

CITY OF PALMERSTON

**Notice of Council Meeting
To be held in Council Chambers, Civic Plaza, Palmerston
On Tuesday, 3 March 2015 at 6:30pm**

AGENDA

Audio Disclaimer

An audio recording of this meeting is being made for minute taking purposes as authorised by City of Palmerston Policy MEE3 Recording of Meetings, available on Council's Website.

1. PRESENT

2. APOLOGIES

Mayor Abbott – Leave of Absence

ACCEPTANCE OF APOLOGIES AND LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

RECOMMENDATION

1. THAT the minutes of the Council Meeting held Tuesday, 17 February 2015 pages 7878 to 7897, be confirmed.
2. THAT the Confidential minutes of the Council Meeting held Tuesday, 17 February 2015 pages 171 to 173, be confirmed.

4. MAYOR'S REPORT

5. REPORT OF DELEGATES

6. QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS BEEN GIVEN

7. QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS NOT BEEN GIVEN

8. PETITIONS

9. DEPUTATIONS / PRESENTATIONS

9.1 Environmental and Wildlife

Presentation by Brooke Townsend, Project Consultant and Mark Law, Vegetation Co-ordinator Naturecall Environmental

10. CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

11. COMMITTEE RECOMMENDATIONS

11.1 Governance and Organisation

Nil

11.2 Economic Development and Infrastructure

Nil

11.3 Community Culture and Environment

Nil

12. INFORMATION AGENDA

12.1 Items for Exclusion

12.2 Receipt of Information Reports

RECOMMENDATION

THAT the information items contained within the Information Agenda, be received.

12.3 Officer Reports

12.3.1	Action Report	8/0627
12.3.2	Chief Executive Officer – Recent Activities	8/0630
12.3.3	LGANT Executive Minutes – 6 February 2015	8/0631

13. DEBATE AGENDA

Nil

14. CORRESPONDENCE

15. PUBLIC QUESTION TIME

At the invitation of the Chair

16. OTHER BUSINESS – ALDERMAN REPORTS

By-law 14(8) provides that the Chairman must not accept a motion without notice if the effect of the motion would, if carried, be to incur expenditure in excess of \$1,000 unless

- a) the motion relates to the subject matter of a committee's or sub committee's recommendations (as the case may be, or an officer's report that is listed for consideration on the business paper; or*
- b) the matter is urgent*

17. CONFIDENTIAL REPORTS

Nil

18. CLOSURE



Mark Spangler
Acting Chief Executive Officer

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.

**APPLICATION FOR A DEPUTATION TO THE
CITY OF PALMERSTON**

Name: Brooke Townsend

Organisation: Naturecall Environmental

Contact Tel: 0427 136 994 or 1300319 954

Contact Email: brooke.townsend@naturecall.com.au

Presentation topic: Environmental and Wildlife

Date of Request: 9 February 2015

Meeting date requested: March 2015

Time requested (length): 30 minutes


Names of those making the address:

- 1) Brooke Townsend
Title: Projects Consultant
Organisation: Naturecall Environmental
- 2) Mark Law
Title: Vegetation Co-ordinator NT
Organisation: Naturecall Environmental

Purpose of the deputation: Naturecall is new to the NT, working for Councils and Government nationally it is an opportunity to present our services locally with an emphasis on community benefits.

*Please forward this application to: Mr Ricki Bruhn Chief Executive Officer
City of Palmerston, PO Box 1, PALMERSTON NT 0831
Fax No: (08) 89359900 Email: caroline.hocking@palmerston.nt.gov.au
For any enquiries please call (08) 89359902*


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Approved (Chief Executive Officer)


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Approved (Mayor of Palmerston)

ITEM NO. 12.3.1 Action Report

FROM: Chief Executive Officer

REPORT NUMBER: 8/0627

MEETING DATE: 3 March 2015

Municipal Plan:

4. Governance & Organisation

4.3 People

We value our people, and the culture of our organisation. We are committed to continuous improvement

Summary:

Provided with this report are individual action items outstanding from previous Council Meetings:

Dec #	Task Date	Matter	Action	Update
8/0104	5/06/2012	NT Planning Scheme	Palmerston CBD Masterplan to be incorporated into the NT Planning Scheme.	Council has adopted the Palmerston City Centre MP and associated documents with the exception of the Carparking strategy. Once the Carparking strategy has been to the Car Parking Advisory Group comments will be incorporated into the Palmerston City Centre Planning Frameworks and the document will be submitted to the Minister
8/0738	20/08/2013	Yarrowonga Land Proposal	DTS to conduct a feasibility study for a joint development across Lots 9542 & 9543 with the lessee of Lot 9542.	Completed.
8/0787	17/09/2013	Real Housing for Growth Project	Design and project management contract awarded to Thinc. Agreement to lease with the CEO Department of Housing has been executed.	Construction underway.
8/0847	19/11/2013	TC Zone Land	Discuss with NT Government on acquiring the Tourist Commercial (TC) Zone land – Part Lot 8405	Letter received 9 April 2014 advising investigations are currently being undertaken to inform the potential release of this site including servicing and development options.

8/0879	11/12/2013	Development of Lot 10029 and Part Lot 9608	Expression of Interest for the development of Lot 10029 and Part Lot 9608 be prepared for Council approval.	EOI has been released and closes 27 February 2015.
8/0899	14/01/2014	Expression of Interest – Development of Lot 10024 and Part Lot 9609	An EOI to be brought to Council for the development of Lot 10024 and part Lot 9609 with the purpose being for the provision of public car parking combined with a mixed use development comprising of retail, commercial or residential.	Council considering further as part of the car parking strategy. Other potential uses for this site are currently being investigated by staff.
8/0949	18/02/2014	Car Parking Contribution Plan Update	Matter on the table	
8/0976	18/03/2014	Marlow Lagoon Toilet Block	CEO to seek Ministerial dispensation pursuant to Clause 30 (1) (b) of the Local Government (Accounting) Regulations for the requirement to call tenders.	Self cleaning toilet has been placed on order. Expect delivery by early March. Services and slab works are underway.
8/1074	20/05/2014	City Centre Parking Strategy and Public Realm Strategy	Roberts Day to undertake the Parking Strategy and Public Realm Strategy in accordance with their fee proposal dated 14 March 2014 subject to funding being identified.	Council has adopted the Palmerston City Centre MP and associated documents with the exception of the Carparking strategy.
8/1126	17/06/2014	Reconstruct Radford Road	Council to enter into a memorandum of understanding regarding the use of any contractor security held by LDC.	Construction work in progress.
8/1235	02/09/2014	Palmerston Sporting Grounds	CEO to seek further clarification from the NT Government on their proposal to transfer ownership and management of sporting facilities in Palmerston.	Meeting to be organised for early 2015 with Minister for Sport, Recreation and Racing, awaiting response back.
8/1290	7/10/2014	Quarterly Meetings with NT Government Senior Ministers	Mayor and the chairs or delegate of the three Standing Committees be established to meet with senior Ministers of the NT Government on a quarterly basis to seek financial support and provide updates on projects and initiatives associated with the Palmerston City Centre Master Plan.	Meeting held with Minister Chandler on 24 November 2014.
8/1304	18/11/2014	Replacement Shade Canopy – Marlow Lagoon Playground	Meeting to be organised between JLT, TIO and Council representatives to discuss the claim.	Meeting anticipated to be arranged for December.

