



## **2<sup>ND</sup> ORDINARY COUNCIL MEETING**

### **NOTICE OF MEETING**

**TUESDAY, 18 SEPTEMBER 2018**

The Ordinary Meeting of the City of Palmerston will be held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, commencing at 5.30pm.



**LUCCIO CERCARELLI**  
**CHIEF EXECUTIVE OFFICER**

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## 2nd Ordinary Council Meeting

### 1 ACKNOWLEDGEMENT OF COUNTRY

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### 2 OPENING OF MEETING

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### 3 APOLOGIES AND LEAVE OF ABSENCE

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- 3.1 Apologies
- 3.2 Leave of Absence Previously Granted
- 3.3 Leave of Absence Request

### 4 REQUEST FOR TELECONFERENCE

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### 5 DECLARATION OF INTEREST

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- 5.1 Elected Members
- 5.2 Staff

### 6 CONFIRMATION OF MINUTES

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#### 6.1 Confirmation of Minutes

THAT the Minutes of its Council Meeting held on 4 September 2018 pages 9544 to 9551 be confirmed.

#### 6.2 Business Arising from Previous Meeting

### 7 MAYORAL REPORT

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### 8 DEPUTATIONS AND PRESENTATIONS

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### 9 PUBLIC QUESTION TIME (WRITTEN SUBMISSIONS)

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### 10 CONFIDENTIAL ITEMS

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- 10.1 Confidential Items
- 10.2 Moving Open Items into Confidential
- 10.3 Moving Confidential Items into Open

### 11 PETITIONS

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### 12 NOTICES OF MOTION

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### 13 OFFICER REPORTS

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#### 13.1 Receive and Note Reports

- |        |   |        |
|--------|---|--------|
| 13.1.1 | Financial Report for the Month of August 2018 | 9/0089 |
| 13.1.2 | Community Benefit Scheme August Update        | 9/0080 |



## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.1.1

**REPORT TITLE:** Financial Report for the Month of August 2018

**REPORT NUMBER:** 9/0089

**MEETING DATE:** 18 September 2018

**Author:** Finance Manager, Shane Nankivell

**Approver:** Director of Corporate Services, Chris Kelly

### PURPOSE

The purpose of this report is to present to Council the Financial Report for the Month of August 2018.

### Municipal Plan:

#### 4. Governance & Organisation

##### 4.1 Responsibility

- 4.1 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.

### KEY ISSUES

- Rates and Annual Charges for 2018/19 have been levied in August 2018.
- Purchase orders for forward ongoing contracts are raised at the beginning of each financial year.
- Council has approved an internal and external loan totalling \$5.675 million. Details of these loans will be included in the attached Financial Report when then loans are drawn upon.

### RECOMMENDATION

THAT Report Number 9/0089 entitled Financial Report for the Month of August 2018 be received and noted.

### BACKGROUND

At the 2<sup>nd</sup> Ordinary Council Meeting of 21 August 2018 Council made the following decision:

**13.1.1**     *Financial Report for the Month of July 2018* 9/0072

*THAT Report Number 9/0072 entitled Financial Report for the Month of July 2018 be received and noted.*

**CARRIED 9/0228 – 21/08/2018**

## **DISCUSSION**

In accordance with Section 18 of the *Local Government (Accounting) Regulations* finance officers have prepared the previous month's financial report.

### Operating Income

- Total Operating Income is at 85% of the current budget.
- Rates and Annual Charges for 2018/19 were levied in August, showing as 97% of budget.
- User Fees & Charges are currently at 31% of the year. This figure is inclusive of dog registrations, CBD parking including annual parking permits, and facility hire.
- Subdivisional works are showing at 189%, this relates to predominately the Zuccoli development and the budget will be adjusted at the First Quarter Budget Review 2018/19

### Operating Expenditure

- Total Operating Expenditure is at 26% of the budget.
- Purchase orders are raised for ongoing contracts at the start of the financial year, these commitments are represented in the YTD Committed column, as these expenses occur they transfer into the YTD Actuals column.

### Capital Income

Capital Income is currently 2%. Council is expecting to receive \$10 million in gifted assets from developments, such as roads, parks and other infrastructure assets. These assets will pass to City of Palmerston once the development work is finalised throughout the financial year.

Council is expecting to receive capital grants and contributions to the value of \$728,410, currently 22% to the value of \$160,073 has been received.

### Capital Expenditure

Overall Capital Expenditure is showing at 9% for the year. Additional capital budget from the approved capital roll-overs will be processed in conjunction with the First Quarter Budget Review 2018/19.

### Loans

Council has approved an internal loan for \$3.675 million dollars to fund an accelerated smart LED public and street lighting project and an external loan for \$2 million to fund the final stage of remediation works at the previous Archer Landfill site. Currently these loans have not been drawn upon, when they are drawn down details of these loans will be provided in the accompanying Finance Report.

## **CONSULTATION PROCESS**

There was no consultation required for this report.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **BUDGET AND RESOURCE IMPLICATIONS**

Budget and resource implications as outlined in the body of the report.

*A Place for People*

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

The *Local Government (Accounting) Regulations* prescribes that:

### **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;
  - b. The forecast income and expenditure for the whole of the financial year.
2. The report must include:
  - a. Details of all cash investments held by the Council (including any money held in trust);
  - b. A statement of the debts owed to the Council including aggregate amount owed under each category with a general indication of the age of the debts;
  - c. Other information required by the Council.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

