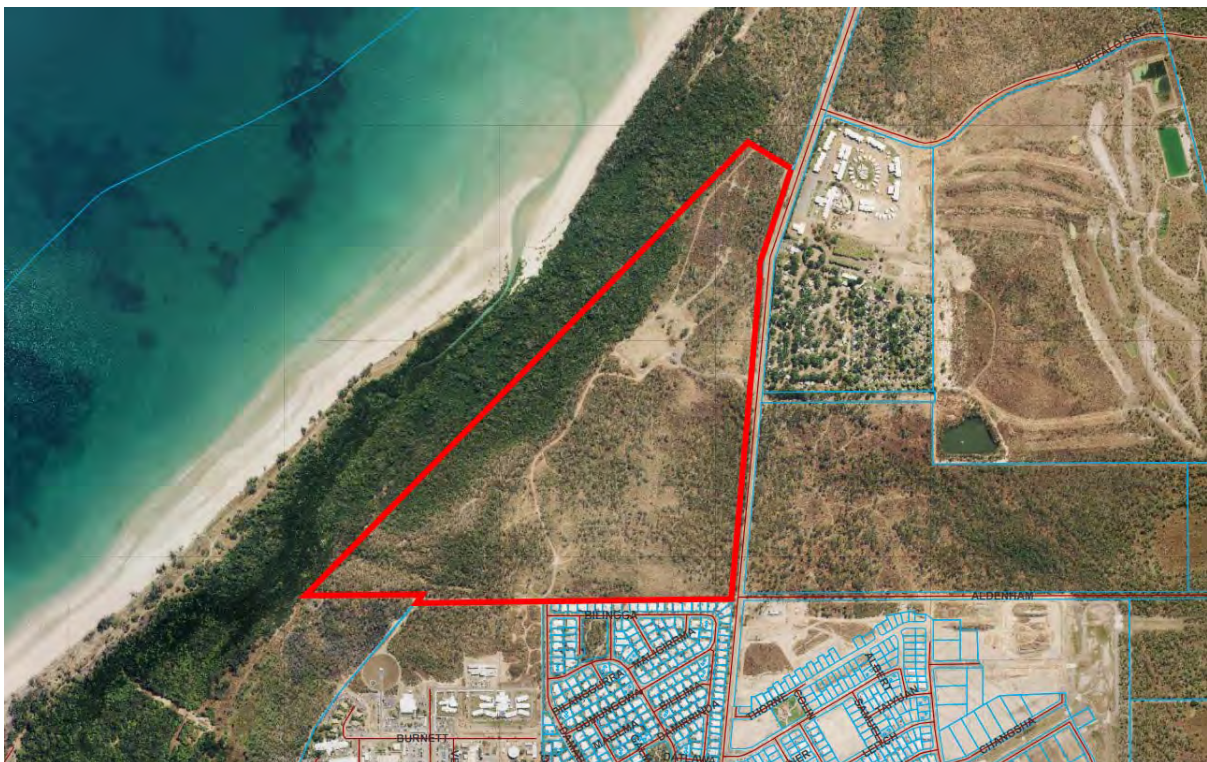


Image 1 - Locality Plan, Subject Site indicated in red

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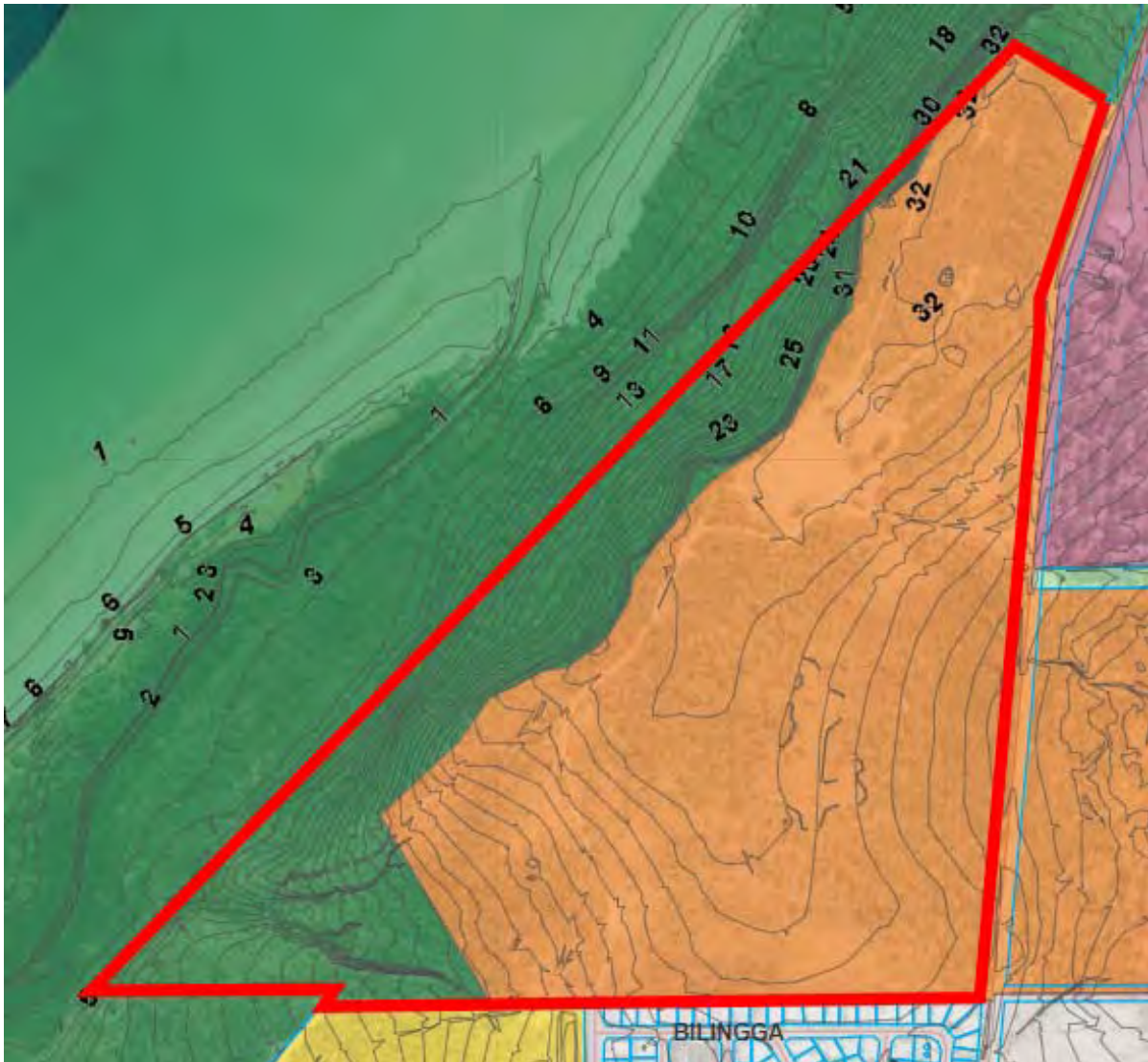


Image 2 - Zoning Map, Zone FD (Future Development) in orange and Zone CN (Conservation) in green.

The Subject Site is located north of the Royal Darwin Hospital and the suburb of Lyons, east of the Casuarina Conservation area, and west of Lee Point Road and Lee Point Caravan Park. It is one of two allotments incorporated within the Lee Point Area Plan. The other allotment is owned by the Northern Territory Government (NTG).

The Subject Site's history is significant to Australia's Defence Force as it was used by the 2nd Control and Reporting Unit (2CRU). Details are not available within this report however, for the purposes of this subdivision it is important to note that a heritage listed bunker is located within the north-eastern corner of the Subject Site.

An Environmental Impact Statement (EIS) for the Lee Point Master Planned Urban Development, related to this planning application, is being assessed pursuant to the Northern Territory Environmental Impact Assessment Act by the Northern Territory

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Environmental Protection Authority (NTEPA) and is open for public consultation until 1 February 2018. The EIS includes:

- Risk Assessment
- Construction Environmental Management Plan
- Stormwater Management Plan
- Biting Insect Report
- Noise Impact Assessment
- Odour Impact Assessment
- Traffic Impact Assessment
- Black-footed Tree-rat Survey
- Report on potential impacts from disturbance to migratory shorebirds in Darwin
- Water Quality Management Plan

The assessment within this report is related to the NTPS, City of Darwin policies and is primarily concerned with the public infrastructure, which City of Darwin is likely to 'take over' once the subdivision has been completed. With the exception of City of Darwin infrastructure that impacts upon the environment, environmental considerations will be addressed separately through the Environmental Impact Assessment.

DISCUSSION

Proposal

The proposal is for 498 allotments in two stages located within Lot 4873 (577) Lee Point Road, Lee Point (Subject Site). The following is incorporated within this proposal:

- 479 single dwelling residential allotments between 360m² and 938m² to be zoned SD/MR (Single Dwelling Residential / Medium Density Residential).
- Four Multi-level residential allotments between 3200m² and 6000m² to be zoned MR/HR (Medium/High Density Residential).
- Four Tourist commercial allotments, to be zoned TC (Tourist Commercial).
- Three 'mixed use' commercial and residential allotments between 4500m² and 5300m² fronting a 'main street'. There are no 'mixed use' zones within the NTPS, subsequently the area is likely to be zoned C (Commercial).
- Local Centre with an approximate area of 5000m², to be zoned C (Commercial).
- Conservation Area to be incorporated into Casuarina Coastal Reserve and to remain zone CN (Conservation).
- Six Public Open Space areas, to be zoned PS (Public Open Space), total are greater than 11 hectares.

The planning application is considered to be consistent with Clause 14.1.5 Planning Principles for the Lee Point Area Plan of the NTPS.

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Assessment

In its submission, dated 19 December 2014, regarding Planning Scheme Amendment PA2014/0922 "... to introduce the Lee Point Area Plan to Part 8 of the NTPS," City of Darwin provided in principle support for the rezoning and development of an Area Plan. However, City of Darwin requested a deferral for clarification on various issues regarding stormwater disposal/infrastructure, transport networks, environmental constraints and considerations, heritage constraints, community infrastructure and public open space, the interface between the mixed use precinct and residential development, and the Lee Point Road Contribution Plan.