8/1308	18/11/2014	Social Sustainability Workshop	Social Sustainability Planning Workshop to be held for Elected Members utilising Elton Consulting.	Draft proposal received from Elton Consulting. Date for workshop to be coordinated.
8/1311	18/11/2014	Seniors Advisory Committee	<ul style="list-style-type: none"> - Council to write to the Palmerston Shopping Centre, Oasis Shopping Centre, Palmerston Golf/Bowls Club and the Gateway Shopping Centre Management advocating for the installation of a defibrillator at each centre. - Enter into discussion with St John Ambulance over the placement of defibrillators within the City of Palmerston. - 	Letters have been sent and discussions are underway with St Johns.
8/1341	09/12/2014	FlicNics Program 2014/2015	Council to approve either the purchase or refurbishment of an existing trailer to become a Movie Trailer.	Seeking quotes on new trailer.
8/1354	09/12/2014	Draft Palmerston City Centre Master Plan 2014 and associated documents	<ul style="list-style-type: none"> - Draft Palmerston City Centre Parking Strategy to be presented to and considered by the City of Palmerston's Car Parking Committee. - Final documents and application submission to amend the NT Planning Scheme be submitted to Council for endorsement at the Council meeting scheduled 17 February 2015. - Mayor to forward a letter to the Minister for Lands and Planning to inform the NT Government of the public consultation process for the Draft City Centre Master Plan "package", prior to lodgement of the formal rezoning application with the Minister in 2015. - 	Council has adopted the Palmerston City Centre MP and associated documents with the exception of the Carparking strategy. Once the Carparking strategy has been to the Car Parking Advisory Group comments will be incorporated into the Palmerston City Centre Planning Frameworks and the document will be submitted to the Minister
8/1372	13/01/2015	Review of the Local Government Act	An initial report to be provided to the GOC which includes suggested changes to legislation which can be considered as part of Council's submission.	

8/1378	13/01/2015	Amendments to Palmerston Eastern Suburbs planning principles and plan	Council to write a letter to the Department for Lands and Planning requesting a review of the Palmerston Eastern Suburbs Area Plan and Planning Principles.	Council representatives have met with the DLPE and requested that a review of the area plan is one method by which the NTG might resolve council's concerns with the planning process in the Zuccoli area resulting in blanket MD zoning.
8/1410	17/02/2015	ALGWANT International Women's Day Dinner	Council to book a table of ten for the ALGWANT International Women's Day Dinner on Saturday 7 March 2015, inviting the Mayor, three Elected Members and staff.	Completed.
8/1412	17/02/2015	Shopping Trolley Collection Options	Workshop to be organised with Elected Members on the options available for the timely collection and return of abandoned shopping trolleys.	Expect to hold second week of March.
8/1412	17/02/2015	Smoke Free Areas	<ul style="list-style-type: none"> - "No Smoking" signs be placed at the playgrounds in Marlow Lagoon Recreation Park and Sanctuary Lakes. - Report on the effectiveness of the "No Smoking" signage be provided to Council after 12 months. 	
8/1412	17/02/2015	Light and Air Easement – Lot 21 Town of Palmerston	The Mayor and CEO be authorised to sign and seal all documents in relation to the light and air space easement over Lot 5999.	
8/1419	17/02/2015	Draft Proposed Amendments to NT Planning Scheme, Palmerston City Centre Master Plan 2015, Draft Palmerston City Centre Parking Strategy and Draft Palmerston City Centre Public Realm and Subdivision Great Streets Strategy	<ul style="list-style-type: none"> - The Palmerston City Centre Master Plan 2015 and the Palmerston City Centre Planning Framework report be forwarded to the Minister for Lands and Planning, - The draft Car Parking Strategy be amended based on the outcome of deliberations by the City of Palmerston's Car Parking Advisory Group, prior to the submission to the Minister for Lands and Planning 	A second meeting of the Car Parking Advisory Group to be called shortly.

8/1425	17/02/2015	The process of rezoning and assessing subdivision applications over FD zoned land in the Palmerston Eastern Suburbs	<ul style="list-style-type: none"> - the CEO issue a media release advising Council does not support poorly planned small lot developments in Zuccoli. - the Mayor write to the Minister for Lands, Planning and the Environment requesting the DCA be instructed to cease determining small lot developments in Zuccoli. 	<ul style="list-style-type: none"> - Media release issued 18th February 2015. - Letter drafted
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RECOMMENDATION

THAT Council receives Report Number 8/0627.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au

ITEM NO. 12.3.2 **Chief Executive Officer – Recent Activities**

FROM: Chief Executive Officer

REPORT NUMBER: 8/0630

MEETING DATE: 3 March 2015

Municipal Plan:

4. Governance & Organisation

4.1 Responsibility

We are committed to corporate and social responsibility, the sustainability of Council assets and services, and the effective planning and reporting of Council performance to the community.

Summary:

To provide a summary of activities recently undertaken by the Chief Executive Officer.

Background:

Nil

General:

I advise Council of the following activities:-

- 13 January 2015 – Rating Workshop with particular emphasis on rating options to be considered for the 2015/2016 financial year. Also the collection of rate from properties which have dual occupancies.
- 13 January 2015 – Subdivision Workshop to explain the role council plays in the planning / approval process. The Planning Act, NT Planning Scheme and other relevant legislation were also covered to give Elected Members a better understanding of the planning framework.
- 23 January 2015 – Along with representatives from Elton Consulting, the Director Technical Services and the Strategic Planner, I attended a workshop with staff from Development Assessment Services and the Department of Lands and Planning to review the Palmerston City Centre Master Plan.
- 30 January 2015 – Zuccoli Stage 1 Stormwater Management – The Mayor, Technical Services staff and I met with Urbex / Land Development Corporation and other key stakeholders to discuss stormwater management options throughout the balance of the Stage 1 Zuccoli Development. It was agreed that future meetings would take place between the developers and Council staff to further investigate acceptable options.