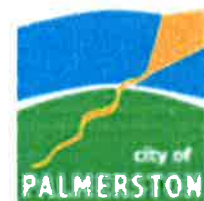
## **ATTACHMENTS**

**Attachment A:** Financial Management Report – August 2018

# Financial Management Reports

August 2018

- ❖ 1. Executive Summary
- ❖ 2. Financial Results



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August 2018

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2.4 Debtor Control Accounts

2.5 Financial Indicators

2.6 Creditor Accounts Paid

2.7 Creditor Accounts Outstanding

2.8 Waste Charges

2.9 Commercial Leases

## Section 2

### Financial Results

31 August 2018

### 1.1 - Executive Summary as at

% of year passed

17%

Results	Revised Budget 2018 \$	YTD Actual \$	YTD Committed \$	Budget Forecast \$	% Utilised
<b>Operating Income</b>					
Rates & Annual Charges	27,687,085	26,824,708	0	27,687,085	97%
Statutory Charges	166,500	22,781	0	166,500	14%
User Charges & Fees	1,432,240	439,632	0	1,432,240	31%
Interest & Investment Revenue	963,160	202,272	0	963,160	21%
Reimbursements	0	0	0	0	0%
Other Income	1,500	1,237	0	1,500	82%
Grants, Subsidies & Contributions	2,283,044	218,704	0	2,283,044	10%
<b>Operating Income</b>	<b>32,533,529</b>	<b>27,709,334</b>	<b>0</b>	<b>32,533,529</b>	<b>85%</b>
<b>Operating Expenditure</b>					
Employee Costs	-8,671,994	-1,056,485	-5,862	-8,671,994	12%
Professional Services	-1,472,067	-228,323	-424,692	-1,472,067	44%
Auditor's Remuneration	-35,000	18,000	0	-35,000	-51%
Operating Lease Rentals	-217,300	-26,174	-62,362	-217,300	41%
Energy	-1,373,387	-121,384	0	-1,373,387	9%
Materials & Contractors	-11,759,215	-548,528	-5,302,738	-11,759,215	50%
Depreciation, Amortisation & Impairment	-11,500,000	-1,916,666	0	-11,500,000	17%
Elected Members Expenses	-361,287	-25,257	0	-361,287	7%
Legal Expenses	-220,000	-15,451	0	-220,000	7%
Water Charges	-1,388,759	-4,305	0	-1,388,759	0%
Telephone & Other Communication Charges	-226,000	-33,401	-52,746	-226,000	38%
Community Grants	-100,000	-5,100	-53,000	-100,000	58%
Other Expenses	-2,543,933	-492,265	-228,886	-2,543,933	28%
Borrowing Costs	-92,200	0	0	-92,200	0%
<b>Operating Expenditure</b>	<b>-39,961,142</b>	<b>-4,455,339</b>	<b>-6,130,286</b>	<b>-39,961,142</b>	<b>26%</b>
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>-7,427,613</b>	<b>23,253,996</b>	<b>-6,130,286</b>	<b>-7,427,613</b>	
<b>Capital Income</b>					
Net gain (loss) on disposal or revaluation of assets	0	29,090	0	0	0%
Developer Contributions	400,000	160,073	0	400,000	40%
Asset Income	10,000,000	0	0	10,000,000	0%
Grants received	328,410	0	0	328,410	0%
<b>Capital Income</b>	<b>10,728,410</b>	<b>189,163</b>	<b>0</b>	<b>10,728,410</b>	<b>2%</b>
<b>Net SURPLUS / (DEFICIT) transferred to Equity Statement</b>	<b>3,300,797</b>	<b>23,443,158</b>	<b>-6,130,286</b>	<b>3,300,797</b>	
<b>Capital Expenditure</b>					
Land Purchase	0	0	0	0	0%
Asset Purchase	-945,000	-91,792	-157,706	-945,000	26%
Asset Upgrade	-5,075,638	-26,581	-239,106	-5,075,638	5%
<b>Capital Expenditure</b>	<b>-6,020,638</b>	<b>-118,373</b>	<b>-396,812</b>	<b>-6,020,638</b>	<b>9%</b>
Less Non-Cash Expenditure	-11,500,000	-1,916,666	0	-11,500,000	17%
Plus Gifted Assets	10,000,000	0	0	10,000,000	0%
<b>NET CAPITAL SURPLUS/(DEFICIT)</b>	<b>-1,219,841</b>	<b>25,241,452</b>	<b>-6,527,099</b>	<b>-1,219,841</b>	
Borrowings	2,000,000	0	0	2,000,000	0%
Repayment of Borrowings	-208,814	0	0	-208,814	0%
Reserve Movement	-571,345	0	0	-571,345	0%
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>0</b>	<b>25,241,452</b>	<b>-6,527,099</b>	<b>0</b>	

Reviewed by: Finance Manager

Approved by: Director of Corporate Services

## Financial Results

### 2.1 - Budget Summary Report as at

31 August 2018

% of year passed

17%

#### Operating Income

	Revised Budget \$	YTD Actuals \$	%
<b>Governance</b>			
Office of the CEO	747,293	102,997	13.78%
<b>Governance</b>	<b>747,293</b>	<b>102,997</b>	<b>13.78%</b>
<b>Corporate Services</b>			
Financial Services	400,000	74,813	18.70%
Office of the Director Corporate Services	0	14,765	0.00%
Rates	21,074,794	19,885,363	94.36%
<b>Corporate Services</b>	<b>21,474,794</b>	<b>19,974,941</b>	<b>93.02%</b>
<b>Community Services</b>			
Arts & Culture	10,000	0	0.00%
Community Development	18,000	0	0.00%
Events Promotion	1,500	0	0.00%
Library Services	710,696	20,318	2.86%
Senior Citizens	1,500	1,500	100.00%
Youth Services	24,000	0	0.00%
<b>Community Services</b>	<b>765,696</b>	<b>21,818</b>	<b>2.85%</b>
<b>Technical Services</b>			
Animal Management	336,000	186,268	55.44%
Aquatic Centre	77,280	12,882	16.67%
Civic Centre	161,280	35,355	21.92%
Driver Resource Centre	10,000	1,127	11.27%
Gray Community Hall	16,800	1,932	11.50%
Office of the Director Technical Services	23,000	55	0.24%
Parking & Other Ranger Services	144,500	12,290	8.51%
Private Works	120,000	19,265	16.05%
Recreation Centre	120,000	25,304	21.09%
Roads & Transport	898,995	114,207	12.70%
Stormwater Infrastructure	0	1,120	0.00%
Subdivisional Works	100,000	29,464	29.46%
Waste Management	6,759,791	6,957,628	102.93%
Odegaard Drive Investment Property	446,160	111,540	25.00%
Durack Heights Community Centre	1,940	0	0.00%
CBD Car Parking	330,000	101,420	30.73%
<b>Technical Services</b>	<b>9,545,746</b>	<b>7,609,856</b>	<b>79.72%</b>
	<b>32,533,529</b>	<b>27,709,612</b>	<b>85.17%</b>

## Section 2

## Financial Results

31 August 2018

## 2.1 - Budget Summary Report as at

% of year passed

17%

## Capital Income

	Revised Budget \$	YTD Actuals \$	%
<b>Corporate Services</b>			
Office of the Director Corporate Services	0	29,090	0.00%
<b>Corporate Services</b>	<b>0</b>	<b>29,090</b>	<b>0.00%</b>
<b>Technical Services</b>			
Office of the Director Technical Services	65,000	0	0.00%
Roads & Transport	263,410	0	0.00%
Subdivisional Works	10,400,000	160,073	1.54%
<b>Technical Services</b>	<b>10,728,410</b>	<b>160,073</b>	<b>1.49%</b>
	<b>10,728,410</b>	<b>189,163</b>	<b>1.76%</b>