It is acknowledged that some of the matters listed above have been resolved within the current Planning Application PA2017/0569. Whilst continuing to provide in principle support for the development of the Subject Site, City of Darwin requests a deferral in order to address some concerns regarding community infrastructure and safety, as discussed further under the specific headings below.

Stormwater infrastructure

The proposed Stormwater Management Plan, dated 29 November 2017, is considered generally acceptable, provided it is adequately updated to reflect any changes that may occur as a result of discussions between service authorities.

Transport networks – Public transport, vehicle, cyclists and pedestrians

City of Darwin officers are generally satisfied with the findings of the Traffic Impact Assessment. However, it is noted that the following matters do not meet City of Darwin Subdivision and Development Guidelines:

- Modified 'Y-intersections' are not supported. Standard 'T-intersections' are preferred, pursuant to 3.5.4 Intersections and Separation Distances of the City of Darwin Subdivision and Development Guidelines.
- The proposed secondary and primary collector streets provide a minimum carriageway width of seven metres. All collector streets must have a minimum carriageway width of eight metres, pursuant to 3.6.2 Road Widths of the City of Darwin Subdivision and Development Guidelines. Alternatively, a seven metre wide carriageway may be considered if indented car parking is provided on both sides of the street.

The matters listed above can be resolved as part of a Conditions Precedence and have been requested accordingly, to the satisfaction of City of Darwin.

The applicant has stated that they have discussed with the Department of Infrastructure, Planning and Logistics to identify an indicative bus route, connecting to the existing route (Bus Number 24) from Damabila Drive (Lyons) along the road adjacent the lineal open space, and back along Lee Point Road.

In principle support has been provided for the pedestrian and cycle network, provided it is in accordance with the City of Darwin Subdivision and Development

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TWO STAGES

Guidelines. Any on-street parking and cycle/pedestrian paths must be provided at the developer's expense to the satisfaction of City of Darwin.

In addition, the applicant is advised to restrict vehicular access within Casuarina Coastal Reserve noting that the area is intended to be gifted to Northern Territory Parks and Wildlife in the future.

Environmental constraints and considerations

An Environmental Impact Statement has been submitted, pursuant to the *Environmental Impact Assessment Act* to address concerns regarding the impact on any flora and fauna within the area.

Heritage constraints

The 2CRU Muirhead North Residential Subdivision Landscape Master Plan submitted with this application identifies and contains the heritage bunker within a 'Heritage Park' in accordance with any requirements by the Northern Territory Heritage Branch.

Community infrastructure

City of Darwin raised concerns within its submission for Planning Scheme Amendment PA2014/0922, dated 19 December 2014, with regard to the lack of land identified for Zone CP (Community Purposes). Within the submission the applicant included a document titled 'Lee Point Area Community Infrastructure Requirements, workshop outcomes' which suggested a number of community facilities. The workshop states that there was "an agreement amongst the agencies that completed dwelling numbers would (be) an appropriate method to identify when community infrastructure should be available to meet new resident needs. These dwelling numbers would also include completed dwellings in Breezes Muirhead..." The 'stages' of community infrastructure were set out in the following flow chart.

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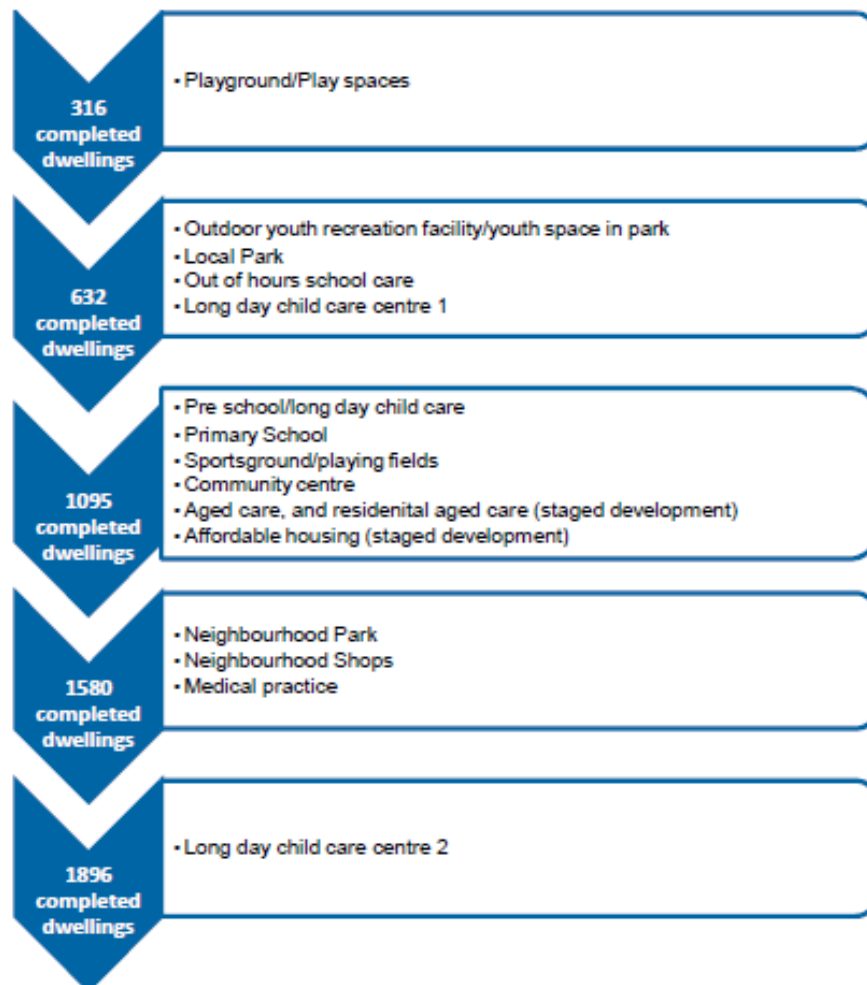


Image 3 - Breezes Muirhead stages of community infrastructure

Breezes Muirhead contains a minimum of 1150 residential allotments and by the time Breezes Muirhead is completed, with over 1000 dwellings, a significant number of community facilities will be required, pursuant to the Lee Point Area Community Infrastructure Requirements workshop outcomes. City of Darwin acknowledges that a portion of land is identified east of Lee Point Road for a Primary School and Community Hub. However, there is no indication of when this area will be developed. The workshop characterised the provision of community infrastructure delivery into three models: Consolidated Centre, Two Centres, and Dispersed Centres. It is uncertain which model the developer or the Northern Territory Government has chosen, however, each of the models recommended an aged care and a community centre be provided within close proximity to a commercial/local centre.

Currently, the closest community centre located in Lyons is in high demand and the proposal's proximity to the Royal Darwin Hospital makes the area convenient for an aging demographic.

Subsequently, the City of Darwin submission has requested justification from the applicant identifying why facilities such as aged care or community centres have not been provided within this application to service the needs of the area. Due to

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concerns over the loss of valuable community facilities, City of Darwin requests further discussion on the provision of Social Infrastructure prior to any Development Permit being issued and indicated its support for the provision of additional community infrastructure, pursuant to Lee Point Area Community Infrastructure Requirements, workshop outcomes provided within Planning Scheme Amendment PA2014/0922.

Public open space and Landscaping Management

The provision of Open Space is consistent with NTPS requirements and City of Darwin Subdivision and Development Guidelines. However, concerns have been raised with regard to the proposed reserve referred to as P4 – Lakeview Park.

2CRU Muirhead North Residential Subdivision Landscape Master Plan: Open Space Design identifies an open space area labelled P4 – Lakeview Park and considers a “Possible recreational lake” to capitalise on the need for two stormwater detention basins, as per the Stormwater Management Plan. City of Darwin promotes the use of water sensitive urban design, however requests additional detail with regard to the proposed lake, including ownership. Due to environmental and public safety concerns City of Darwin requests that details of the proposed recreational lake be provided to City of Darwin prior to any Development Permit being issued.

Lee Point Contribution Plan

The Site is subject to the Development Contribution Plan for Roadwork – Lee Point Road, November 2012. The creation of allotments would require a contribution “towards the provision of the Infrastructure at the Contribution Rate” as per the Contribution Plan for the area.

Lighting

On 1 January 2018 lighting within the City of Darwin municipality comes under the ownership of City of Darwin. The applicant has been advised to contact Council for additional information regarding the provision of lighting within the proposed subdivision.

Lot Sizes and Configurations

The proposed development seeks to provide a range of allotment sizes between 360 and 938 square metres. The configurations and sizes generally meet the requirements of both Clause 14.1.5 and Part 5 of the NTPS, which seek to “provide a range of ... lot sizes to cater for diverse household types.”

The applicant has advised that “the street frontages (for lots above 600m²) seek a departure from the required dimensions of the Planning Scheme (per Clause 11.2.3), which requires a minimum building area of 17 metres wide, with combined side setbacks of no less than 3 metres.” The applicant suggests that this is consistent with the form of residential development in other Greenfield development within the Darwin region, including Muirhead, The Heights Durack, and stage 1 of Zuccoli.

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In addition, officers note that there are four allotments located in configurations as shown below.

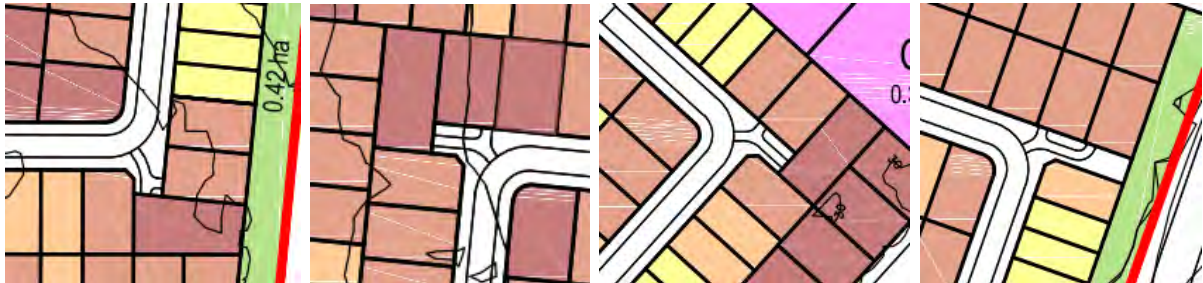


Image 4 - Proposed allotment configurations

City of Darwin has raised concerns with regard to the configuration of these allotments due to the ability to provide of stormwater disposal, waste services and road safety.