- 31 January 2015 – A bus tour was arranged for Elected Members and senior staff to visit a number of locations throughout the Municipality. This proved to be most beneficial and assisted both staff and Elected Members to gain a better understanding of key issues and potential future projects.
- 3 February 2015 – The City of Palmerston hosted a meeting of TOPROC (Top End Regional Organisation of Councils) with some of the issues raised including:-
 - o The balance of the TOPROC Special Purpose Grant will need to be returned to the Department of Local Government;
 - o Discussion on the LGANT 2015/2016 Budget Submission;
- 9 February 2015 – Meeting with the Acting Chief Executive, Department of Lands and Planning and other departmental staff to discuss legal advice regarding Zuccoli subdivisions – this was reported to the Council Meeting held on 17 February 2015.
- 11 February 2015 – I participated in the Department of the Prime Minister and Cabinet Stakeholder Roundtable to discuss the Reform of the Federation White Paper.
- 17 February 2015 – Zuccoli Stage 1 Stormwater Management – This follow-up meeting was held with the key stakeholders to further consider future stormwater treatment options. The preference is for a system of lakes within the development, however the provision of an underground water supply to maintain the lakes during the dry season requires considerable further investigation.
- 18 February 2015 – JKC Update on Ichthys / Inpex Project – This meeting updated Senior Management on the works carried out to date and future works proposed. This dry season will see a considerable increase in the onsite workforce with additional accommodation being secured at the adjacent Immigration Detention Facility.
- 19 February 2015 – Australia Day NT Council – The Acting Mayor and I attended this thank you reception where the City of Palmerston was presented with a Certificate for our ongoing support of Australia Day events and celebrations.
- 20 February 2015 – I met with Mr John Burdekin (National Director Retail for Jones Lang LaSalle) and gave a presentation on the growth of Palmerston, including major projects.

Other meetings attended included:-

- 7 January Community, Culture & Environment Committee Meeting
- 8 January Economic Development & Infrastructure Committee Meeting
- 12 January External Chair Audit Committee – Interview
- 13 January Council Meeting
- 14 January Manex Meeting
- 16 January Catch up with the Member for Blain, Nathan Barrett
- 21 January Manex Meeting

- 24 January Australia Day Ball
- 26 January City of Palmerston Australia Day Function and Mayoral Reception
- 28 January Special Governance and Organisation Committee Meeting
- 28 January Fringe Benefits Tax – Internal Training session
- 3 February Council Meeting
- 4 February Manex Meeting
- 4 February Community, Culture & Environment Committee Meeting
- 5 February LGMA-NT Committee Meeting
- 5 February Meeting with Mr Peter McGrath to discuss development opportunities at the Yarrawonga site
- 10 February Palmerston Regional Business Association Meeting
- 12 February Governance & Organisation Committee Meeting
- 12 February Economic Development & Infrastructure Committee Meeting
- 17 February Council Meeting
- 18 February Manex Meeting
- 24 February LGANT Finance Reference Group
- 27 February LGMA National Board Meeting

Financial Implications:

Nil

RECOMMENDATION

THAT Council receives Report Number 8/0630.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au.

Schedule of Attachments:

Nil

ITEM NO. 12.3.3 **LGANT Executive Minutes – 6 February 2015**

FROM: Chief Executive Officer

REPORT NUMBER: 8/0631

MEETING DATE: 3 March 2015

Municipal Plan:

4. Governance & Organisation

4.3 People

We value our people, and the culture of our organisation. We are committed to continuous improvement and innovation whilst seeking to reduce the costs of Council services through increased efficiency

Summary:

At the General Meeting of LGANT in March 2010, it was agreed that draft minutes of each Executive Meeting be made available for Council's information.

General:

The LGANT Executive Meeting draft meeting minutes will be sent out approximately on a monthly basis.

The draft minutes of the Executive Meeting held Friday, 6 February 2015 are attached for information.

Financial Implications:

Nil

Policy / Legislation:

Nil

RECOMMENDATION

THAT Council receives Report Number 8/0631.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au

Schedule of Attachments:

Attachment: LGANT Executive Meeting Draft Minutes – 6 February 2015

**LOCAL GOVERNMENT ASSOCIATION
OF THE NORTHERN TERRITORY**

**MINUTES OF THE LGANT EXECUTIVE MEETING
HELD ON FRIDAY 6 FEBRUARY 2015 IN THE LGANT OFFICE
COMMENCING AT 10:15 AM**

1. PERSONS PRESENT AT THE MEETING OR ON THE TELEPHONE

Mayor Damien Ryan	President
Alderman Jeanette Anictomatis	Vice-President – Municipal
Mayor Fay Miller	Executive – Municipal
President Barb Shaw	Executive – Regional & Shires
Mayor Lynette De Santis	Executive – Regional & Shires
Mayor Tony Jack	Vice-President – Regional & Shires
Alderman Bob Elix	Executive – Municipal (<i>after 11:00am</i>)
IN ATTENDANCE:	
Anna McGill	Department of Business
David Willing	Department of Local Government & Community Services
Tony Tapsell	LGANT CEO
David Jan	LGANT
Peter McLinden	LGANT

2. APOLOGIES FROM MEMBERS WHO WERE ABSENT FROM THE MEETING

Mayor Lothar Siebert	Executive – Regional & Shires
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RESOLUTION

THAT the Executive approve the applications from members for leave of absence from the meeting.

Moved: Alderman Anictomatis
Seconded: Mayor De Santis
Carried

3. NOTIFICATION OF CONFLICT(S) OF INTERESTS – Nil

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

RESOLUTION

THAT the minutes of the previous Executive meetings held on Wednesday 2 December 2014 be confirmed as a true and correct record of that meeting.

Moved: Mayor Miller
Seconded: Alderman Anictomatis
Carried

5. ACCEPTANCE OF THE AGENDA AND NOTIFICATION OF GENERAL BUSINESS ITEMS

RESOLUTION

THAT the papers as circulated be received for consideration at the meeting.

Moved: Mayor De Santis
Seconded: President Shaw
Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

6. DECISIONS THE EXECUTIVE IS BEING ASKED TO MAKE THIS MEETING

6.1 2015-2016 LGANT Strategic Plan and Annual Priorities

Recent History

- Strategic Planning Meeting 22/02/14.
- General Meeting 3-4/04/2014.
- Executive meeting 3/06/14.

Discussion

There was much discussion on the Strategic Plan with the Executive's main focus being on the Annual Priorities. One addition to these priorities was centred around a framework for Indigenous engagement.

RESOLUTION

THAT the Executive endorse the 2015/16 annual priorities as presented with the 2014-2019 LGANT Strategic Plan.

Moved: Mayor Miller

Seconded: Alderman Anictomatis

Carried

6.2 2015-2016 LGANT Budget Including Member Subscriptions

Recent History

- General meeting 3/04/2014.

Discussion

Members noted that the overall increase to LGANT in council subscriptions was less than 1% due to the 10% capping on council revenues.

RESOLUTION

THAT the Executive endorse the LGANT membership subscriptions and annual budget for 2015-2016.

Moved: Mayor Jack

Seconded: Alderman Anictomatis

Carried

6.3 LGANT Financial Reports for 31 December 2014

Recent History

This report is made up of:

1. Debtors trial balance, breakup and ledger to 31 December 2014
2. Statement of cash flows to 31 December 2014
3. Statement of financial position to 31 December 2014
4. Monthly function report to 31 December 2014
5. Bank statements to 31 December 2014
6. Explanation of ratios
7. List of Payments

Discussion

Members noted the reports including the very low level of debtors.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

RESOLUTION

THAT the Executive receive and adopt the financial reports for 31 December 2014.