## Section 2 Financial Results

### 2.1 - Budget Summary Report as at

31 August 2018

% of year passed

17%

#### Operating Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
<b>Governance</b>					
Elected Members	-485,796	-33,857	-720	-34,577	7.12%
Office of the CEO	-705,758	-141,972	0	-141,972	20.12%
<b>Governance</b>	<b>-1,191,554</b>	<b>-175,829</b>	<b>-720</b>	<b>-176,549</b>	<b>14.82%</b>
<b>Corporate Services</b>					
Customer Services	-230,765	-29,003	0	-29,003	12.57%
Financial Services	-1,428,966	-133,026	-16,800	-149,826	10.48%
Human Resources	-435,946	-60,575	0	-60,575	13.90%
Information Technology	-1,151,564	-157,455	-206,797	-364,252	31.63%
Office of the Director Corporate Services	-12,250,898	-1,973,403	-70	-1,973,473	16.11%
Public Relations and Communications	-398,860	-45,204	-42,560	-87,764	22.00%
Rates	-339,500	-265,907	0	-265,907	78.32%
Records Management	-261,716	-29,636	-57,467	-87,103	33.28%
<b>Corporate Services</b>	<b>-16,498,215</b>	<b>-2,694,209</b>	<b>-323,695</b>	<b>-3,017,903</b>	<b>18.29%</b>
<b>Community Services</b>					
Arts & Culture	-117,500	-20,069	-1,362	-21,431	18.24%
Community Development	-990,063	-104,968	-56,479	-161,447	16.31%
Disabled Services	-6,000	0	0	0	0.00%
Events Promotion	-272,000	-38,786	-6,336	-45,121	16.59%
Families & Children	-31,100	-1,092	-2,054	-3,146	10.12%
Health and Wellbeing Services	-52,500	-4,956	-7,383	-12,339	23.50%
Library Services	-1,647,054	-160,574	-38,258	-198,832	12.07%
Senior Citizens	-6,500	-1,775	-173	-1,948	29.97%
Youth Services	-43,500	-200	-600	-800	1.84%
Office of the Director Community Services	-321,973	-46,482	-15,177	-61,659	19.15%
<b>Community Services</b>	<b>-3,488,190</b>	<b>-378,902</b>	<b>-127,820</b>	<b>-506,722</b>	<b>14.53%</b>
<b>Technical Services</b>					
Animal Management	-110,330	-10,684	-980	-11,664	10.57%
Aquatic Centre	-685,281	-40,387	-285,946	-326,333	47.62%
Archer Sports Club	-7,334	-47	0	-47	0.64%
Civic Centre	-381,470	-40,498	-27,336	-67,834	17.78%
Depot	-70,383	-9,635	-3,686	-13,321	18.93%
Driver Resource Centre	-31,685	-3,117	-1,176	-4,293	13.55%
Emergency Operations	-10,000	-56,314	-13,410	-69,724	697.24%
Gray Community Hall	-71,847	-4,709	-6,860	-11,568	16.10%
Office of the Director Technical Services	-1,104,440	-169,878	-34,764	-204,642	18.53%
Open Space	-4,817,592	-286,645	-298,746	-585,391	12.15%
Parking & Other Ranger Services	-743,456	-104,421	-2,777	-107,198	14.42%
Plant & Equipment	-27,619	-1,179	-4,490	-5,670	20.53%
Private Works	-91,522	-12,092	0	-12,092	13.21%
Recreation Centre	-244,103	-28,583	-31,911	-60,494	24.78%
Roads & Transport	-2,208,673	-146,303	-96,198	-242,501	10.98%
Stormwater Infrastructure	-295,000	-34,022	-2,220	-36,242	12.29%
Street Lighting	-1,270,000	-176,173	-94,509	-270,682	21.31%
Subdivisional Works	0	-27	0	-27	0.00%
Waste Management	-6,261,322	-32,325	-4,675,836	-4,708,161	75.19%
Odegaard Drive Investment Property	-130,346	-24,966	-32	-24,999	19.18%
Durack Heights Community Centre	-23,120	-1,849	-3,699	-5,548	24.00%
CBD Car Parking	-133,300	-19,821	-91,960	-111,781	83.86%
Goyder Square	-64,360	-950	-917	-1,867	2.90%
<b>Technical Services</b>	<b>-18,783,184</b>	<b>-1,204,627</b>	<b>-5,677,452</b>	<b>-6,882,079</b>	<b>36.64%</b>
	<b>-39,961,142</b>	<b>-4,453,567</b>	<b>-6,129,686</b>	<b>-10,583,253</b>	<b>26.48%</b>

## Section 2

### Financial Results

31 August 2018

### 2.1 - Budget Summary Report as at

% of year passed

17%

#### Capital Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
<b>Corporate Services</b>					
Information Technology	-50,000	-24,912	-889	-25,801	51.60%
Office of the Director Corporate Services	-245,000	-31,963	-34,094	-66,057	26.96%
<b>Corporate Services</b>	<b>-295,000</b>	<b>-56,875</b>	<b>-34,984</b>	<b>-91,858</b>	<b>31.14%</b>
<b>Technical Services</b>					
Aquatic Centre	-110,000	0	0	0	0.00%
Civic Centre	-15,000	0	0	0	0.00%
Depot	-30,000	0	0	0	0.00%
Driver Resource Centre	-14,000	0	0	0	0.00%
Office of the Director Technical Services	-200,000	-509	-109,954	-110,463	55.23%
Open Space	-1,429,000	-16,741	-77,599	-94,340	6.60%
Recreation Centre	-53,000	0	0	0	0.00%
Roads & Transport	-1,474,638	0	-45,973	-45,973	3.12%
Stormwater Infrastructure	-100,000	0	0	0	0.00%
Subdivisional Works	-300,000	-34,408	-11,650	-46,058	15.35%
Waste Management	-2,000,000	-9,840	-116,653	-126,493	6.32%
<b>Technical Services</b>	<b>-5,725,638</b>	<b>-61,498</b>	<b>-361,829</b>	<b>-423,326</b>	<b>7.39%</b>
	<b>-6,020,638</b>	<b>-118,373</b>	<b>-396,812</b>	<b>-515,185</b>	<b>8.56%</b>

## Section 2

### Financial Results

#### 2.2 Reserves Schedule

	Balance as at 01/07/2018	Original Budget \$	TO RESERVES Budget Reviews				Adopted Budget \$	Original Budget \$	FROM RESERVES Budget Review				Adopted Budget \$	Balance as at 30/06/2019
			1st Review \$	2nd Review \$	3rd Review \$				1st Review \$	2nd Review \$	3rd Review \$			
<b>Externally Restricted Reserves</b>														
Unexpended Grants Reserve	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Developer Funds in Lieu of Construction	4,919,920	400,000	0	0	0	400,000	300,000	0	0	0	0	300,000	5,019,920	
	<b>4,919,920</b>	<b>400,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>400,000</b>	<b>300,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>300,000</b>	<b>5,019,920</b>	
<b>Internally Restricted Reserves</b>														
Election Expenses Reserve	0	100,000	0	0	0	100,000	0	0	0	0	0	0	100,000	
Disaster Recovery Reserve	0	0	0	0	0	0	0	0	0	0	0	0	0	
Strategic Initiatives Reserve	160,000	0	0	0	0	0	100,000	0	0	0	0	100,000	60,000	
Unexpended Capital Works Reserve	0	0	0	0	0	0	0	0	0	0	0	0	0	
Property Reserve	922,104	0	0	0	0	0	0	0	0	0	0	0	922,104	
Plant and Equipment Reserve	271,632	0	0	0	0	0	0	0	0	0	0	0	271,632	
Infrastructure Reserve	3,188,610	211,690	0	0	0	211,690	0	0	0	0	0	0	3,400,300	
Community Grants Reserve	100,000	0	0	0	0	0	30,000	0	0	0	0	30,000	70,000	
Waste Management Reserve	18,446	2,289,655	0	0	0	2,289,655	2,000,000	0	0	0	0	2,000,000	308,101	
Streetlighting Reserve	311,063	0	0	0	0	0	0	0	0	0	0	0	311,063	
City Centre Improvement Reserve	127,210	0	0	0	0	0	0	0	0	0	0	0	127,210	
	<b>5,099,065</b>	<b>2,601,345</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,601,345</b>	<b>2,130,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,130,000</b>	<b>5,570,410</b>	
<b>Total Reserve Funds*</b>	<b>10,018,985</b>	<b>3,001,345</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,001,345</b>	<b>2,430,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,430,000</b>	<b>10,590,330</b>	

\* Opening balance of reserves will change once the annual financial statements are finalised.