Summary

In summary it is recommended that Council support the proposed subdivision, in principle; however request a deferral subject to clarification regarding the provision of community infrastructure and further details for the “possible recreational lake”.

CONSULTATION PROCESS

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

- Manager Technical Services
- Strategic Town Planner
- Town Planner
- Planning Officer
- Team Leader Development
- Technical Officer Parks and Reserves
- Civil Engineering Officer

POLICY IMPLICATIONS

Specific policy matters are addressed throughout this report and will be referenced throughout the development process.

BUDGET AND RESOURCE IMPLICATIONS

If the subdivision is approved, Council will expect to receive a contribution in accordance with the Development Contribution Plan for Roadwork – Lee Point Road November 2012.

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RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not assessed.

ENVIRONMENTAL IMPLICATIONS

An Environmental Impact Statement has been submitted to the Northern Territory Environment Protection Authority, pursuant to the Environmental Impact Assessment Act to address concerns regarding the impact on any flora and fauna within the area.

Environmental impacts resulting from future Council infrastructure will be mitigated through designing and constructing this infrastructure to City of Darwin standards.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

CINDY ROBSON
MANAGER CITY PLANNING

SHENAGH GAMBLE
ACTING GENERAL MANAGER
CITY FUTURES

For enquiries, please contact David Burrow on 8930 0412 or email: d.burrow@darwin.nt.gov.au.

Attachments:

Attachment A: Development Application, 577 Lee Point Road, Lee Point - PA2017/0569 - Subdivision in two Stages

Attachment A has been submitted electronically on the City of Darwin website:
<https://www.darwin.nt.gov.au/sites/default/files/file/agendas-minutes/attachments/18cf0001 - pa2017-0569 - 577 lee point road lee point - attachment a b.pdf>

Attachment B: City of Darwin, Letter of Response to Development Assessment Services, dated 21 December 2017

21 December 2017

Reference: PA2017/0569 DB:hd

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

Dear Ms. Parkes

Parcel Description: **Lots 4873 - Town of Nightcliff
577 Lee Point Road, Lee Point**

Proposed Development: **Subdivision to create 498 lots in two stages**

Thank you for the Development Application referred to this office 30 November 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

i). **City of Darwin supports the proposed subdivision in principle subject to conditions; however, requests a deferral subject to clarification of the follows issues:**

a). Community/Social infrastructure

City of Darwin's response to Planning Scheme Amendment PA2014/0922, dated December 2014, noted inconsistencies between the 'Lee Point Area Community Infrastructure Requirements, workshop outcomes' (workshop) and the subsequent Clause 14.1.5 of the Northern Territory Planning Scheme (NTPS) Planning Principles for the Lee Point Area.

During the workshop there was "an agreement amongst the agencies that completed dwelling numbers would (be) an appropriate method to identify when community infrastructure should be available to meet new resident needs. These dwelling numbers would also include completed dwellings in Breezes Muirhead..." The items were listed within the Statement of Effect, however; only affordable housing, local/neighbourhood parks and shops are identified within the current planning application as a contribution toward community infrastructure. The workshop suggested that upon completion of 1095 dwellings a

.../2

preschool/long day child care, Primary School, Sportsground/playing fields, community centre, aged care and residential aged care (staged development) and affordable housing would be required. Breezes Muirhead incorporates 1150 allotments most of which now contain dwellings. Clause 11.2.2 and 14.1.5 of the NTPS require subdivisions to provide adequate land for community facilities. There are currently no plans to develop the land labelled 'Community' within the Lee Point Area Plan. The current planning application will provide an additional 498 allotments over two stages; however, it does not indicate the provision of any specific community infrastructure other than housing, parks and shops.

Subsequently, City of Darwin requests justification from the applicant as to why facilities such as aged care or community centres have not been identified within this application to service the needs of the area. City of Darwin supports the provision of an additional community centre, an aged care facility and other infrastructure to meet a growing need in the area as indicated within the workshop. City of Darwin requests further discussion on the provision of Social Infrastructure prior to any Development Permit being issued.

b). Public open space – Lakeview Park

'2CRU Muirhead North Residential Subdivision Landscape Master Plan: Open Space Design' identifies an open space area labelled P4 – Lakeview Park and considers a "Possible recreational lake" to capitalise on the need for two stormwater detention basins in the locality, as per the Stormwater Management Plan. City of Darwin promotes the use of water sensitive urban design however requests additional detail with regard to the proposed lake. Due to environmental and public safety concerns City of Darwin requests that details of the proposed recreational lake be provided to City of Darwin prior to any Development Permit being issued.

c). Transport networks – Public transport, vehicle, cyclist and pedestrian

City of Darwin is generally satisfied with the proposed layout and findings of the Traffic Impact Assessment, dated 24 November 2017, provided it is in accordance with City of Darwin Subdivision and Development Guidelines. However, the following matters still do not meet City of Darwin Subdivision and Development Guidelines:

- Modified 'Y-intersections' are not supported. Standard 'T-intersections' are preferred, pursuant to 3.5.4 Intersections and Separation Distances of the *City of Darwin Subdivision and Development Guidelines*.
- The proposed secondary and primary collector streets indicate a minimum carriageway width of seven metres. All collector streets

.../3

must have a minimum carriageway width of eight metres, pursuant to 3.6.2 Road Widths of the *City of Darwin Subdivision and Development Guidelines*. Alternatively, City of Darwin may consider other options upon receipt of sufficient justification.

Subsequently, City of Darwin will require an amended Traffic Impact Assessment to the satisfaction of City of Darwin. Council encourages the applicant to engage further with Council, however, the matter may be resolved as a condition precedent on any subsequent Development Permit.

City of Darwin supports connecting the area with public transport.

City of Darwin provides in principle support for the pedestrian and cycle network, provided it is in accordance with the City of Darwin Subdivision and Development Guidelines. Any on-street parking and cycle / pedestrian paths must be provided at the developer's expense to the satisfaction of City of Darwin.

In addition, any proposed tracks within Casuarina Coastal Reserve should restrict vehicular access, and should be in accordance with Northern Territory Parks and Wildlife requirements.

d). Lighting

On 1 January 2018 lighting within the City of Darwin municipality will come under the ownership of City of Darwin. Council encourages the applicant to engage further with Council for additional information regarding the provision of lighting within the proposed subdivision.

e). Allotment Configuration

City of Darwin is concerned about the configuration of four allotments on various corners throughout the Subject Site which are accessed by a reduced road reserves (approximately 10 meters in width). The resultant allotments have limited frontages to the road reserve, which may impact on the ability to provide adequate passive surveillance, stormwater disposal, access to waste management services and may impact on the safety of the road network. City of Darwin recommends that these allotments be reconfigured to increase frontages.

ii). City of Darwin requests that should a Development Permit be issued, that the following be provided as conditions precedent:

a). Traffic Management

Prior to the endorsement of plans and prior to the commencement of works (including site preparation), City of Darwin requires amendments to the proposed road configurations to meet the requirements of City of Darwin Subdivision and Development Guidelines.

.../4

a). **Open Space Areas and Landscaping**

Prior to the endorsement of plans and prior to the commencement of works (including site preparation), City of Darwin requires a detailed landscaping plan for all proposed road reserves and public areas. Approval by Council is required for any recreational/community infrastructure that is intended to be handed over to City of Darwin.

b). **Stormwater Infrastructure**

Prior to the endorsement of plans and prior to the commencement of works (including site preparation), City of Darwin requests that the Consent Authority require an updated stormwater management plan reflecting any changes to stormwater run-off and detention as a result of discussions between service authorities to the satisfaction of City of Darwin.

c). **Site Construction**

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

The ECMP should specifically address the following:

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

to the satisfaction of City of Darwin.

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

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

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

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

- b). City of Darwin requests that the Consent Authority include a condition requiring a monetary contribution to be paid to City of Darwin in accordance with the Developer Contribution Plan for Roadwork: Lee

Point Road Vanderlin Drive to Lee Point Reserve as a result of this development.

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

- Prior to the commencement of work (excluding site preparation), designs and specifications for landscaping of any proposed road verges or public areas shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- Prior to the commencement of work (excluding site preparation), engineering designs and specifications for the proposed and affected roads, and public spaces, including:
 - street lighting,
 - stormwater drainage,
 - vehicular access,
 - traffic management
 - pedestrian/cycle corridors,

shall be submitted for approval by City of Darwin; with all approved works constructed at the applicant's expense to the requirements of City of Darwin.

- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to City of Darwin and/or neighbouring property owners.

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

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

Yours faithfully

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

CINDY ROBSON
MANAGER CITY PLANNING

ENCL: ORDINARY COUNCIL MEETING/OPEN
YES

AGENDA ITEM: 15.3

SIGNAGE APPLICATION – CAM INTERIORS, SECTION 6437 BERRIMAH BUSINESS PARK, (655) STUART HIGHWAY, BERRIMAH

REPORT No.: 18CF0007 BS:hd

COMMON No.: 3709770

DATE: 30/01/2018

Presenter: Manager City Planning, Cindy Robson

Approved: Acting General Manager City Futures, Shenagh Gamble

PURPOSE

The purpose of this report is for Council to consider an application for two business advertising signs for Cam Interiors located within Section 6437 Berrimah Business Park, (655) Stuart Highway, Berrimah.