Moved : Mayor Miller
Seconded: Mayor Jack
Carried

6.4 Draft Submission on the *Cemeteries Act*

Recent History

- In December 2012 the Department of Local Government and Regions ('the Department') released Public Discussion paper titled "*Review of the Cemeteries Act*".
- February 2013 LGANT submission sent to the Department on the review of the *Cemeteries Act*.
- Review in abeyance March 2013 to November 2014 while Department completes further research as well as undertaking consultations with stakeholders.
- Letter from Department of Local Government and Regions to LGANT President on 27/11/14 inviting LGANT to put another submission to the review of the *Cemeteries Act*.

Discussion

Members requested that LGANT submit a letter to the Minister for Local Government expressing the size of communities and the problems running morgues causes local government. This issue will be brought back to next meeting.

RESOLUTION

THAT the Executive provide input to the draft LGANT submission on the *Cemeteries Act* in the coming weeks following input from members.

Moved : Mayor De Santis
Seconded: President Shaw
Carried

6.5 NT Settlement Planning Scheme External Committee

Recent History

Letter from Alderman Sue McKinnon 23/12/14.

Discussion

Members agreed not to pursue this program and that no further action is required.

RESOLUTION

THAT the Executive does not support advancing this program.

Moved : Mayor Miller
Seconded: Alderman Elix
Carried

6.6 LGANT Roads and Procurement Procedures

Recent History

- Executive meeting 29/07/14.

Discussion

Members heard that this is a new policy.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

RESOLUTION

THAT the Executive approve the adoption of the policy for procurement of road maintenance services for the local roads managed by LGANT.

Moved: Mayor Jack
Seconded: Mayor De Santis
Carried

6.7 Review of the *Local Government Act*

Recent History

- Letter from Executive Director, David Willing of the Department of Local Government and Regions ('the Department') to the LGANT CEO:
 - giving notice of the review of the *Local Government Act* ('the Act')
 - requesting representation from LGANT to a working party by 30 January 2015
 - asking for submissions to the review to be in by 30 April 2015.
- All Executive members provided out-of-session endorsement by 23 January 2015 of the LGANT CEO as the LGANT representative on the working party.

Discussion

Members noted the report including the action to have the submission put to members at the April 2015 general meeting following input from councils. Members were told during deliberations on agenda item 8.2 that the amendments to the *Local Government Act* are currently being circulated to other agencies and will go to Cabinet for its endorsement on Monday with possible passage in March 2015.

RESOLUTION

THAT the Executive confirm the LGANT CEO as LGANT's representative on the working party that is charged with reviewing the *Local Government Act*.

Moved: Mayor De Santis
Seconded: Mayor Jack
Carried

6.8 Nominations to the NT Planning Commission

Recent History

- Email from NT Planning Commission Secretariat 10/12/14.
- Call for nominations emailed to councils 15/12/14.

Discussion

Members agreed to endorse Brendan Dowd, City of Darwin as the LGANT representative on the NT Planning Commission.

RESOLUTION

THAT the Executive endorse the nomination of Brendan Dowd, City of Darwin to the NT Planning Commission.

Moved: Mayor Miller
Seconded: Alderman Anictomatis
Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

6.9 Nominations to the NT Weeds Advisory Committee

Recent History

- Letter from Weed Management Branch, Department of Land Resource Management 27/11/14.
- Call for nominations emailed to councils 12/12/14.
- Reminder email sent 20/01/15.

Discussion

Members agreed to nominate Andrew Farrell, Litchfield Council as the LGANT representative on the NT Weeds Advisory Committee.

RESOLUTION

THAT the Executive endorse the nomination of Andrew Farrell, Litchfield Council to the NT Weeds Advisory Committee.

Moved: President Shaw
Seconded: Mayor Miller
Carried

6.10 LGANT Support Representative – Climate Change Summit 2015

Recent History

- 23 January 2015 meeting with Pam Robinson, City of Palmerston.
- 28 January 2015 teleconference with ALGA.

Discussion

The Executive advised that Pam Robinson contact Martin Brennan as suggested by ALGA.

7. REPORTS ON ACTIONS REQUIRED TO BE DONE FROM THE LAST MEETING

7.1 21 Parap Road Loan

Recent History

- May 2006 general meeting members approved the Executive decision of April 2006 to purchase five strata units on the ground floor of the Parap Business Centre, 21 Parap Road, Parap.
- December 2005 the building valuation was \$2,196,000.
- Settlement for purchase of property with a \$2.1 million Commercial Build Facility with Westpac was affected 22/11/06.
- A further \$400,000 loan was taken out to both furnish the offices and do an internal fit out.
- In the 2009/2010 financial year the \$400,000 loan was paid off.
- The building was valued at \$3,120,000 on 3/06/11.
- In November 2011 the loan with Westpac matured and was renegotiated until November 2014.
- In March 2014 LGANT commenced negotiations with Westpac.
- The building was valued at \$2,965,000 on 30/07/14.
- The Commonwealth Bank during discussions on sponsorship expressed an interest in submitting a proposal for LGANT's banking requirements including the loan 16/06/14.
- In September 2014 negotiations commenced with Commonwealth Bank (delays due to illness of Bank representative)
- The Executive requested loan proposals be obtained from the lending institutions of Westpac, National Australia Bank (NAB) and Commonwealth Bank 7/11/14.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

- LGANT received the NAB proposal 11/11/14.
- Executive resolution – *THAT the Executive endorse its' out of session decision to approve the banking and loan proposal from the National Australia Bank 2/12/14.*
- LGANT has been working with NAB in regards to the setting up of banking facilities over the last month.

Future Action

No further action required.

Discussion

Members noted the report.

7.2 2015 Executive Meeting Dates

Recent History

- Last general meeting held 6/11/14.
- Executive meeting 2/12/14 item deferred until LGANT checks with councils to make sure Executive meeting and LGANT delegates teleconference dates do not conflict with council or local authority meeting dates.
- The majority of councils advise the proposed dates are suitable. Tiwi Islands Regional Council has a clash which they say they can work around. Roper Gulf Regional Council has a clash with a local authority meeting on 22/09/15.

Future Action

No further action required.

Discussion

Members noted the report.

7.3 2013-14 Local Government National Report

Recent History

- Letter from Minister for Infrastructure and Regional Development 19/11/14.
- Executive resolution – *THAT the Executive agree to provide input to the submission following its circulation 2/12/14.*
- Submission sent to Federal local government Department 16/01/15.

Future Action

View 2013-14 report on its release.

Discussion

Members noted the report.

RESOLUTION

THAT the Executive receive and note the report on actions to be done from the last meeting.

Moved: Mayor Miller

Seconded: Alderman Anictomatis

Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

8. BUSINESS WHICH ONLY REQUIRES THE EXECUTIVE TO RECEIVE AND NOTE INFORMATION

8.1 Establishment of New Licensing Authority

Recent History

- Letter to the LGANT President 10/04/14 advising proposed new Licensing Authority.
- Anna McGill, from the Department of Business addressed the Executive meeting on the proposed new legislation on 3/06/14.
- The Executive approved the draft submission on Licensing Authority arrangements at its meeting on 26/06/14.
- Submission sent to Minister Tollner on 30/06/14.
- Legislation (Licensing Director-General Bill) introduced to Parliament in week of 27/10/14.
- Letter signed on behalf of Department of Business CEO to LGANT CEO on 28/10/14 offering information sessions in 2015 on the new legislation.
- Executive meeting update provided on 2/12/14.