Reviewed by: Finance Manager

Approved by: Director of Corporate Services

## Section 2 Financial Results

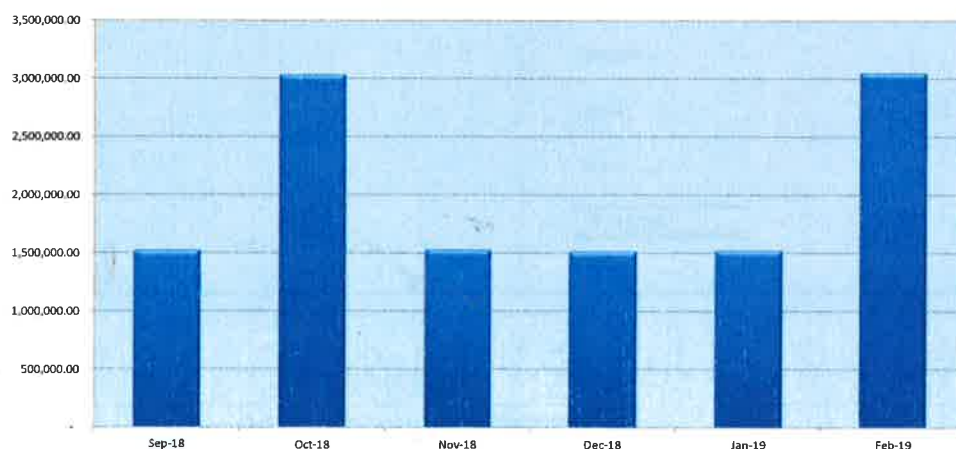
### 2.3 Investments Management Report

#### INVESTMENTS REPORT TO COUNCIL AS AT 31/08/2018

COUNTERPARTY	RATING	AMOUNT	INTEREST RATE	MATURITY DATE	DAYS TO MATURITY	INSTITUTION TOTALS	%COUNTER PARTY
People's Choice Credit Union	S&P A2	\$ 6.79	0.00%			\$ 6.79	0.00%
AMP	S&P A1	\$ 1,500,000.00	2.65%	November 7, 2018	68		
AMP	S&P A1	\$ 1,500,000.00	2.65%	October 10, 2018	40		
AMP	S&P A1	\$ 1,500,000.00	2.85%	February 27, 2019	180	\$ 4,500,000.00	37.00%
Bank of Queensland	S&P A2	\$ 1,500,000.00	2.73%	February 13, 2019	166	\$ 1,500,000.00	12.33%
Bank Australia	S&P A2	\$ 1,500,000.00	2.95%	January 2, 2019	124	\$ 1,500,000.00	12.33%
Bendigo & Adelaide Bank	S&P A2	\$ 1,500,000.00	2.70%	September 12, 2018	12	\$ 1,500,000.00	12.33%
National Australia Bank	S&P A1+	\$ 7,497.62	1.55%				
National Australia Bank	S&P A1+	\$ 153,982.92	1.55%				
National Australia Bank	S&P A1+	\$ 1,500,000.00	2.73%	October 24, 2018	54		
National Australia Bank	S&P A1+	\$ 1,500,000.00	2.67%	December 19, 2018	110	\$ 3,161,480.54	26.00%

<b>TOTAL SHORT TERM INVESTMENT</b>	<b>\$ 12,161,487.33</b>	<b>Average Days to Maturity</b>	<b>94.00</b>
<b>% OF TOTAL INVESTMENT PORTFOLIO</b>	<b>A1 (max 100%) 62%</b>	<b>A2/P2 (max 80%) 38%</b>	<b>A3 (max 50%) 0%</b>
<b>Weighted Average Rate</b>	<b>2.73%</b>	<b>BBSW 90 Day Rate Benchmark</b>	<b>1.95%</b>
<b>GENERAL BANK FUNDS</b>	<b>\$ 7,966,203.94</b>	<b>Total Budget Investment Earnings</b>	<b>-\$ 400,000.00</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 20,127,691.27</b>	<b>Year to Date Investment Earnings</b>	<b>-\$ 62,358.54</b>

Cashflow of Investments



#### PROPERTY INVESTMENT

PROPERTY ADDRESS	VALUATION BASIS	VALUE	INCOME YTD	EXPENSE YTD	NET PROFIT YTD	COMPARATIVE YTD YIELD AT CASH RATE OF 3%
48 Odegaard Drive, Rosebery	Fair Value	\$ 6,935,502	\$ 111,540	\$ 27,071	\$ 84,469	\$ 34,773

Reviewed by: Finance Manager

Approved by: Director Corporate Services

## Section 2

### Financial Results

31 August 2018

#### 2.4 Debtor Control Accounts

SUNDRY DEBTORS:						
	BALANCE	CURRENT	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS
	34,377.01	15,765.85	2,010.47	3,552.69	2,013.59	11,034.41

RATES:						
REPORT MONTH	OVERDUE \$	OVERDUE % OF RATES INCOME				
Aug-18	\$704,918	2.53%				
Aug-17	\$584,487	2.15%				
TOTAL OVERDUE \$	Charged in 2018/2019	Charged in 2017/2018	Charged in 2016/2017	Charged in 2015/2016	Charged Prior to 2015/2016	
\$704,918	\$15,891	\$502,325	\$138,096	\$37,703	\$10,903	

INFRINGEMENTS:		\$
Animal Infringements		116,499.44
Public Places		10,033.00
Parking Infringements		159,973.71
Litter Infringements		875.00
Signs		0.00
Other Law and Order		0.00
Net Balance on Infringement Debts		<u>287,381.15</u>



Reviewed by: Finance Manager



Approved by: Director Corporate Services

## Section 2

### Financial Results

#### 2.5 - Financial Indicators

	Target	2019	2018	2017	2016	2015
<b>Operating Surplus Ratio</b>						
Total Operating Surplus/Deficit	0.00%	-22.83%	-26.12%	-5.16%	-39.40%	-20.18%
Total Operating Income						
This indicator shows the extent to which operational expenses are covered by operational income, and if in surplus, how much is available to use for other purposes such as capital expenses. This has been calculated from the forecast budget.						
<b>Debt Service Ratio</b>						
Net Debt Service Cost	<5%	0:00%	0:00%	0:00%	0:00%	0:00%
Operating Revenue						
A Council's debt service ratio shows Council's debts (principal + interest) in relation to Council's income. Palmerston currently has no loans payable, and therefore the debt ratio is 0:0						
<b>Rate Coverage Percentage</b>						
Rate Revenues	60%-75%	64.33%	61.38%	59.25%	60.02%	61.53%
Total Revenues						
This indicator shows the percentage of total revenue raised through rates income.						
<b>Rates &amp; Annual Charges Outstanding Percentage</b>						
Rates & Annual Charges Outstanding	<5%	89.65%	3.47%	3.57%	3.16%	3.47%
Rates & Annual Charges Collectible						
This percentage shows Council's total rates outstanding against rates payable to Council in this financial year. The rate will decrease as instalment dates pass.						