LINK TO STRATEGIC PLAN

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

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- Cam Interiors has submitted an application for an illuminated fascia business sign and a non-illuminated precinct wall business sign.
- The advertising signs exceed the size controls in the Outdoor Advertising Signs Code (Signs Code) and as such, the application is considered discretionary and therefore requires Council consent.
- It is recommended that Council approve this sign application as the advertising signs are in proportion to the size and form of the development, are consistent with the character of signage in the vicinity and are not expected to affect the visual amenity of the locality.
- The signs are for a tenancy located within a complex of four that are all currently under construction. Delegation is also sought from Council to approve further signage applications received for the remaining three businesses located within the new development, as they are submitted, provided the signage is consistent with the development and will not affect the visual amenity of the locality.
- The advertising signs are located within private property.

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 REPORT NUMBER: 18CF0007 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CAM INTERIORS, SECTION 6437 BERRIMAH BUSINESS PARK, (655) STUART HIGHWAY, BERRIMAH

RECOMMENDATIONS

- A. THAT Report Number 18CF0007 BS:hd entitled Signage Application – Cam Interiors, Section 6437 Berrimah Business Park, (655) Stuart Highway, Berrimah be received and noted.
- B. THAT Council approve the application from Cam Interiors for two business advertising signs located within Section 6437 (655) Stuart Highway Berrimah, and that a Sign Permit be issued in accordance with the requirements of the Signs Code, as the advertising signs for Cam Interiors comply with the intent and purpose of the Signs Code.
- C. THAT Council, pursuant to Section 32 (2) of the *Local Government Act* hereby delegates to the Chief Executive Officer, the power to finalise signage permits for the remaining three vacant tenancies in accordance with Report Number 18CF0007 BS:hd entitled Signage Application – Cam Interiors, Section 6437 Berrimah Business Park, (655) Stuart Highway, Berrimah.

BACKGROUND

The subject site has recently received development approval for a complex of four tenancies which is currently being constructed. This application is for one illuminated fascia sign and a non-illuminated sign panel to the precinct wall sign.

DISCUSSION

Applicant		Cam Interiors				
Type of Advertising (inc. temp/perm/illuminated)		Permanent				✓
Type of Sign (Business/Election/Promotion etc.)		Business				✓
Type of Structure (Free Standing/ Fascia/ Wall/ Projecting etc.)		Fascia Precinct				✓ ✓
Business Sign Details						
<i>Business advertising is permitted to one type of sign, and a total advertising area of 2m² in the SU Zone, without the need to obtain a Council Sign Permit.</i>						
This proposal is for two types of advertising signs, with each sign exceeding 2m ² .						
Sign Type	Advertising Type	Width (m)	Height (m)	Area (m²)	Illuminated	
Business	Fascia	12.5	3.3	41.25	Yes	☼
Business	Precinct Panel	9.6	1.25	12	No	☼

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 REPORT NUMBER: 18CF0007 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CAM INTERIORS, SECTION 6437 BERRIMAH BUSINESS PARK, (655) STUART HIGHWAY, BERRIMAH

Location of Sign	Within private property	✓
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Complies - ✓ Discretionary, requires Council Approval - ✱

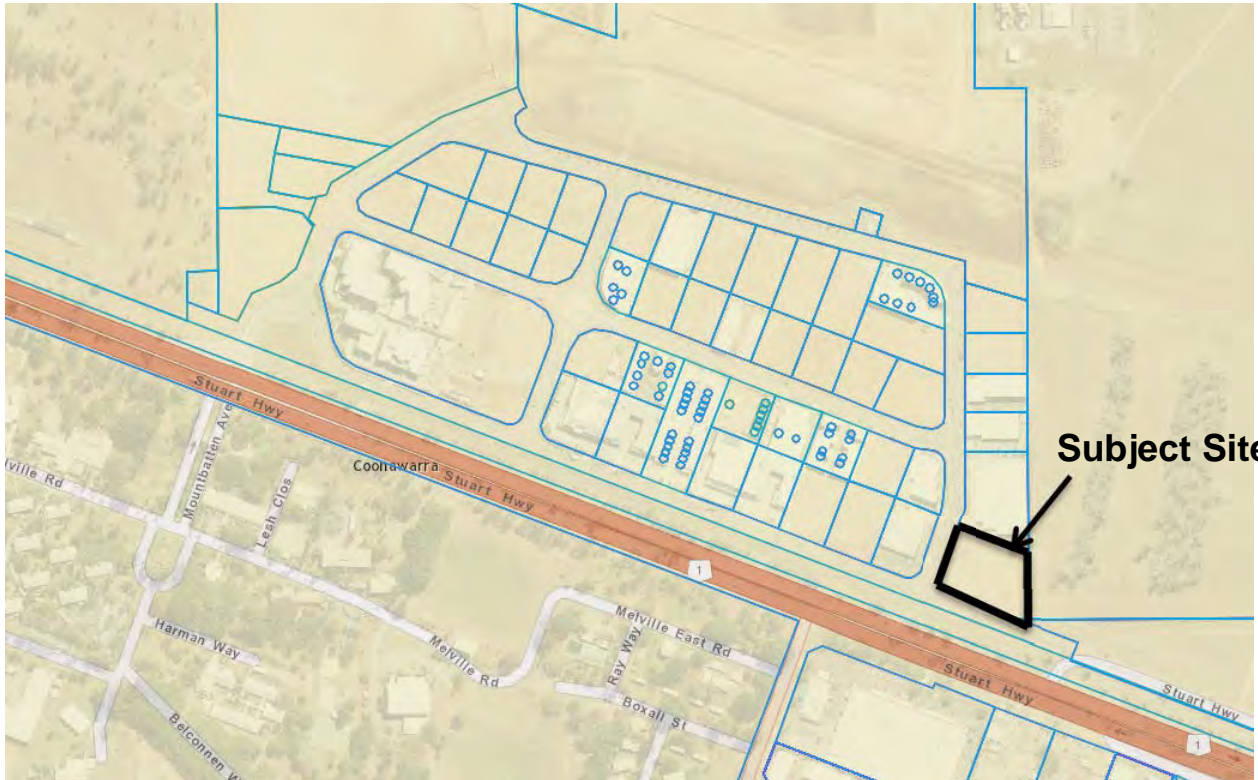


Image 1 - Location of development



Image 2 - Proposed Signage

Cam Interiors is seeking Council’s consent to install one business advertising sign to the fascia of their business premises fronting the Stuart Highway, and one business advertising sign to be included within a precinct wall sign on the western side wall of the premises. The proposed advertising signage concept is provided at **Attachment A**.

Berrimah Business Park is located within Zone SU (Specific Use – SD31). The Signs Code allows one type of business advertising sign in the SU Zone to a maximum size of 2m². As Berrimah Business Park is intended as an industrial/commercial area, the controls of the industrial and commercial zones within the Signs Code have been taken into consideration when assessing the sign application.

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REPORT NUMBER: 18CF0007 BS:hd
SUBJECT: SIGNAGE APPLICATION – CAM INTERIORS, SECTION 6437 BERRIMAH
BUSINESS PARK, (655) STUART HIGHWAY, BERRIMAH

Business advertising signs in Industrial Zones are permitted to 6m² and to 4m² in Commercial Zones. The two advertising signs exceed the requirements of the Signs Code, with the fascia sign totalling 41.25m² and the precinct sign totalling 12m². Notwithstanding this, the signs are in proportion to the building and surrounding signage on similar developments.

Conclusion

It is recommended that Council approve this sign application as the advertising signs are in proportion to the size and form of the development, are consistent with the character of signage in the vicinity and are not expected to affect the visual amenity of the locality.

Business Premises

The development is still under construction and it is expected that Council will receive a further three sign applications for the remaining premises. Signage sizes and locations were demonstrated within the development application, with the signage being consistent with signage in industrial and commercial zones within the Darwin municipality.

It is expected that the fascia signs fronting the Stuart Highway will be roughly the same size as the current application (12.5m wide x 3.3m high). The precinct sign on the western facing wall is expected to be approximately 9.6m wide and 5m high as the precinct sign will incorporate the four businesses located within the site.

To streamline the application process, City of Darwin staff are seeking a delegation to approve signage applications for the remaining three businesses located within the new development, provided the signage is consistent with the development and will not affect the visual amenity of the locality.

CONSULTATION PROCESS

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

- Planning Officer

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

- Cam Interiors

POLICY IMPLICATIONS

The proposed advertising signs exceed the complying controls detailed within the Signs Code, resulting in the application being discretionary under City of Darwin Policy No.042 - Outdoor Advertising Signs Code and as such, this sign application requires Council consent.

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 REPORT NUMBER: 18CF0007 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CAM INTERIORS, SECTION 6437 BERRIMAH
 BUSINESS PARK, (655) STUART HIGHWAY, BERRIMAH

BUDGET AND RESOURCE IMPLICATIONS

The delegation will reduce staff resources and allow a timely response to further signage applications received from the remaining three businesses located at the subject site.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

This report seeks a delegation to the Chief Executive Officer to approve signage applications received from the three remaining businesses located at the subject site, subject to the signage being consistent with the development and will not affect the visual amenity of the locality.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications expected for City of Darwin resulting from this application.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

CINDY ROBSON
MANAGER CITY PLANNING

SHENAGH GAMBLE
ACTING GENERAL MANAGER
CITY FUTURES

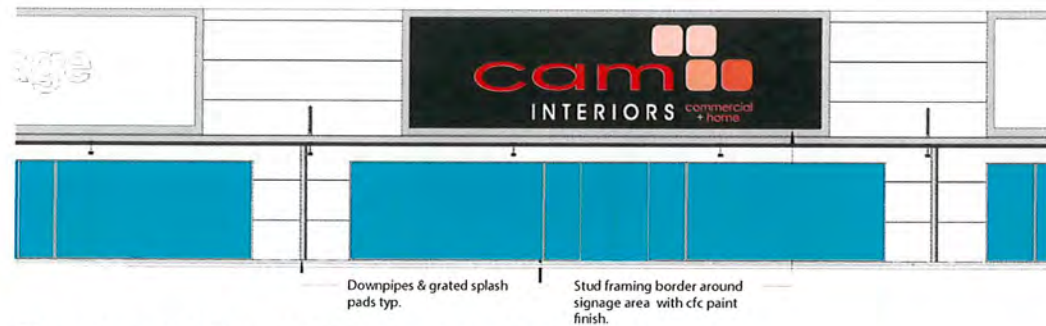
For enquiries, please contact Brian Sellers on 8930 0683 or email: b.sellers@darwin.nt.gov.au.