Discussion

Anna McGill from the Department of Business briefed the meeting on the operation of the new Licensing Authority and what the changes mean to local government.

Members raised concerns over not getting enough time to comment on the granting of licenses. LGANT will supply the Department with a schedule of council meeting dates so that these can be taken into consideration when setting a deadline for comments.

Anna will liaise with LGANT to:

- supply a document which provides a snapshot of the involvement that local governments have in the consultation process under the *Liquor and Gaming Act*
- provide more information on access to Community Benefit Funds (CBF) and major grants, including a link to the CBF Annual Report
- provide links to the *Community Impact Analysis Guidelines* and *Takaway Liquor Guidelines*.

RESOLUTION

THAT the Executive receive and note the report on the establishment of new licensing authority.

Moved: Mayor Miller
Seconded: Mayor Jack
Carried

8.2 Local Government Excellence – Project Report

Recent History

- Funding approved August 2014.
- Project commenced 1 September 2014.

Discussion

David Willing from the Department of Local Government and Community Services attended this part of the meeting. An update on the status report was provided at the meeting.

RESOLUTION

THAT the Executive receive and note the report on the Local Government Excellence Project.

Moved: Mayor Miller
Seconded: Mayor Jack
Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

8.3 Federal Road Safety Black Spot Consultative Committee

Recent History

- NT Federal Road Safety Black Spot Consultative Panel meeting 21/11/14.

Discussion

Members noted the report including mention that advice about local government projects will be known next month.

RESOLUTION

THAT the Executive receive and note the report on the NT Federal Roads Safety Black Spot Consultative meeting.

Moved: Mayor Jack
Seconded: Alderman Elix
Carried

8.4 *Workers Rehabilitation and Compensation Act*

Recent History

- Executive approves draft submission on the *Workers Rehabilitation and Compensation Act* ('the Act') 19/02/13.
- Preliminary report issued November 2013.
- Final report issued July 2014.
- NT Cabinet approved the report's recommendations between July and December 2014.
- This legislation is expected to be introduced into Parliament this month.

Discussion

Members noted the report.

RESOLUTION

THAT the Executive receive and note the report on the *Workers Rehabilitation and Compensation Act*.

Moved: Alderman Elix
Seconded: Mayor De Santis
Carried

8.5 Arts and Culture Policy Reference Group

Recent History

- Email received from Arts NT, Department of Arts and Museums 28/11/14.
- Expression of interest sent online from the LGANT CEO 2/12/14.

Discussion

Members noted the report.

RESOLUTION

THAT the Executive receive and note the report on the Arts and Culture Policy Reference Group.

Moved: Alderman Anictomatis
Seconded: Mayor Fay
Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

9. PRESIDENT'S REPORT

10. BUSINESS FROM PREVIOUS MEETING THAT IS NOT YET FINISHED

10.1 Administration & Legislation Advisory Committee

Short Term History

- General meeting resolution – *THAT delegates receive and note the report* 11/05/12.
- General meeting 11/11/13; 3/04/14; 6/11/14.
- Executive meeting 16/09/14; 21/10/14; 2/12/14.
- The ALAC Chair wrote to the Minister on conditionally rateable land 12/05/14.
- Response from the Department 20/05/14.
- ALAC meeting 31/10/14.

Future Action

Provide progress reports.

Discussion

Members noted the report.

10.2 Management and Administration Fees applied to Government Grant

Short Term History

- Executive decision – *THAT the Executive receive and note the report on management and administration fees applied to government grants* 16/07/13.
- Executive meetings 16/09/14; 21/10/14; 2/12/14.
- FRG meeting 17/10/14.
- General meeting 3/04/14; 7/11/14.

Future Action

This item will be put to the FRG meeting this month with a recommendation that the LGANT policy change.

Discussion

Members noted the report.

10.3 The Transfer of Local Roads from the NT Government to Local Government

Short Term History

- Executive resolution – *THAT the Executive receive and note the report on the transfer of local roads from the NT Government to Local Government* 1/10/13.
- LGANT met with Department officers 12/11/14 to discuss the Partnership Board.
- A draft set of principles covering the transfer were to be forwarded to LGANT at the end of last month but did not arrive.
- The LGANT CEO considers there is no desire on the part of the Department of Transport to progress this matter.

Future Action

Matter will be taken up with the Department of Local Government and Regions and the NT Grants Commission.

Discussion

Members noted the report.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

10.4 Public Library Funding Agreement

Short Term History

- Executive resolution – *THAT the Executive receive and note the report on Public Library Funding Agreement 22/06/14.*
- Executive meetings 16/09/14; 21/10/14; 2/12/14.
- The library funding agreements that expired on 1/07/14 have been effectively 'rolled over' for 2014/15.
- Letters from Minister Conlan were sent to councils on 10/07/14.
- Meeting with Director Patrick Gregory 22/07/14.
- The strategic plan for libraries will be released in the next two weeks.

Future Action

Review the strategic plan once received.

Discussion

Members noted the report.

10.5 Regional Infrastructure Initiatives

Short Term History

- Executive resolution – *THAT the Executive receive and note the report on regional infrastructure initiatives 3/06/14.*
- Executive meetings 16/09/14; 21/10/14; 2/12/14.
- National Remote and Regional Transport Infrastructure and Services Forum 22/05/14.

Future Action

Provide progress reports.

Discussion

Members noted that proposals from local government had been put forward to the Department.

10.6 The Transfer of Barge Landings, Boat Ramps and Airstrips to Local Government

Short Term History

- Executive resolution – *THAT delegates approve the policies on barge landings, boat ramps and airstrips 3/04/14.*
- General meeting 3/04/14; 7/11/14.
- Executive meetings 16/09/14; 21/10/14; 2/12/14.
- Letter to Minister 4/06/14.
- Invite to the Department of Transport to attend EITRG meeting 11/09/14.
- LGANT submission to the NTG Issues Paper "Propelling the Territory Forward as the Australians' Northern Aviation Gateway".
- Issues paper 24/09/14 to the NTG.
- Response from Minister 26/09/14.

Future Action

Await the release of new NTG policies and financial frameworks to do with barge landings and airports.

Discussion

Members noted the report.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

10.7 Television Reception in Remote Areas

Short Term History

- Executive resolution – *THAT delegates receive and note the report on Digital Television Switchover 7/03/13.*
- General meeting 3/04/14; 7/11/14.
- Executive meetings 16/09/14; 21/10/14; 2/12/14.
- LGANT has received notification that the after sales service for the digital TV set top boxes has been below par.
- Submission sent to Minister 23/07/14.
- A number of emails have been sent to the Minister's office with the only response being 'we are doing it'.

Future Action

Await response from Minister.

Discussion

A letter from the Australian Government Department of Communications was tabled at the meeting and is included with these minutes.