## SECTION 2



## Financial Results

2.6 - Creditor Accounts Paid		August 2018
Creditor No.	Creditor Name	Amount \$
4640	Bank of Queensland	1,500,000.00
5023	National Australia Bank	1,500,000.00
V00295	Jacana Energy	190,626.13
2	Australian Taxation Office - PAYG	131,466.00
V00318	StatewideSuper Clearing House	131,280.93
938	Nightcliff Electrical	88,904.97
5104	JLM Civil Works Pty Ltd	86,225.20
1607	Sterling NT Pty Ltd	78,873.14
798	YMCA of the Northern Territory	56,707.93
4816	CS Services NT	52,789.00
712	Paradise Landscaping (NT) Pty Ltd	43,610.51
V00773	Akron Group NT Pty Ltd	35,892.30
V01596	Darwin Honda	34,990.00
2977	Security & Technology Services P/L	28,675.72
V00476	Water Dynamics (NT) Pty Limited	24,966.05
3683	Area9 IT Solutions	19,545.28
V00582	Ezko Property Services (Aust) Pty Ltd	18,864.69
54	Powerwater	16,879.11
4660	Assetic Australia Pty Ltd	13,750.00
V01540	Reg Bobcat Hire	11,000.00
2161	GHD Pty Ltd	10,823.84
V01593	Mercer Consulting (Australia) Pty Ltd	10,648.00
3971	Pipeline Renovations Pty Ltd trading as RenoFLO	10,382.35
5508	Open Systems Technology Pty Ltd - CouncilFirst	10,083.70
1469	RTM - Police, Fire and Emergency	9,966.00
V01009	Australian Parking and Revenue Control Pty Limited	9,134.36
V00599	Athina Pascoe-Bell	8,980.58
47	Telstra Corporation Ltd	8,896.99
V00101	Bellamack Pty Ltd	8,820.00
V00855	ESRI Australia	8,019.00
V00315	HWL Ebsworth Lawyers	6,771.55
26	Viva Energy Australia Ltd	6,572.92
V01602	Humpty Doo Trees	6,430.00
V00653	McGees Property (NT)	6,240.60
5526	Wallbridge & Gilbert	6,040.10
V00193	Amcom Pty Ltd	5,988.14
5615	EcOz Environmental Consulting	5,872.74
3438	NT Shade & Canvas Pty Ltd	5,804.14
V00682	Leigh Dyson Plumbing	5,765.10
5	Australia Post	5,441.87
V01592	Sage Constructions Pty Ltd	5,420.25
4320	Elton Consulting	5,230.50
87	Industrial Power Sweeping Services Pty	5,126.94
V01694	NT Advertising and Distribution	5,060.00
48	Top End Line Markers Pty Ltd	4,999.50
V01079	CAP22 Services Pty Ltd	4,906.89
256	The Bookshop Darwin	4,893.11
V00271	Fuji Xerox Business Centre NT	4,865.82
V00860	Costojic Pty Ltd	4,760.00
V00592	Dreamedia	4,634.40
V00278	Executive Assistant Network	4,400.00
V01494	Paul Maher Solicitors	4,070.00
4561	Bendesigns	3,899.28
350	IBM Global Financing Australia Limited	3,747.07
V01615	Autopia Management Pty Limited	3,729.12
4336	Wavesound Pty Ltd	3,540.90

Creditor No.	Creditor Name	Amount \$
2587	Top End RACE	3,268.78
V01586	RSEA Safety Pty Ltd	3,149.14
V01579	Damian Hale	3,096.75
V01706	Grand Touring-Wynyard Bus Lines Pty Ltd	3,000.00
V01735	Anna Daye	3,000.00
V01118	Wilson Security Pty Ltd	2,989.36
V01149	MKEA Architects P/L	2,947.90
2124	Food'll Do Catering Darwin (Grinners Catering)	2,765.00
4065	Southern Cross Protection Pty Ltd	2,749.97
4678	Allabout Party Hire & Events - Darwin Party Hire	2,680.00
185	Bridge Toyota	2,650.95
V00368	iWater NT	2,553.10
5131	Core Traffic Control Pty Ltd	2,535.50
274	CSG Business Solutions (NT) Pty Ltd	2,457.84
V00200	Hidden Valley Ford (Red Earth Automotive P/L)	2,457.20
V01728	Informa Australia Pty Ltd	2,414.50
V00495	RTM - NT Pensioner & Carer Concession Scheme	2,322.50
V01570	Sarah Louise Henderson	2,196.55
V01573	Amber Garden	2,196.55
272	City Wreckers	2,156.00
2186	Optus Billing Services Pty Ltd	2,068.00
V01717	Alawa Plumbing Pty Ltd	2,000.00
V01741	Northern Territory Mental Health Coalition	2,000.00
238	The Australian Local Government Job Directory	1,958.00
V00878	Lane Bros Printers Pty Ltd	1,949.20
V01274	Darwin Production Services	1,922.50
V01569	Benjamin Giesecke	1,896.55
V01571	Michael Spick	1,896.55
V01572	Lucy Buhr	1,896.55
V01574	Dr Thomas A Lewis OAM	1,896.55
1502	Figleaf Pool Products	1,824.10
53	Eggins Electrical	1,760.00
5651	Minter Ellison Lawyers	1,732.50
V01345	GreenTec Pty Ltd	1,727.00
V01703	Cazalys Brasserie - Jobize Pty Ltd	1,667.50
3313	Zip Print	1,633.50
3099	Iron Mountain Australia Pty Ltd	1,571.72
2336	Flick Anticimex Pty Ltd	1,551.32
V01234	Mulga Security	1,542.75
V01614	The Governors	1,500.00
4007	Ark Animal Hospital Pty Ltd	1,466.48
V00939	Defend Fire Services Pty Ltd	1,351.46
V01693	Bremner Brogan	1,332.10
V00250	Ward Keller	1,325.50
V00792	Annemarie Lloyd	1,320.00
V01584	Salary Packaging Australia	1,290.38
V00902	Coles Motors	1,242.00
5122	NT Electrical Group	1,177.00
2917	Special Children's Christmas Party	1,100.00
3098	Roadshow Films Pty Ltd	1,100.00
421	Palmerston 50+ Club	1,000.00
V01724	Glen Delaney	1,000.00
4825	OracleCMS	980.71
V01691	Blackwoods	950.91
4679	iSentia Pty Ltd	949.74
V01612	News Corp Australia	923.14
V00374	Shred-it Australia Pty Ltd	916.54
V00327	Tammy's Fitness Training	900.00
V01256	Melanie Gray	900.00
846	Nationwide News NT Division	859.50
4221	Institute of Public Works Engineering - IPWEA	814.00