Attachments:

Attachment A: Sign Application – Cam Interiors, Section 6437 Berrimah Business Park, (655) Stuart Highway, Berrimah

Proposed external signage for Unit 2 Lot 6347 Berrimah Business Park (Stuart Highway Service Road)

ATTACHMENT A



Elevation 1 (Stuart Highway Service Road)

12500 x 3300mm Satin Black ACM sign fitted within capped frame (by others). Text "cam" and "interiors" to be 3D fabricated illuminated letters fixed to face of sign, all other text to be cut coloured vinyl.



Elevation 2 (Jessop Crescent)

9600 x 1250mm Satin Black ACM sign fitted to rendered masonry wall. Cut vinyl text to face of sign (non illuminated).

Drawing not to scale



Ph (08) 8984 4474

Fax (08) 8984 4624

21 Benison Road, Winnellie

Email: signtech@bigpond.com

This artwork remains the property of Signtech, who retain all rights of reproduction ©

Client: Cam Interiors

Job No: 32040

Folder: Print Files\C\Cam Interiors

File: Sign Elevations and descriptions.Pdf

Artwork by: DC

Date: 15/12/2017

Checked by:

Signed: _____

Approved By: _____

Approved, please proceed

Please proceed once changes are made

Please make changes and send another proof

Proposed Showroom / Warehouses Concept, Lot 6437 Berrimah Business Park, Stuart Highway



Sheet Number	Sheet Name	Sheet Number	Sheet Name
A100	Cover Page	A111	Tenancy 4 - Fitout
A101	Site Plan	A112	Details
A102	Dimensioned Site Plan	A113	Details - W/C
A103	Floor Plans	A114	Details - Stair
A104	Elevations	A115	Window / Door Schedule
A105	RCP	A116	Perspectives
A106	Roof Plan / Wall Heights	A117	General Notes
A107	Sections	A118	Total Area
A108	Tenancy 1 - Fitout		
A109	Tenancy 2 - Fitout		
A110	Tenancy 3 - Fitout		

ISSUE	REVISION	DATE
C.	Office fitout switched with lunch room (T2)	21/09/17
B.	plasterboard finish / insulation note updated	20/09/17
A.	window / door schedule amended (T3)	24/08/17
	Issued for construction	10/07/17



concept designs (N.T.) pty ltd
 residential industrial commercial design
 p 0407720703 Designer - George Savvas
 fax 89412502 c copyright reserved
 email gsavvas@bigpond.net.au
 20/56 Marina Boulevard Cullen Bay NT
 GPO Box 3493 Darwin NT 0801

Project
 Proposed Showrooms & Warehouses
 Concepts on Lot 6437

Client
 JAYTEX

Sheet Title
 Cover Page

Scale Drawn by Date
 JR 21/09/17

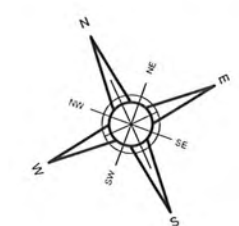
Project number Sheet Size
 17011JAY A1

Sheet Number Amend
 A100 C





TOTAL CARPARKS REQUIRED 73
 TOTAL CARPARKS PROVIDED 73



C.	Office fitout switched with lunch room (T2)	21/09/17
B.	plasterboard finish / insulation note updated	20/09/17
A.	window / door schedule amended (T3)	24/08/17
	Issued for construction	10/07/17

ISSUE	REVISION	DATE
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 20/56 Marina Boulevard Cullen Bay NT
 GPO Box 3493 Darwin NT 0801

Project
 Proposed Showrooms & Warehouses
 Concepts on Lot 6437

Client
 JAYTEX

Sheet Title
 Site Plan

Scale 1 : 150 Drawn by JR Date 21/09/17

Project number 17011JAY Sheet Size A1

Sheet Number A101 Amend C

EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/13

16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

16.1 Incoming Letter - Department of Infrastructure, Planning and Logistics - Barneson Boulevard Tender Assessment Panel Member

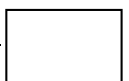
Document No. 3713484 (30/01/18) Common No. 2116605

*The incoming letter is **Attachment A**.*

Note: If Council wishes to appoint a staff member, which would usually be the case, the Acting General Manager City Operations or their nominee would be appropriate.

- A. THAT the incoming letter from the Department of Infrastructure, Planning and Logistics dated 20 December 2017 inviting Council to nominate a member to the Barneson Boulevard Tender Assessment Panel be received and noted.

- B. THAT Council appoint to the Barneson Boulevard Tender Assessment Panel.





DEPARTMENT OF
INFRASTRUCTURE, PLANNING
AND LOGISTICS

Level 3 Highway House
14 Palmerston Circuit
PALMERSTON NT 0830

Postal Address
PO Box 61
PALMERSTON NT 0831

T 08 8924 7123
F 08 8924 7211
M 0428 758 220
E louise.mccormick@nt.gov.au

File Ref: 2016/0170-0001-0033
(RCD 08911)

LUCCIO CERCARELLI
General Manager Operations
City of Darwin
GPO Box 84
DARWIN NT 0801

Dear Luccio

Re: BARNESON BOULEVARD TENDER ASSESSMENT PANEL MEMBER

Congratulations on your recent appointment as CEO of City of Palmerston Council. I look forward to continuing the good working relationship we have developed with City of Darwin.

As you are aware Department of Infrastructure Planning & Logistics recently called tenders for the Barneson Boulevard and Tiger Brennan Drive Duplication Stage 3 Project on the 6 December 2017. Tenders close 26 February 2018.

As City of Darwin (COD) has contributed funding towards the project it is appropriate that COD has input in the tender assessment process. I invite you to nominate a tender assessment panel member from COD. The tender assessment process may continue for intermittent sessions over a period of several weeks.

If you have any queries please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads "Louise McCormick".

Louise McCormick
General Manager Transport & Civil Services

20 December 2017

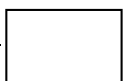
EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/14

16.2 Incoming Letter - Minister for Infrastructure, Planning and Logistics - Initiatives to Revitalise and Transform the Darwin CBD
Document No. 3711722 (30/01/18) Common No. 3711722

*The incoming letter is **Attachment B**.*

THAT the incoming letter from the Minister for Infrastructure, Planning and Logistics dated 18 December 2017 regarding initiatives to revitalise and transform the Darwin CBD be received and noted.





DEPUTY CHIEF MINISTER
MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

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

GPO Box 3146
Darwin NT 0801
Telephone: 08 8936 5547
Facsimile: 08 8936 5609

His Worship the Lord Mayor of Darwin
The Hon Kon Vatskalis JP
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor *Kon*

The Territory Government and the City of Darwin have a plan to revitalise and transform the Darwin CBD into a vibrant, world class destination.

To complement the City of Darwin's recent announcement to reduce fees for alfresco dining from 1 January 2018, and in connection with the City Deal initiatives, being undertaken jointly with the City of Darwin, the Territory Government is commencing an 18 month trial of initiatives that will see:

- car parking requirements from the NT Planning Scheme waived for alfresco dining in Darwin CBD; and
- an unrestricted sublease trial for underutilised car parks in existing buildings through the Darwin CBD.

Concurrent to this, a car parking study is in the process of being commissioned to examine rates of generation and usage in Darwin CBD, and to present evidence-based responses to the demand and supply of car parking. This study will also consider options for the management of car parking within the context of the overall aims of mitigating heat and encouraging activity in the City Centre.

There is a concern that the NT Planning Scheme's requirements for car parking are working against the goal of making Darwin CBD a more attractive place to visit, recreate and do business, which is why the Government is releasing two Interim Development Control Orders (IDCOs) on the points listed above.

These IDCOs present immediate opportunities to stimulate economic activity and general vibrancy in Darwin City.

As attachments to this letter, you will find IDCOs 24 and 25, which can be summarised as not requiring consent for:

- alfresco dining areas associated with a use established lawfully either prior to or during the duration of the order; and
- the sub-leasing of existing car parking spaces, provided the spaces are contained within an existing legally established building.

The Government is grateful for your support in committing to a vibrant and sustainable city centre for Darwin and hopes to work with the City of Darwin further as this unfolds.

Please feel free to contact Doug Lesh, Senior Director Planning at the Department of Infrastructure, Planning and Logistics on 8999 6109, if you wish to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Manison', with a long horizontal flourish extending to the right.

NICOLE MANISON

18 DEC 2017

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

INTERIM DEVELOPMENT CONTROL ORDER (No. 24)

I, Nicole Susan Manison, Minister for Infrastructure, Planning and Logistics, under section 31(1) of the *Planning Act*, having decided that an amendment to the NT Planning Scheme is to be made in relation to land to which this order applies:

- (a) make, in respect of the land, the interim development control order specified in the Schedule; and
- (b) specify that the order is to remain in force for 18 months from the date on which this instrument is signed.

Dated

18/12/17



Minister for Infrastructure, Planning and Logistics

SCHEDULE**INTERIM DEVELOPMENT CONTROL ORDER (NO. 24)**

1. This order applies to all land in Zone CB (Central Business) in the Municipality of Darwin ("the land").
2. Consent is not required for the use or development of the land for the purposes of an alfresco dining area only if:
 - (a) the alfresco dining area is associated with a use established lawfully either prior to or during the duration of this order; and

- (b) the alfresco dining area is not ancillary to the use of the land for the purpose of 'multiple dwellings' or 'supporting accommodation' as defined by the NT Planning Scheme.
 - 3. This order is not to constrain the function, or reduce the number, of any on-site car parking spaces, loading bays or ancillary manoeuvring spaces.
 - 4. The full extent of the alfresco dining area that is permitted only by virtue of this order, must be operational prior to the date of expiration of the IDCO.
-
-

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

INTERIM DEVELOPMENT CONTROL ORDER (No. 25)

I, Nicole Susan Manison, Minister for Infrastructure, Planning and Logistics, under section 31(1) of the *Planning Act*, having decided that an amendment to the NT Planning Scheme is to be made in relation to land to which this order applies:

- (a) make, in respect of the land, the interim development control order specified in the Schedule; and
- (b) specify that the order is to remain in force for 18 months from the date on which this instrument is signed.