10.8 White paper on the Reform of the Federation

Short Term History

- Email from ALGA National Policy Director 30/06/14.
- Executive resolution – *THAT the Executive receive and note the report on the White Paper on the Reform of the Federation 29/07/14.*
- Release of Issue Paper 1 on 2/09/14.
- General meeting resolution – *THAT delegates call upon councils to answer some questions in the issues papers and to provide input to LGANT on the Green Paper on the Reform of Federation 6/11/14.*
- Executive meeting 16/09/14; 21/10/14; 2/12/14.

Future Action

Complete a submission on the 'Green Paper' once it is released.

Discussion

Members noted that a number of issues papers have been released.

10.9 Green Paper for Developing Northern Australia

Short Term History

- Executive resolution – *THAT the Executive agree to LGANT lodging a submission on the Green Paper for Developing Northern Australia 26/06/14.*
- Final submission sent 7/08/14.
- Executive meetings 16/09/14; 21/10/14; 2/12/14.

Future Action

Provide progress reports.

Discussion

Members noted the report.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

10.10 Nomination of Alternate Members to the NT Grants Commission

Short Term History

- Email from NT Grants Commission (NTGC) 5/06/14.
- Email to councils 6/06/14.
- Executive resolution – *THAT the Executive put the entire list of nominations forward with recommendation to the NT Grants Commission 29/07/14.*
- Letter to NTGC 30/07/14.
- Executive meeting 16/09/14; 21/10/14; 2/12/14.
- Due to 'Cabinet Notes' having to be prepared for all nominees to NTG committees further information about work history and suitability for role on committee has been obtained and submitted.
- Emailed reminder to NTGC 12/12/14.
- Advice from NTGC that Instrument of Appointment has to be redone due to appointment of new Minister 15/12/14.

Future Action

Await confirmation from NTGC.

Discussion

Members noted the report.

10.11 Nomination of Members to the Minister's Disciplinary Committee

Short Term History

- Letter from the Minister for Local Government 17/06/14.
- Email to councils calling for nominations 24/06/14.
- Letter to Minister putting forward nominees 13/08/14.
- Confirmation from Department of Local Government that letter has gone to Minister 22/08/14.
- Executive meeting 16/09/14; 21/10/14; 2/12/14.
- Emailed reminder to Department 12/12/14.
- Advice from Department that Instrument of Appointment has to be redone due to appointment of new Minister 15/12/14.

Future Action

Await confirmation from Minister.

Discussion

Members noted the report.

10.12 Financial Sustainability of Regional and Shire Councils in the Northern Territory

Short Term History

- Report received from Department of Local Government and Regions 17/07/14.
- Executive resolution – *THAT the Executive receive and note the report on financial sustainability of regional and shire council in the Northern Territory 28/08/14.*
- Executive meeting 16/09/14; 21/10/14; 2/12/14.

Future Action

LGANT to have carriage of this matter under its MOU with the Government.

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Discussion

Members noted the report.

10.13 Land Development in the Northern Territory

Short Term History

- Meeting with Department of Lands, Planning and the Environment 5/03/14.
- General meeting resolution – *THAT delegates call on councils to commit to examining proposals to do with land subdivisions from the Department of Lands, Planning and the Environment 3/4/14.*
- Meetings of the reference group 5/04/14; 29/05/14; 26/06/14; 6/08/14.
- Draft Subdivision Guidelines tabled at the CEO Forum 19/08/14.
- CEO teleconference 9/09/14.
- ETIRG meeting 12/09/14.
- Executive resolution – *THAT the Executive receive and note the report on land development in the Northern Territory 16/09/14.*
- Executive meetings 21/10/14; 2/12/14.
- General meeting 6/11/14.

Future Action

Await final draft for comment.

Discussion

Members noted the report.

10.14 Street Lighting Charges

Short Term History

- Executive resolution – *THAT the Executive receive and note the report on street lighting charges 16/09/14.*
- Executive meeting 21/10/14; 2/12/14.
- Legal advice received and amendments to the SLA completed 14/11/14.
- Councils now have a service level agreement they can use for negotiating with Power and Water for streetlights.
- This and the industry work LGANT did cost \$81 000.
- General meeting resolution – *THAT delegates endorse councils conducting an audit of their street lights to assist them to:*
 - *be better informed on the benefit or not of owning street light assets*
 - *enable them to develop a policy position about the Power and Water Corporation's capital charge 6/11/14.*

Future Action

Monitor with councils their progressions with negotiations.

Discussion

Members noted the report.

10.15 Asset Management and Long Term Financial Planning

Short Term History

- General meeting 3/04/14; 7/11/14.
- Executive meetings 16/09/14; 21/10/14 2/12/14.
- The LGANT policy document has been updated and is now on the LGANT website.

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- Councils reported the status of their work in August 2014 following the completion of their annual financial statements.
- LGANT ran workshops with councils in Alice Springs and Darwin on 20-21/05/14.
- All assessments completed.
- Paper to EITRG meeting 12/09/14.
- Executive resolution – *THAT the Executive receive and note the report on the Asset Management and Long Term Financial Planning* 16/09/14.
- Paper to general meeting 7/11/14.
- Workshop conducted in Katherine region 2/12/14.

Future Action

Continue to assist members with their long term financial management planning under the new initiative.

Discussion

Members noted the report.

10.16 National State of the Assets Report 2014

Short Term History

- 2010 The Local Roads Funding Gap Report.
- 2012/13 data collection undertaken.
- 2013 State of Assets Report launched at the 2013 Road Congress in Alice Springs.
- 2014 appointment of consultants Jeff Rorda and Associates.
- Executive resolution – *THAT the Executive support ALGA and promote participation of member councils in the “National State of Assets Report 2014”* 16/09/14.
- Executive meetings 21/10/14; 2/12/14.
- Report launched at the “Local Government Roads and Transport Congress” in Tamworth.

Future Action

LGANT Newsletter article with ALGA web address for report.

Discussion

Members noted the report.

10.17 Proposed Change to LGANT's Constitution

Short Term History

- Meeting with Mayor Lothar Siebert and CEO Brian Hylands 22/08/14.
- Executive resolution – *THAT the Executive endorses the proposed changes to LGANT's constitution being put to the November 2014 general meeting* 16/09/14.
- See agenda item 7.2 in the November 2014 general meeting agenda.
- Motion deferred at general meeting 7/11/14.

Future Action

Include business paper in the agenda for the April 2015 general meeting.

Discussion

Members noted the report.

10.18 Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

Short Term History

- Evidence provided at inquiry hearing in Darwin 20/8/14.

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- Executive resolution – *THAT the Executive endorse the referendum matter being put to the November 2014 general meeting for resolution as LGANT policy and request councils consider passing a resolution in favour of the referendum 16/9/14.*
- General meeting resolution – *THAT delegates approve the draft resolution and LGANT policy on the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution 6/11/13.*
- Executive meeting 21/10/14; 2/12/14.

Future Action

Follow up with councils if they have passed resolutions. Update LGANT policy statements.

Discussion

Members noted the report.