Creditor No.	Creditor Name	Amount \$
5007	Goldfishbowl Swim School	800.00
V01697	Roussos Legal Advisory	772.20
5085	Xavier Beaubois & Troy Moore T/a Amazing Drumming	770.00
V00789	Green Plum Tai Chi	720.00
4883	Creative Light Studios - Shane Eecen	704.00
V01656	TAFE Queensland North	699.00
V01420	CENTRELINK (PAYROLL)	685.92
5036	Dormakaba Aust P/L T/as Territory Door Services	665.50
V00073	Off the Leash	660.00
V00917	AD & MM Gepp	650.00
V01106	Darwin Toilet Hire	594.00
4528	Miranda's Armed Security Officers Pty	574.20
V00166	Diamond International Events T/A Trina's Catering	555.50
V00157	McArthur Management Services (Vic) P/L	550.00
V01483	OfficeMax	540.50
V01452	CrossFit Palmerston	500.00
V01682	The Potato Man - Shelly Wong	500.00
V01704	D G & M J Hewitt	500.00
V00943	Northern Territory Pest and Weed Control	484.00
4731	Yeni Redding	480.00
V01690	NT Lumberjacks	460.00
4871	Reface Industries	440.35
V01609	NT Recycling Solutions Pty Ltd - (NTRS)	436.90
V01272	Storytime Pods Pty Ltd	403.04
V00873	Australia Day Council of SA	403.00
2505	Public Libraries Australia Ltd	395.00
4398	Quality Indoor Plants Hire	386.63
V00542	Industry Health Solutions	380.00
V01624	Karuna Yoga and Wellness	360.00
3829	Fairy Jill's Enchanted Entertainment	352.00
4891	CH Pty Limited T/a Piperight Services	337.70
2557	The Lifestyle Studio	330.00
435	Palmerston Regional Business Assoc	330.00
V01645	Darwin Nutrition & Dietetics Clinic	330.00
V01742	Limbole Lea Mungbando	325.00
4737	D & L Plumbing & Gasfitting	320.00
V01604	Fitness is Within	300.00
V01687	Jay Hribar	300.00
V01719	Roy Mackonkey - The Roy Boys (Darryl Barba)	300.00
V01730	Jaala Pearson	300.00
V00952	Geoffrey Boyton	270.00
V00534	Church of Christ - Razelyn Laurente	250.00
V01686	Mitchell Raby	250.00
V01725	Hale Wilson - Passion of the Pacific	250.00
5410	Majestix Media Pty Ltd	242.00
V00306	Charisse Gallagher	233.47
V01558	Malak Seventh Day Adventist Church	225.00
4508	News 4 U	214.60
V00099	Palmerston Lions	200.00
V01499	Shiner Town	200.00
V01685	Shannen Cubis	200.00
V01688	Serina Pech	200.00
V01708	Sams Dance Studio	200.00
4856	Portner Press Pty Ltd	174.00
2236	The Top Ender Tri-Services Magazine Inc	160.00
V01721	Brody Martin	160.00
V01702	Job Media Pty Ltd	158.40
V01714	Ezrah Philpott	150.00
V01720	Emma Rowe	150.00
V01722	Casey Jane Glennon	150.00
3504	Raeco International Pty Ltd	143.76

Creditor No.	Creditor Name	Amount \$
V01695	NT Mobile Auto Electrics and Air-conditioning	137.00
4029	Totally Workwear Palmerston	132.00
V01696	Bianca Cameron	125.00
V01705	Susannah Mumford	125.00
1094	Gray Primary School	100.00
1650	Driver Primary School	100.00
5471	Palmerston Christian School	100.00
853	Woodroffe Primary School	100.00
V01727	Rochelle Bowser	100.00
V01743	Elizabeth Hall	100.00
3428	Bunnings Group Limited	99.34
V01549	We're The Glue Pty Ltd	99.22
V01739	Carmen Greiner	86.00
5568	Mr E F Gojar	79.99
5611	Steelmanns Tools and Industrial Supplies	79.00
V01738	Mark Lawlor	76.00
V01554	Meghan Davey	69.98
V00994	Frangipani Farm	60.00
V01707	Cassidy Norris	60.00
V01710	Amelia Vellar	58.50
18	Integrated Land Information System	54.80
V01701	Rodney & Kerry Hayman	52.50
2915	Territory Uniforms	51.80
V01737	Deborah Fairweather	50.00
V01698	Jennifer Harris	45.00
V01699	Melissa Duhig	45.00
V01700	Amanda Milne	45.00
V01713	Shane Dimech	45.00
V01712	Vicki Doevendans	42.00
V01382	Andrew Dudley	10.50
V01711	Kerry Anne Gordon	10.50
		4,433,608.86
 Reviewed by: Finance Manager		
 Approved by: Director of Corporate Services		


## SECTION 2

### Financial Results

2.7 - Creditor Accounts Outstanding		August 2018
Creditor No.	Creditor Name	Amount \$
V00476	Water Dynamics (NT) Pty Limited	16,725.22
5104	JLM Civil Works Pty Ltd	11,782.94
V01716	Bentley McGuinness Media Pty Ltd	10,600.00
V01602	Humpty Doo Trees	9,917.05
V00228	Outback Tree Service	8,712.00
2587	Top End RACE	5,864.23
3438	NT Shade & Canvas Pty Ltd	5,390.00
V00368	iWater NT	4,972.00
4737	D & L Plumbing & Gasfitting	4,859.00
V01079	CAP22 Services Pty Ltd	4,245.16
V01592	Sage Constructions Pty Ltd	3,604.70
4562	NT Repairs and Painting	2,856.70
943	Territory Asset Management Services	2,640.00
48	Top End Line Markers Pty Ltd	2,326.50
3936	Arafura Tree Services and Consulting	2,112.00
3683	Area9 IT Solutions	1,923.88
3099	Iron Mountain Australia Pty Ltd	1,546.18
V00200	Hidden Valley Ford (Red Earth Automotive P/L)	1,526.35
V01483	OfficeMax	1,213.20
V00692	Yellow Rose Cleaning Service	951.00
272	City Wreckers	924.00
256	The Bookshop Darwin	852.19
3313	Zip Print	814.00
3788	HPA Incorporated	780.00
V00443	Top End Hydraulic Services P/L T/A Forecast Machin	721.81
938	Nightcliff Electrical	640.00
65	Metro Mini Bus Pty Ltd	580.00
V01144	Palmerston and Rural Swimming Club	500.00
5272	Greville Fabrication Pty Ltd	495.00
V00939	Defend Fire Services Pty Ltd	462.00
V00773	Akron Group NT Pty Ltd	418.00
35	WINC Australia Pty Limited	360.39
5435	Access Hardware (NT) Pty Ltd	350.13
V01691	Blackwoods	194.35
2017	Signs Plus	192.50
5036	Dormakaba Aust P/L T/as Territory Door Services	176.00
V00943	Northern Territory Pest and Weed Control	165.00
4678	Allabout Party Hire & Events - Darwin Party Hire	160.00
1502	Figleaf Pool Products	154.00
3428	Bunnings Group Limited	141.90
V00026	Coates Hire Operations	103.63
V00902	Coles Motors	100.00