Dated

18/12/17



Minister for Infrastructure, Planning and Logistics

SCHEDULE**INTERIM DEVELOPMENT CONTROL ORDER (NO. 25)**

1. This order applies to all land in Zone CB (Central Business) in the Municipality of Darwin ("the land").
2. Consent is not required for the sub-leasing of existing car parking spaces, provided the spaces are contained within an existing legally established building.
3. Any use or development of the land for the purposes of a car park permitted only by virtue of this IDCO, is to cease once the IDCO is no longer in force.

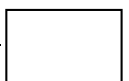
EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/15

16.3 Incoming Letter - Department of the Prime Minister and Cabinet - Information Regarding Per- and Poly-fluoroalkyl Substances (PFAS)
Document No. 3712799 (30/01/18) Common No. 3282689

*The incoming letter is **Attachment C**.*

THAT the incoming letter from the Department of the Prime Minister and Cabinet dated 18 December 2017 relating to information regarding Per- and Poly-fluoroalkyl Substances (PFAS) be received and noted.





Australian Government

Department of the Prime Minister and Cabinet



Lord Mayor Kon Vatskalis
Lord Mayor
City of Darwin
GPO Box 84
DARWIN NT 0801

Dear Mayor,

I am writing to provide you with information about per- and poly- fluoroalkyl substances (PFAS), and work being undertaken by the Australian Government and state and territory governments to ensure consistent, evidence-based responses that support affected communities.

The Prime Minister established the PFAS Taskforce in December 2016, to provide coordination and oversight of the Australian Government response to PFAS, and to realise the COAG commitment to ongoing collaboration between all governments to support affected communities. As part of this work, the Taskforce has been consulting closely with states and territories, and the Australian Local Government Association (ALGA), on developing guidance and protocols for government agencies for responding appropriately and consistently to PFAS contamination.

We met with ALGA recently to discuss PFAS issues and relevance to local government, and to seek advice on the best ways to provide useful information to local government bodies. This letter is one such avenue, along with a range of other approaches we are making, through ALGA and through state and territory government agencies, to ensure we keep local councils informed of developments.

PFAS are a group of manufactured chemicals that have been widely used globally, since the 1950s, in the manufacture of household and industrial products that resist heat, stains, grease and water and in other specialised applications. Because they are heat resistant and film-forming in water, some have also been used as very effective ingredients in fire-fighting foams.

The release of PFAS into the environment has become a concern because we have learned these chemicals can persist in humans, animals and the environment. Most people living in Australia will have measurable levels of PFAS in their blood due to exposure from a wide variety of PFAS-containing products. However, the background PFAS blood level in Australians is low and declining.

To date, there is no consistent evidence and no clearly demonstrated causality to confirm adverse human health effects from PFAS exposure. However, as a precaution, governments across Australia are recommending that exposure to PFAS is reduced wherever possible, and alternative water is being provided to communities where contaminated bore water was previously their main source of drinking water. Ingesting contaminated drinking water is the main exposure pathway. Other, lower risk pathways can include accidental ingestion of contaminated recreation water, and exclusively consuming homegrown produce using contaminated bore water.

It is evident that local governments have a significant role in responding to PFAS contamination, particularly at local government-owned and managed sites, such as airports, waste management facilities, and recreational areas such as public parks and swimming pools. Recent examples of Council decisions to close a public swimming pool and erect warning signs at a public beach highlighted for us the need to work together to ensure that all levels of government have access to

the same information and guidance, and follow the same evidence-based approaches. This will greatly assist to reduce community anxiety and the spread of misinformation.

To support risk assessments undertaken as part of PFAS site investigations, the Commonwealth Department of Health commissioned a report by Food Standards Australia New Zealand (FSANZ) entitled *Perfluorinated Chemicals in Food*, published in April 2017. The full FSANZ report is available at: <http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-pfas-hbgv.htm#FSANZ>

FSANZ determined maximum acceptable amounts of the three main PFAS of concern that an individual could consume **on a daily basis for an entire lifetime**, without risk to health, which are expressed as Total Daily Intakes (TDIs). Based on these TDIs, the Department of Health also calculated drinking water quality and recreational water quality PFAS values for use in site investigations in Australia. These values are:

Toxicity reference value	PFOS/PFHxS		PFOA	
	ng	µg	ng	µg
Tolerable daily intake (ng or µg/kg bw/day)	20	0.02	160	0.16
Drinking water quality value (ng or µg/L)	70	0.07	560	0.56
Recreational water quality value (ng or µg/L)	700	0.7	5,600	5.6

Note: bw = body weight, ng = nanograms, µg = micrograms

Environmental regulators use these values when conducting PFAS investigations. If there are any sources of PFAS contamination in your local government area, the relevant environmental regulator will investigate and advise you and the local community of any necessary action.

The PFAS Taskforce has been working in close consultation with state/territory governments and ALGA to develop a National Framework for Responding to PFAS Contamination. This includes guidance materials for use by authorities in all levels of government with responsibilities for conducting site investigations, directing appropriate response activities, and communicating with the public. When COAG has agreed the National Framework, we will provide you with links to access these guidance materials. Please don't hesitate to contact the PFAS Taskforce at: PFAStaskforce@pmc.gov.au if you would like more information in the meantime.

PFAS contamination is a complex issue with no simple solutions. I hope that through continued engagement and access to up-to-date information, local governments will feel supported in responding to any PFAS contamination issues as they arise. The Australian Government is committed to ensuring responses to PFAS contamination are evidence-based and consistent, to provide confidence to the community about government action on this matter.

If you would like further information specific to your local government area, please seek advice from your state/territory Environment Agency, Premier's/Chief Minister's Department, or Health Department.

Yours sincerely,



Geoffrey Brown OAM

First Assistant Secretary, PFAS Taskforce
18 December 2017

EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

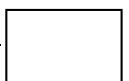
ORD01/16

16.4 Local Government Association of the NT - Nomination to NT Grants Commission

(30/01/18) Common No. 375173

*The nomination information is **Attachment D**.*

- A. THAT the incoming request from the Local Government Association of the NT asking for nominations to the NT Grants Commission be received and noted.
- B. THAT Council nominated Alderman _____ to the NT Grants Commission.



**LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN
TERRITORY**

NOMINATION FORM

NT GRANTS COMMISSION



COUNCIL NAME:

1. Agreement to be nominated

I, _____ agree to be nominated as a
(name in full)

member of the **NT GRANTS COMMISSION**.

Signature: _____ Date: _____

2. Council Confirmation of Nomination

I, _____ the Chief Executive Officer

hereby confirm that _____

was approved by resolution of Council to be nominated as a member of the **NT GRANTS COMMISSION** at a meeting held on / /2013 .

Signature: _____ Date: _____

3. Nominee's Contact Details

Email address: _____

Phone No: _____

4. Nominee Information

The following information is required to enable the Executive to make an informed decision. A current curriculum vitae can be submitted in lieu of section 3 of the nomination form.

4.1 What is your current council position? _____

4.2 How long have you held your current council position? _____

4.3 How long have you been involved in local government? _____

4.4 Please list your educational qualifications:

4.5 What experience do you have that is relevant to this committee?

4.6 Apart from your current position what other roles have you had in the local government sector?

5. You agree to supply the Executive with a report on the committee meetings you attend?

I agree I Disagree

6. Have you read and agree to the Outside Committee procedures

Yes

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY



PROCEDURES FOR LGANT REPRESENTATIVES ON COMMITTEES

LGANT representatives on committees are required to provide the Association with regular reports and an annual report for its Annual General Meeting in November of each year.

The Association also requires the minutes of each meeting attended to be emailed to the CEO's Personal Assistant, elaine.mcleod@lgant.asn.au.

Representatives are required to supply the Association with contact details such as mobile phone number, email address, postal address and the council they are a member of.

The Association will supply information to nominees of committees, including their Terms of Reference.

If a LGANT representative resigns from a committee, he/she is requested to inform the Association in writing, by letter or email, so that an alternative representative can be nominated to the committee.

The Association may remove its endorsement of a representative on a committee if that representative fails to deliver regular reports or misses meetings without just cause. It would then be up to the committee to decide whether or not the representative remains on that committee if the representative is without LGANT endorsement.

EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

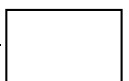
ORD01/17

16.5 Local Government Association of the NT - Nomination to the EASA Board

(30/01/18) Common No. 375173

*The nomination information is **Attachment E**.*

- A. THAT the incoming request from the Local Government Association of the NT asking for nominations to the EASA Board be received and noted.
- B. THAT Council nominated Alderman _____ to the EASA Board.



**LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN
TERRITORY**

NOMINATION FORM

EASA BOARD



COUNCIL NAME:

1. Agreement to be nominated

I, _____ agree to be nominated as a
(name in full)

member of the **EASA BOARD**.

Signature: _____ Date: _____

2. Council Confirmation of Nomination

I, _____ the Chief Executive Officer

hereby confirm that _____

was approved by resolution of Council to be nominated as a member of the
EASA BOARD at a meeting held on / /2018 .

Signature: _____ Date: _____

3. Nominee's Contact Details

Email address: _____

Phone No: _____

4. Nominee Information

The following information is required to enable the Executive to make an informed decision. A current curriculum vitae can be submitted in lieu of section 3 of the nomination form.