10.19 TenderLink E-Tender

Short Term History

- Presentation E-Tender NPN meeting in Sydney 28/03/14.
- Met with Tenderlink May 2014.
- Meeting City of Darwin Local Buy 8/09/14.
- Executive resolution – *THAT the Executive receive and note the report on TenderLink E-Tender software 21/10/14.*
- Workshop conducted – six councils represented 24/10/14.
- LGANT subscribed to TenderLink.

Future Action

Work with Media and Communications Officer to update website to better promote TenderLink.

Discussion

Members noted the report.

10.20 Review of the *Waste Management and Pollution Control Act* and the *Litter Act*

Short Term History

- Issues paper released 1/09/14.
- Comments to the NT Environment Protection Agency 27/10/14.
- LGANT submission forwarded to NT EPA and member councils 27/10/14.
- Executive resolution - *THAT the Executive approve a submission being prepared to the issues paper of the review of the Waste Management and Pollution Control Act and the Litter Act 21/10/14.*
- Executive meeting 2/12/14.

Future Action

Await draft legislative changes.

Discussion

Members noted the report.

10.21 Nominations to NT Place Names Committee

Short Term History

- Letter from Minister for Lands, Planning and the Environment requesting nominations to the Committee from LGANT 28/08/14.
- Call for nominations emailed to councils 28/08/14.

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- Executive resolution – *THAT the Executive endorse three nominations to the NT Place Names Committee 21/10/14.*
- Letter to Minister putting forward nominees 23/10/14.
- Executive meeting 2/12/14.
- Letter from Minister advising of the appointment of Mayor Allan McKay of Litchfield Council.
- Mayor McKay advised of appointment 7/01/15.

Future Action

The Executive will need to consider another appointment following the suspension of council.

Discussion

Members were told that legal advice given by the Department is that elected members of Litchfield Council are no longer councillors as they have been suspended. This results in Mayor Allan McKay no longer being able to represent LGANT on the NT Place Names Committee. LGANT will write to the Minister requesting that another nominee be appointed to this committee.

10.22 Draft 2015/16 LGANT Budget Submission

Short Term History

- Finance Reference Group meeting 17/10/14.
- General meeting resolution – *THAT delegates endorse the draft 2015/16 LGANT Budget Submission to the Northern Territory Government.*
- Letter from Department confirming receipt of submission 6/01/15.

Future Action

Attend the budget lock-up when it is held in May 2015.

Discussion

Members noted the report.

10.23 Financial Assistance Grants

Short Term History

- Release of Federal Budget on 13/05/14.
- General meeting resolution – *THAT delegates call upon councils:*
 - (a) *to support the campaign to restore the indexation of the Financial Assistance Grants by highlighting to Federal politicians:*
 - *the absolute need for the Grants*
 - *the losses resulting from the Grants not being indexed*
 - (b) *to agree to work with LGANT to document the many reforms and activities which demonstrate improvements and efficiencies councils are undertaking 6/11/14.*

Future Action

Continue to pursue with councils their work on reforms and meetings with Federal politicians.

Discussion

Members noted the report.

10.24 Review of LGANT's Climate Change Policies

Short Term History

- NCCARF Forum 30/09/14 (LGANT represented by City of Palmerston Environment and Climate Change Strategic Planner).

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- General meeting resolution – *THAT delegates endorse LGANT developing new policies on climate change and adaptation* 6/11/14.
- Contact WALGA regarding work they have done on policies around climate change.

Future Action

Draft policy to be developed and presented at the LGANT General Meeting in Tennant Creek.

Discussion

Members noted the report.

10.25 Establishment of By-laws for Local Government

Short Term History

- Email from East Arnhem Regional Council 29/09/14.
- General meeting resolution – *THAT delegates decide on the motion by voting in the manner required for general meetings* 6/11/14.
- See agenda item on local government excellence.

Future Action

Pursue agreement with Parliamentary Counsel.

Discussion

Members noted the report.

10.26 Northern Territory Local Government Awards

Short Term History

- General meeting resolution – *THAT delegates endorse the development of a series of local government service awards for the Northern Territory* 6/11/14.

Future Action

To be actioned.

Discussion

Members noted the report.

10.27 Waste Management in the NT

Short Term History

- NT EPA Waste Management Advisory Committee 30/01/2014.
- General meeting resolution - *That delegates support councils providing input to the development of the Northern Territory Waste Management Strategy* 3/04/14.
- Executive meetings 20/08/14; 16/09/14; 21/10/14.
- Draft timetable for the NT Waste Management Strategy Meeting 22/08/14.

Future Action

Waiting for draft strategy to go out for public comment.

Discussion

Members noted the report.

**LOCAL GOVERNMENT ASSOCIATION
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RESOLUTION

THAT the Executive receive and note the reports on business from previous meetings that is not yet finished.

Moved: Mayor Miller
Seconded: Mayor De Santis
Carried

11. BUSINESS NOT YET FINISHED BUT INACTIVE

RESOLUTION

THAT the Executive accept the business not yet finished but inactive.

Moved: Mayor Miller
Seconded: President Shaw
Carried

12. MEMBERS QUESTIONS - Nil

13. GENERAL BUSINESS

13.1 Meeting with Department of Local Government and Community Services

Members heard that the Department would like to hold a meeting with Mayors, Presidents and CEOs in the afternoon of Wednesday 15 April 2015 in Tennant Creek after the Mayors and Presidents and CEO Forums.

13.2 Relocation of LGANT Office

Members heard that LGANT is planning to relocate the office to Unit 5 as advice has been received that the current location – Units 1 and 2 – will be more appealing to the rental market. If a tenant for Unit 5 can be found in the short term then the move will not take place, otherwise the move will go ahead around July 2015.

14. COMPLETED BUSINESS

RESOLUTION

THAT the Executive approve the removal of items of completed business from the agenda for the next meeting.

Moved: Mayor Jack
Seconded: Mayor De Santis
Carried

15. CONFIDENTIAL BUSINESS

16. NEXT MEETING

The next meeting of the LGANT Executive will be on Tuesday 10 March 2015 at 9:45am in the LGANT Boardroom.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4:30pm.



Australian Government

Department of Communications

Our reference: MC20140800044

Mr Damien Ryan
President
Local Government Association of the Northern Territory
PO Box 2017
PARAP NT 0804

Dear Mr Ryan

Digital television and retransmission in remote Northern Territory

Thank you for your letter to the Hon Malcolm Turnbull MP, the Minister for Communications, concerning digital television reception and retransmission in remote areas of the Northern Territory. The Minister has asked me to reply on his behalf. Please accept my apologies for the delay in responding.

The Australian Government's aim in the transition to digital television has been to deliver the full suite of free to air television channels to all parts of the country through reliable, consistent and future proof infrastructure arrangements.

In moving to digital television, the government decided that the optimal solution for people who live in remote locations, and for those who could not receive a quality terrestrial signal in regional and metropolitan areas, was to move to the new government-funded Viewer Access Satellite Television (VAST) service. Not only would this provide quality reception of all free to air channels and relevant State or Territory news broadcasts, it would also save on the costs of maintaining and upgrading self-help television transmission towers which are usually paid for through council rates.