113,053.01


 Reviewed by: Finance Manager


 Approved: Director of Corporate Services

## Section 2

### Financial Results

2.8 - Waste Charges as at 31 August 2018

#### Waste Management

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
<b>Income</b>					
Rates & Charges	6,759,791	6,957,628	-	6,957,628	102.93%
<b>Income</b>	<b>6,759,791</b>	<b>6,957,628</b>	<b>-</b>	<b>6,957,628</b>	<b>102.93%</b>
<b>Expenditure</b>					
Employee Costs	(373,463)	-	-	-	0.00%
Office Administration Expenditure	-	-	(547)	(547)	0.00%
Professional Services	(65,000)	(1,570)	(9,681)	(11,251)	17.31%
Educational Resources	(50,000)	(5,765)	-	(5,765)	11.53%
Utilities	(14,293)	(847)	-	(847)	5.93%
Street Sweeping	(273,000)	(5,679)	(280,066)	(285,745)	104.67%
Litter Collection	(193,515)	(18,068)	(35,730)	(53,798)	27.80%
Domestic Bin Collection	(2,548,756)	-	(2,110,812)	(2,110,812)	82.82%
Kerb Side Collections	(98,000)	-	(56,529)	(56,529)	57.68%
Tip Recharge Domestic Bin collection	(632,950)	-	(580,636)	(580,636)	91.73%
Transfer Station	(1,595,000)	(396)	(1,336,742)	(1,337,138)	83.83%
Loan Repayments	(92,200)	-	-	-	0.00%
Tip Recharge Transfer Station	(325,145)	-	(265,093)	(265,093)	81.53%
<b>Expenditure</b>	<b>(6,261,322)</b>	<b>(32,325)</b>	<b>(4,675,836)</b>	<b>(4,708,161)</b>	<b>75.19%</b>
<b>Profit/(Loss)</b>	<b>498,469</b>	<b>6,925,303</b>	<b>(4,675,836)</b>	<b>2,249,467</b>	

Expenditures not included in reconciliation are waste related depreciation, overheads and capital works.



Reviewed by: Finance Manager



Approved by: Director of Corporate Services

## Section 2 Financial Results

### 2.9 - Commercial Leases as at Commercial Leases

31 August 2018

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
<b>Income</b>					
Library Services	32,040	7,835	-	7,835	24.45%
Office of the Director Corporate Services	-	14,765	-	14,765	0.00%
Aquatic Centre	77,280	12,882	-	12,882	16.67%
Civic Centre	161,280	35,355	-	35,355	21.92%
<b>Income</b>	<b>270,600</b>	<b>70,837</b>	<b>-</b>	<b>70,837</b>	<b>26.18%</b>
<b>Expenditure</b>					
Office of the Director Corporate Services	-	(4,601)	-	(4,601)	0.00%
Civic Centre	(11,520)	-	-	-	0.00%
<b>Expenditure</b>	<b>(11,520)</b>	<b>(4,601)</b>	<b>-</b>	<b>(4,601)</b>	<b>39.94%</b>
<b>Profit/(Loss)</b>	<b>259,080</b>	<b>66,236</b>	<b>-</b>	<b>66,236</b>	

Library Services includes lease held by Mosko's Market

Aquatic Centre includes the lease held by Tang Soo Do

Civic Centre includes the lease held by Adult Mental Health

Director of Corporate Services includes the leases held by Peter McGrath and Palmerston Re-Engagement Centre

McGees Management Fees charged to Director of Corporate Services each month. The budget will be moved from Civic Centre in a future review

  
 Reviewed by: Finance Manager

  
 Approved by: Director of Corporate Services

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.1.2

**REPORT TITLE:** Community Benefit Scheme August Update

**REPORT NUMBER:** 9/0080

**MEETING DATE:** 18 September 2018

**Author:** Director Community Services, Jan Peters

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

This report provides Council with a summary of the Community Benefit Scheme 2018/2019 Financial Year applications processed to date.

#### Municipal Plan:

4. Governance & Organisation

4.2 Service

4.2 We value and encourage participation in Council activities by the community and are committed to delivering the highest possible levels of service and community engagement.

### KEY ISSUES

- To date Council has provided a total of \$58,100 in grants, donations, sponsorships and scholarship.
- \$71,900 remains unallocated in the 2018/2019 Community Benefit Scheme Program.
- One application is currently in the process of consideration.

### RECOMMENDATION

THAT Report Number 9/0080 entitled Community Benefit Scheme August Update be received and noted.

### BACKGROUND

City of Palmerston commits to setting an annual amount in its budget process dedicated to initiatives that benefit the community. The budget for 2018/2019 for grants, donations, sponsorships and scholarships is \$130,000. Due to the successful distribution of funds to the community, the 2018/2019 Community Benefit Scheme budget rests at \$71,900.

Community Benefit Scheme applications are accepted all year-round and Council promotes the opportunity to apply for funds at every opportunity in monthly advertisements, via the Council website and additionally through networks such as advisory groups. Council Officers explained the funding

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application process to participants of Palmerston Kids Network meeting, 2 August, at the Palmerston Recreation Centre.

Where budgeted funds are not expended during the financial year, excess funds are transferred to the Community Benefit Scheme Reserve, which will be maintained at no greater than \$100,000 annually. The current reserve total is \$70,000.

## **DISCUSSION**

During August Council received two (2) successful grant applications, one from Palmerston 50 Plus Club (\$1,000) to support the 2018 Seniors' Christmas event at Gray Hall and the other from NT Mental Health Coalition, (\$2,000) to assist with an event in Goyder Square.

As part of the Annual School Community Awards, all Palmerston schools (primary, intermediate and secondary) have been offered a \$100 donation, that each may elect to accept. Should all schools accept, then the total funds expended for that purpose will total \$1,500. To date eleven (11) schools have accepted this offer.

An application is from Litchfield/Palmerston Rotary Club for \$4,400 to purchase buddy benches for Palmerston Schools is the subject of a separate report for Council's consideration.

No in-kind funding requests were received by Council this month.

A table listing all successful funding applications and acquittals processed to date during 2018-2019 is provided at **Attachment A**.