4.1 What is your current council position? _____

4.2 How long have you held your current council position? _____

4.3 How long have you been involved in local government? _____

4.4 Please list your educational qualifications:

4.5 What experience do you have that is relevant to this committee?

4.6 Apart from your current position what other roles have you had in the local government sector?

5. You agree to supply the Executive with a report on the committee meetings you attend?

I agree I Disagree

6. Have you read and agree to the Outside Committee procedures

Yes



EASA INCORPORATED

Constitution

and

Rules of the Association

Document originally created by

EASA Incorporated

GPO Box 1031

Darwin NT 0801

P: (08) 89411752

F: (08) 89410746

Accepted at Special Meeting on : 27/11/15

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DRAFT AS OF 09 September 2015

Error! Bookmark not defined.

1. NAME

The Association is *EASA Incorporated* hereinafter referred to as “the Association”.

2. THE PURPOSE OF THE ASSOCIATION

To provide comprehensive and accessible psychological support services and workforce and organizational development capacity development services, throughout the Northern Territory.

3. POWERS

The Association holds the following powers:

- 3.1 the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association.
- 3.2 the taking of such steps from time to time as the Governing Board or the members in a general meeting may deem expedient for the purposes of procuring contributions to the funds of the Association, whether by way of donation, subscription or otherwise;
- 3.3 subject to the Act, the borrowing and raising of money in such manner and on such terms as the Governing Board may think fit or as may be approved or directed by resolution passed a general meeting and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, charges or securities upon or over all or any of the real or personal property of the Association;
- 3.4 subject to the provisions of the Trustee Act, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
- 3.5 the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or any of the objects and purposes specified in the foregoing provisions of this rule.

4. RULES OF THE ASSOCIATION

In these rules, unless the contrary intention appears:

- 4.1 ‘Governing Board’ means the elected members of the Board of the Association.
- 4.2 ‘CEO’ means the Chief Executive Officer employed by the Association.

-
- 4.3 'Act' means the Associations Act 2003 and regulations made under that Act.
- 4.4 'Previous Constitution' means the constitution adopted in March 2006.
- 4.5 'Organisational Member' means an organization that is a member of the Association.
- 4.6 'Associate Member' means an individual that is a member of the Association.
- 4.7 In these rules, expressions referring to writing shall include by email or facsimile.
- 4.8 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation Act and that Act as in force on the date on which these rules are adopted by the Association.

5. EFFECT OF THE CONSTITUTION

This constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this constitution and agreed to be bound by it.

If there is any inconsistency between this constitution and the Act, the Act prevails.

6. MEMBERSHIP OF THE ASSOCIATION

- 6.1 Membership of the Association shall be within the following two classes of membership:
- (a) **Organisational Membership** shall be open to government, non-government organisations and community managed organisations including local government and community Associations, whether incorporated or not, who operate in the Northern Territory who have an interest in the well-being and development of employees and furthering the objects of the Association. Each organisational member shall be entitled to one vote to be provided by their nominated representative.
- (b) **Associate Membership** status shall be open to residents of the Northern Territory who have an interest in well-being and development of employees in the Northern Territory. Associate members are not entitled to vote, call for an AGM or move motions and are ineligible for election to the Association's Governing Board. Associate members may attend general meetings and participate in discussions.
- 6.2 Upon a written application being received in the prescribed form, the Secretary shall ensure the applicant is notified in writing of the process for accepting membership by the Governing Board, and whether the applicant has been accepted for membership of the Association. Once the applicant has been accepted, the Secretary will ensure the member's name is entered in a register of members to be kept by the Association.

- 6.3 A member of the Association may, at any time, resign from the Association by delivering or sending by post or email to the Secretary a written notice of resignation.
- 6.4 Upon receipt of a notice pursuant to Member Rule 5 the Secretary shall ensure the name of the member is removed from the register of members, whereupon that member ceases to be a member of the Association.
- 6.5 A right, privilege, or obligation of a member by virtue of their membership of the Association:
- a. is not capable of being transferred or transmitted to another person/entity; and
 - b. terminates upon the cessation of membership, whether by death, resignation, or otherwise.
- 6.6 Membership ceases if:
- (i) the CEO receives a written resignation from a member;
 - (ii) a majority of all members vote at an Annual General Meeting to expel a member;
 - (iii) a member is expelled in accordance with Expulsion of Members rule.
- 6.7 Each Organisational Member is entitled to have a proxy act on their behalf. The proxy must also be an Organisational Member who is appointed to act under the prescribed form dated and signed by the Organisational Member.

7. TRANSITION

- 7.1 As the Association transitions from the Previous Constitution, current individual members will retain the ability to vote until the Association has received five (5) or more Organisational Members. Once the Association has five (5) or more Organisational Members, all of the individual members will become Associate Members in accordance with this Constitution.

8. INCOME AND PROPERTY

- 8.1 The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.
- 8.2 The Association shall not:
- a. appoint a person who is a member of the Association to any office to which the holder is payable any remuneration by way of salary, fees, or allowances; or

- b. pay to any such person any remuneration or other benefit in money or moneys worth (other than re-payment of out of pocket expenses).

8.3 Nothing in the foregoing provisions of this rule prevents the payment in good faith to an employee or member of the Association of:

- a. remuneration in return for services rendered to the Association by the employee or member for goods supplied to the Association by the employee or member in the ordinary course of business;
- b. interest at current bank overdraft rate on money lent; or
- c. a reasonable and proper sum by way of rent for premises let to the Association by the employee or member.

9. ACCOUNTS AND AUDIT

9.1 The responsibility of the Board for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to:

- a) the keeping of accounting records
- b) the preparation and presentation of the Association's annual statement of accounts; and
- c) the auditing of the Association's accounts

10. ANNUAL GENERAL MEETING

10.1 The Association shall, in each year, hold an Annual General Meeting, hereafter referred to as an AGM.

10.2 The AGM shall be held within five (5) months of close of each financial year, on such day determined by the Governing Board.

10.3 The notice to Organisational Members and Associate Members must specify that the general meeting is an AGM.

10.4 The ordinary business of the AGM shall be:

- a) to confirm the minutes of AGM of the previous year and any general meeting held since that meeting;
- b) to receive from the President, CEO, auditor, and other Governing Board members of the Association:
 - i. reports of the activities and performance of the Association

- ii. reports of the financial affairs of the Association during the preceding financial year;
 - c) to elect the Governing Board of the Association; and
 - d) to appoint the auditor.
- 10.5 The AGM may transact special business of which notice is given in accordance with these rules.
- 10.6 All general meetings other than the AGM shall be called special general meetings.
- 10.7 The Secretary must give to all members, not less the twenty-one (21) days' notice of an annual general meeting specifying the place, day, time and nature of business at the meeting.

11. SPECIAL GENERAL MEETINGS

- 11.1 The Governing Board may, whenever it thinks fit, convene a special general meeting of the Association.
- 11.2 Upon a request in writing of greater than 50% of the Organisational Members in accordance with this sub-clause (3), the Governing Board must convene a special general meeting.
- 11.3 A request for a special general meeting must:
- a. state the purpose of the meeting;
 - b. be signed by all of the Organisational Members requesting the special general meeting;
 - c. be delivered to the office of the Association;
- and for the purposes of recording signatures of Organisational Members, may consist of several copies of the same document with multiple signatures across those copies of documents.
- 11.4 If the Governing Board does not provide notice of a special general meeting within twenty-one (21) days from the date of delivery of request, those requesting the special general meeting may convene the meeting; but such meeting shall not be held after three (3) months from the date of the deposit of the request.
- 11.5 A special general meeting convened in accordance with these rules shall be convened in the same manner, as nearly as possible, as that in which those meetings are convened by the Governing Board.
- 11.6 The Secretary must give to all members, not less the twenty-one (21) days' notice of a special general meeting specifying the place, day, time and nature of business at the meeting.

12. BUSINESS AND QUORUM AT GENERAL MEETINGS

- 12.1 All business that is transacted at a special general meetings and all business that is transacted at the AGM, with the exception of the ordinary business of the AGM shall be that business specified in the notice convening the meeting.
- 12.2 No item of business shall be transacted at a general meeting unless a quorum of Organisational Members is present.
- 12.3 A quorum is at least fifty percent (50%) of members that are eligible to vote being present (including telephone or video conference) or otherwise by proxy.
- 12.4 If a quorum is not present after thirty (30) minutes of the time for the general meeting, the meeting shall be dissolved; and be adjourned to a time and place within the next fourteen (14) days as specified by the chairman or by written notice given to members before the day of the adjourned meeting. If at the adjourned meeting a quorum is not present within thirty minutes after the time appointed, the meeting shall be dissolved and re-convened in accordance with clause 4.

13. PRESIDENT TO PRESIDE AT GENERAL MEETINGS

- 13.1 The President, or in the absence of the President, the Vice President shall preside as chairperson at every general meeting of the Association.
- 13.2 If the President and Vice President are absent from a general meeting, the members present shall elect a member to preside as chairperson.

14. DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS

A question arising at a general meeting of the Association shall be determined on a show of hands unless, before the declaration of the result of the show of hands, a poll is demanded by any Organisational Member or chairperson. A declaration by the chairperson that a resolution has, on a show of hands, been carried by majority or special resolution or lost, and an entry to that effect in the minute book of the Association is evidence of that fact without proof of the number or proportion of the votes recorded in favour or against that resolution.

15. VOTES

-
- 15.1 Upon any question arising at a general meeting of the Association, an Organisational Member has one (1) vote only.
 - 15.2 Votes shall be given personally (including video or telephone attendance), or by way of proxy following the prescribed form.
 - 15.3 In the case of an equality of votes on a question, the motion shall lapse.
 - 15.4 Associate Members are not eligible to vote.

16. TAKING OF POLL

If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairperson may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

17. WHEN POLL TO BE TAKEN

A poll that is demanded on the election of a chairperson, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairperson may direct.

18. PUBLIC OFFICER

- 18.1 The Public Officer shall be the CEO of the Association and shall remain in office until the person is no longer the CEO of the Association.
- 18.2 The duties of the Public Officer shall be in accordance with the requirements of the Act and to do such things as maybe directed by the Board or prescribed by these rules.