In designing the roll out of VAST into remote areas, all equipment for installation under the (now closed) Satellite Subsidy Scheme (SSS) was chosen because it met the highest standards and had proven capability to withstand cyclonic conditions, heat and other weather extremes. The equipment is to a similar or higher industry standard as existing pay television satellite equipment which has proven to be suitable in remote areas that are subject to extreme weather conditions.

Equipment installed under the SSS, or the (now also closed) Household Assistance Scheme came with a 12 month after care service warranty for equipment and installation services. If the equipment is faulty within this timeframe, the service contractor who undertook the original installation is contractually obliged to repair or replace the faulty equipment in accordance with standard warranty conditions. Once the 12 month warranty period has expired, it is a matter for the householder to maintain their reception equipment.

Television retransmission

If a council or community decide to convert a former self-help tower, they may be able to do so subject to the Australian Communications and Media Authority's (ACMA's) planning guidelines. However Commonwealth funding assistance is not available and any such conversions would be at the council's or community's cost.

The ACMA is the independent regulator responsible for authorising self-help retransmission services by making a spectrum determination under section 34 of the *Broadcasting Services Act 1992* (BSA) and then issuing apparatus licences to authorise the transmitters under section 100 of the *Radiocommunications Act 1992*. The apparatus licences issued by the ACMA authorise the use of the spectrum for the provision of retransmission services within the conditions imposed by the licence.

The act of issuing an apparatus licence does not guarantee access to other elements necessary to provide a retransmission service (for example, access to the site, tower, power or program content). To access program content for retransmission services in central and eastern Australia sourced from the VAST satellite feed, self-help providers will need to seek authorisation from Eastern Australia Satellite Broadcasters (EASB). EASB can be contacted at easb.admin@sca.com.au.

In deciding whether to make spectrum available to a self-help retransmission applicant under section 34 of the BSA, the ACMA will have regard to matters, including:

- whether the spectrum will be used to ensure that all available commercial and national digital services in the relevant licence area are available to viewers in the area intended to be served by the applicant;
- whether use of the spectrum will comply with certain technical specifications, including whether:
 - services will be transmitted using MPEG-2 compression standard at the DVB-T standard
 - services will be provided in the same definition (for example, high definition or standard definition) as the source service
 - service information is properly constructed with the objective that the transmitted services should have the same 'look and feel' as broadcaster-provided services; this should include provision of EPGs, program classification information; captioning; Now/Next, logical channel numbering, and time and date table and time offset table
 - any other matter the ACMA considers relevant.

Following the making of a determination under section 34 of the BSA, the ACMA may issue one or more transmitter licences to an applicant. In addition to the general conditions applying to apparatus licences, specific conditions may be imposed requiring compliance with the above technical specifications.

The ACMA also requires self-help providers to acknowledge a significant area of potential risk that relates to the use of professional decoders to receive VAST to feed terrestrial transmission sites. These decoders may not automatically respond to changes made to the satellite platform that affect VAST. Consequently, any such changes could have a significant impact on the retransmission services, in terms of both time and cost for the self-help provider. The ACMA will also expect self-help providers to acknowledge that they understand this risk and that they may be required to respond to changes made to the VAST satellite platform at their own expense.

For your information, the ACMA has already licensed five self-help providers to serve Northern Territory communities: Ayers Rock Resort (Yulara); Batchelor Institute of Indigenous Education (Batchelor); ConocoPhillips (Bayu-Undan); and Nhulunbuy Corporation Limited (Nhulunbuy). Of these, only the Ayers Rock Resort and ConocoPhillips retransmit the services of all five of the free-to-air broadcasters.

The ACMA can be contacted on 02 9334 7704 or by emailing Tony.George@acma.gov.au.

VAST access

If a Council uses VAST to feed its transmission site, and some viewers in that local area are currently receiving VAST services using direct-to-home (DTH) reception equipment (a satellite dish and a set-top box activated for VAST services), there will be no need for them to swap to terrestrially-delivered VAST services. Viewers with VAST enabled DTH equipment can continue to receive the satellite-delivered VAST services, if they so choose, even if a self-help facility is established locally.

MPEG-4

In your letter you refer to “technology having changed such that it exceeds current Australian broadcast standards and can deliver high definition and 3D pictures” which seems to be a reference to the MPEG-4 compression standard, although the MPEG-2 compression standard currently supports the delivery of high definition services such as ABCNews24, 7mate, GEM and ONE.

All terrestrial television broadcasters and self-help providers are currently expected to transmit services using the MPEG-2 compression standard. These arrangements were put in place prior to digital switchover in Australia when most domestic reception equipment was not expected to be MPEG-4 compliant. However, the receiver manufacturing industry has more recently estimated that approximately 80 per cent of the main digital television receivers in Australian households are capable of receiving MPEG-4.

The Government is aware of the benefits offered by MPEG-4 broadcasting for more efficient use of spectrum. In his speech in September 2014 to the ACMA’s Radcomms conference, the Minister for Communications announced that the Government will encourage commercial and national television broadcasters to commence the transition to MPEG-4-only broadcasting, with the aim that every service would move to this format in the future. A proposal for this transition is set out in a Government discussion paper on Digital Television Regulation released in January this year. The paper is available on the Department’s website and submissions are sought by 31 March 2015.

As part of this move to MPEG-4 broadcasting, the Minister will be writing to the ACMA requesting that it reconsider the continuing relevance of the licence condition preventing self-help providers from transmitting services with this compression standard. Should the ACMA decide to lift the restriction, it would then be open to Councils in the LGANT to seek authorisation from the ACMA to retransmit VAST services in MPEG-4.

If the restriction is removed and Councils decide to provide self-help services in MPEG-4, they should be aware that notwithstanding the estimated high penetration rates some digital television and set-top boxes in their local area may not be able to receive services using this compression standard. This may be particularly the case with secondary receivers which are usually located in places such as bedrooms. Given this situation, Councils may wish to advise viewers in advance of any new services being established that in order to receive them they will require receivers that are MPEG-4 compliant. Viewers with older digital televisions or set-top boxes may need to purchase new receivers if they want to access the self-help services.

Costings

It is unclear whether the cost estimate in your letter of \$50,000 per site to retransmit digital television services using MPEG-4 was provided by a qualified installer and, if so, that it would result in arrangements that meet the technical specifications required by the ACMA. If this is not the case, you may wish to advise Councils to contact a qualified installer to discuss retransmission equipment and the installation options available to them. Before agreeing on a cost, it would be important to be sure that the option selected will provide viewers with the full functionality of the VAST services, including the regional news services for the Northern Territory.

I also note your letter indicated that, if MPEG-4 was not used, the cost estimate would double due to the need to pay for converters. This assumption should be checked with a qualified installer as some form of conversion may still be required to terrestrially retransmit in MPEG-4 and DVB-T content sourced from a satellite which uses MPEG-4 and DVB-S.

Thank you for bringing your concerns to the Minister's attention. I trust this information will be of assistance.

Yours sincerely



Brian Kelleher
Assistant Secretary
Spectrum

30 January 2015