19. MANAGEMENT OF AFFAIRS OF THE ASSOCIATION

- 19.1 The affairs of the Association shall be managed by a Governing Board hereafter called the Board.
- 19.2 The Board:
 - a) shall control and manage the business and affairs of the Association;

- b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by the rules to be exercised by a decision made at general meetings of the Association;
- c) subject to the Act and these rules, has the power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association, including the appointment of a CEO; and
- d) shall have the power to appoint sub-committees for the purposes of carrying out such functions of the Association as the Board directs. Any such sub-committee may co-opt whomever it sees fit, but must include at least one member of the Board who is responsible for the activities of that sub- committee.

20. MEMBERS OF THE BOARD

- 20.1 The Board shall at minimum be comprised of the following who must be nominated by Organisational Members:
- a) President;
 - b) Vice President;
 - c) Secretary;
 - d) Treasurer; and
 - e) one (1) general Board member, but if desired, up to six (6) general Board members are permitted.
- 20.2 The Board members shall be elected annually at the AGM and shall hold office until the next AGM when all positions are declared vacant, but are eligible for re-election.
- 20.3 In the event of a vacancy in the Board, the Board may appoint another Organisational Member's nominee to hold office until the AGM where such appointment may be confirmed by the Organisational Members.

21. GENERAL POWERS AND DUTIES OF THE BOARD

- 21.1 As soon as practicable after being elected to the Board, each Board member must become familiar with this Constitution, the Associations Act 2003 and Regulations made under this Act.
- 21.2 The Board is collectively responsible for ensuring that the Association complies with the Act and regulations made under the Act.

22. DELEGATION

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- 22.1 The Board may delegate to a subcommittee or staff any of its powers and functions other than –
- (a) this power of delegation; or
 - (b) a duty imposed on the Board by the Act or any other law.
- 22.2 The delegation must be in writing and may be subject to the conditions and limitations the Board considers appropriate.
- 22.3 The Board may, in writing, revoke wholly or in part the delegation.

23. ELECTION OF MEMBERS OF THE BOARD

- 23.1 The nomination of candidates for election as members of the Board shall be on the prescribed form and be delivered to the office of the Association s(14) days prior to the AGM.
- 23.2 If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated are deemed to be elected and further nominations shall be received at the AGM.
- 23.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 23.4 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be conducted.
- 23.5 The ballot for the election of officers and Board members shall be conducted at the AGM in such usual and proper manner as the chairperson may direct.

24. LEAVE OF ABSENCE

The Board may grant a leave of absence to a Board member, for a specified period, at the written request of that member.

25. VACATION OF OFFICE

For the purpose of these rules, the office of a Board member becomes vacant if the member:

- a. dies;
- b. resigns office in writing and addressed to the Board;

- c. becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors;
- d. fail, without leave granted by the Board, to attend three consecutive meetings of the Board provided that, after the second meeting that the member has failed to attend, the member is notified in writing of the time and place of the next meeting and that failure to attend will result in the cessation of their membership of the Board.
- e. ceases to be a member of the Association; or
- f. loses the confidence of the Board; based on a special resolution passed by 75% of Board members. In the case of such a resolution the Board member will be given a right of reply and may opt to utilise the grievance procedure as outlined in Grievance and Disputes Procedures Rule 34.

26. MEETINGS OF THE BOARD

- 26.1 The Board shall meet not less than four (4) times in each financial year at such places and at such times as the Board may determine.
- 26.2 Special meetings of the Board may be called by the President, the CEO or by any four of its members.
- 26.3 The notice for a Board meeting shall be provided to members within reasonable time, specifying the general nature of the business to be considered, and the date, time and place of the meeting.
- 26.4 The quorum for the purposes of transacting business at any meeting of the Board shall be fifty percent of the Board, rounded up to the next whole number if necessary, and never less than 3 members.
- 26.5 If a quorum is not present after thirty minutes of the time appointed for the meeting, the meeting may be adjourned to a date and time agreed by the members or it may take place with the business recorded being ratified at the next meeting at which a quorum is present.
- 26.6 At meetings of the Board:
 - a. the President, or in the absence of the President, the Vice President; or
 - b. if the President and the Vice President are absent, one of the remaining members of the Board chosen by the members present, shall preside.
- 26.7 Decisions will be made by a process of consensus in the first instance. If there is a failure to reach consensus the matter shall be put to a vote and a simple majority will prevail. In the event of an equality of votes, the motion shall lapse.

- 26.8 If voting is required at meetings of the Board, the Executive or of any sub-committee appointed by the Board, the vote shall be determined by a show of hands, or if demanded, by a poll taken in such manner as the chairperson of the meeting may determine.
- 26.9 Board meetings are open to all organisational members of the Association.

27. DISCLOSURE OF INTEREST IN CONTRACTS

- 27.1 A member of the Board who has any interest in any contract or arrangement made or proposed to be made with the Association, shall disclose that interest at the first meeting of the Board at which the contract or arrangement is first taken into consideration, or in any other case, at the first meeting of the Board after the acquisition of the interest.
- 27.2 If a member of the Board becomes interested in a contract or arrangement after it has been made or entered into, the member shall disclose that interest at the first meeting of the Board after becoming so interested.
- 27.3 No member of the Board shall vote as a member of the Board in respect of any contract or arrangement in which that member is so interested and if the member does so vote that vote shall not be counted.

28. FINANCIAL YEAR

The financial year of the Association shall be the period from the first day of July to the thirtieth day of June of the following year.

29. NOTICES

A notice may be served by or on behalf of the Association upon any member either personally or by sending it electronically or through the post in a prepaid letter addressed to the member at the last known postal address.

30. EXPULSION OF MEMBERS

- 30.1 Subject to this rule, the Board may expel any Associate Member from the Association if, in the opinion of the Board the member has been guilty of conduct detrimental to the interests of the Association.

- 30.2 Subject to this rule, the Board may expel any Organisational Member from the Association if, in the opinion of the Board the organisation has been guilty of conduct detrimental to the interests of the Association.
- 30.3 The expulsion of a member pursuant to Expulsion of Members Rule 1 does not take effect:
- a. until the expiration of fourteen (14) days after the service on the member of a notice under rule (Expulsion of Members); or
 - b. if the member exercises their right of appeal under this rule, until the conclusion of a special general meeting convened to hear the appeal, whichever is the later date.
- 30.4 Where the Board expels a member from the Association, the Secretary of the Association shall, without undue delay serve on the member, a notice in writing:
- a. stating that the Board has expelled the member;
 - b. specifying the grounds for the expulsion; and
 - c. informing the member that if they so desire they may, within fourteen days of being serviced with the notice, appeal against the expulsion as provided in this rule.
- 30.5 A member on whom a notice under rule Expulsion of Members is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the Secretary of the Association, within fourteen (14) days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing the appeal.
- 30.6 Upon receipt of a request under Expulsion of Members Rule 5 the Secretary shall forthwith notify the Board of its receipt and the Board shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the Secretary.
- 30.7 At a special general meeting convened for the purpose of this rule:
- a. no business other than the question of the expulsion and the Board's reasons for the expulsion shall be transaction;
 - b. the Board may place before the meeting details of the grounds of the expulsion and the Board's reasons for the expulsion;
 - c. the expelled member shall be given an opportunity to be heard; and
 - d. the members present shall vote by secret ballot on the question whether
 - e. the expulsion should be lifted or confirmed.
- 30.8 If at the special meeting a majority of the members present vote in favour of the lifting of the expulsion the expulsion shall be lifted and the expelled member is entitled to continue their membership of the Association.

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- 30.9 If at the special general meeting a majority of the members present vote in favour of the confirmation of expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Association.

31. ALTERATION OF THE CONSTITUTION

- 31.1 These rules may be amended by a special resolution passed by three quarters of eligible members voting at a general meeting convened for that purpose.
- 31.2 Notice of the proposed amendment shall be included in the notice calling the general meeting.
- 31.3 An amendment of the objects, purposes or rules is of no effect until approved by the Registrar.
- 31.4 An alteration of the objects, purposes or rules is of no effect until a copy of the alteration is lodged with the Registrar of Associations in the NT.

32. COMMON SEAL

- 32.1 The seal of the Association shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word “seal”.
- 32.2 The seal shall not be affixed to any instrument except by authority of a resolution of the Board and in the presence of at least two members of the Board, or of one member of the Board and such other person as the Board may appoint for that purpose and that attestation is sufficient for all purposes that the seal was affixed by authority of the Board.
- 32.3 The seal shall remain in the custody of the CEO.
- 32.4 The use of the common seal must be recorded in a register maintained for that purpose.

33. WINDING UP

In the event of the Association being wound up any amount which remains after such dissolution and the satisfaction of the Association’s debts and liabilities, shall be paid and applied by the Board in accordance with their power to any fund, institution or authority which itself is exempt from income tax and which has compatible aims and objects to the Association.

34. GRIEVANCE AND DISPUTES PROCEDURES

- 34.1 This clause applies to disputes between:
- a. a member and another member; or
 - b. a member and the Board
 - c. Board members
- 34.2 Within fourteen (14) days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- 34.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days after the meeting, hold another meeting in the presence of a mediator.
- 34.4 The mediator must be:
- a. a person chosen by agreement between the parties; or in the absence of agreement:
 - b. for a dispute between a member and another member – a person appointed by the Committee; or
 - c. for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.
- 34.5 A member of the Association can be a mediator.
- 34.6 The mediator cannot be a party to the dispute.
- 34.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 34.8 The mediator, in conducting the mediation, must:
- a. give the parties to the mediation process every opportunity to be heard;
 - b. allow due consideration by all parties of any written statement submitted by any party; and
 - c. ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- 34.9 The mediator must not determine the dispute.
- 34.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

EIGHTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 30 JANUARY 2018

ORD01/18

17. REPORTS OF REPRESENTATIVES

18. QUESTIONS BY MEMBERS

19. GENERAL BUSINESS

21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING
Common No. 2695130

THAT the next Ordinary Meeting of Council be held on Tuesday, 13 February 2018, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

22. CLOSURE OF MEETING TO THE PUBLIC
Common No. 2695131

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

23. ADJOURNMENT OF MEETING AND MEDIA LIAISON