Included in the table is expenditure to date and amount of funds remaining in the Grants, Donations, Sponsorships and Scholarships budget for 2018/2019.

## **CONSULTATION PROCESS**

Council will continue to promote this successful program to the Community via various methods. Successful applications will be posted on our website and, where appropriate, media releases undertaken.

## **POLICY IMPLICATIONS**

Policy number FIN18 - Grants, Donations, Sponsorships and Scholarships.

## **BUDGET AND RESOURCE IMPLICATIONS**

The budget for the 2018/2019 year for Grants, Donations, Sponsorships and Scholarships is \$130,000. To date, Council has awarded \$58,100 and \$71,900 remains in the 2018/2019 Community Benefit Scheme budget. It is to be noted that from the remaining \$71,900 Council currently has an application pending that, if successful, may reduce the remaining balance to \$67,500.

The Community Benefit Scheme Reserve contains \$70,000.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There are no risk, legal and legislative implications relating to this report.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

*A Place for People*

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** Applications/Acquittal Processed August 2018



## Applications/Acquittals Processed to Date

## City of Palmerston Community Benefit Scheme Applications Approved as at 31 August 2018

Activity Project	Applicant	Amount Requested	Amount Received	Notes
Aridagawa Sister City Student Exchange Scholarship	Three Palmerston Schools (middle years to secondary)	\$4,000	n/a	2 scholarships offered; waiting on uptake of offers
ANZAC Day Services (3 years)	Returned Soldiers League	\$10,000	\$10,000	Final of 3-year agreement
Touch Football NT Titles	Touch Football NT	\$13,000	\$13,000	Final of 3-year agreement
PGA Championship	Cazaly's Club Palmerston, Palmerston Golf Club	\$30,000	\$30,000	First of 3-year agreement
Special Children's Christmas Party	AM Media (Special Children's Christmas Party)	\$1,000	\$1,000	2018 event
Christmas Bash	Palmerston 50+ Club Inc.	\$1000	\$1000	2018 event
Annual School Community Awards - to date	All Palmerston Schools	\$1,500 in total	\$1,100 to date	Offered annually to all schools; 11 of 15 accepted
Launch Mental health week	NT Mental Health Coalition	\$2000	\$2,000	2018 event
<b>TOTAL</b>			<b>\$58,100</b>	

## Current Community Benefits Scheme Expenditure to Date

	Account Name	YTD	Commitment	YTD + Comm	Rev. Budget	Budget Available
Grants/Donations/Sponsorships/Scholarships Paid	Community Grants	\$5,100	\$53,000	<b>\$58,100</b>	\$130,000	<b>\$71,900</b>

## In-Kind Support Approved to Date

Activity Project	Applicant	Amount Requested	Value In-Kind Support Received	Notes
Seniors Indoor Coquet Club	Seniors Indoor Coquet Club	\$500	\$500	Recreation Centre hire
Playgroup Venue Hire	Tumbledown Tots Playgroup	\$500	\$500	Driver Resource Centre hire
<b>TOTAL</b>			<b>\$1,000</b>	

## Applications Received and Under Assessment

Activity Project	Applicant	Amount Requested	Notes
Buddy Benches in schools	Litchfield/Palmerston Rotary Club	\$4,400	Application in process
<b>TOTAL VALUE</b>		<b>\$4,400</b>	Budget is available

**13.2 Action Reports**

13.2.1	2017-18 Special Purpose Grant Acquittal CCTV Camera Installation	9/0079
13.2.2	Palmerston Library Temporary Closure	9/0081
13.2.3	Community Benefit Scheme Application – Rotary Club Litchfield/Palmerston Inc	9/0083
13.2.4	Update on NT Government Planning Reform	9/0084
13.2.5	Consultation Discussion Paper – Electoral Reforms	9/0087
13.2.6	Edible Pocket Gardens – Consultation Review	9/0082
13.2.7	Asset Management Policy Review	9/0068
13.2.8	Review of Outdoor Dining Policy REG01	9/0085
13.2.9	Council Policy Review – FIN15 Asset Disposal	9/0086

**AGENDA ITEM:** 13.2.1

**REPORT TITLE:** 2017 -18 Special Purpose Grant Acquittal CCTV Camera Installation

**REPORT NUMBER:** 9/0079

**MEETING DATE:** 18 September 2018

**Author:** Director of Community Services, Jan Peters

**Approver:** Chief Executive Officer, Luccio Cercarelli

## PURPOSE

This report seeks Council approval for the 2017-18 Special Purpose Grant acquittal for the CCTV Camera Installation project in Council facilities from 1 July to 10 August 2018.

### Municipal Plan:

1. Community & Cultural Wellbeing
- 1.2 Safe Communities
- 1.2 We are committed to ensuring the safety and security of our community.

## KEY ISSUES

- The Northern Territory Department of Housing and Community Development provided an extension for this grant acquittal with a partial acquittal completed at the end of the last financial year and laid before Council.
- As of 10 August 2018, \$56,920.34 had been expended.
- There are no remaining invoices outstanding.

## RECOMMENDATION

1. THAT Report Number 9/0079 entitled 2017-18 Special Purpose Grant Acquittal CCTV Camera Installation be received and noted.
2. THAT Council approve the 2017/2018 Acquittal of Special Purpose Grant – to install CCTV cameras and operating systems at the Palmerston Recreation Centre, Palmerston Swimming and Fitness Centre, Palmerston Library and Civic Building public areas that forms **Attachment A** to Report Number 9/0079 entitled 2017 -18 Special Purpose Grant Acquittal CCTV Camera Installation, 2017-18 Special Purpose Grant Acquittal CCTV Camera Installation.

## BACKGROUND

In March 2018 the City of Palmerston were successful in their Special Purpose Grant application to install CCTV cameras at the Palmerston Recreation Centre, Palmerston Swimming and Fitness Centre, Palmerston Library and the Civic Building public areas. Council received a \$47,000 grant from the Department of Housing and Community Development.

At the end of the 2017/2018 financial year Council was required to acquit all expenditure at 30 June 2018 and requested an extension for the remainder of the funds to be acquitted.

At the Council Meeting 7 August 2018 council resolved:

13.1.1 2017-18 Special Purpose Grant Partial Acquittal CCTV Camera Installation  
9/0056

Moved: Deputy Mayor Hale  
Seconded: Alderman Henderson

1. THAT Report Number 9/0056 entitled 2017-18 Special Purpose Grant Partial Acquittal CCTV Camera Installation be received and noted.
2. THAT Council approve the 2017/2018 partial Acquittal of Special Purpose Grant to the value of \$32,008.32 – to install CCTV cameras and operating systems at the Palmerston Recreation Centre, Palmerston Swimming and Fitness Centre, Palmerston Library and Civic Building public areas outlined in **Attachment A** to Report Number 9/0056 entitled 2017-18 Special Purpose Grant Partial Acquittal CCTV Camera Installation.

CARRIED 9/0204 – 07/08/2018

A further acquittal of the remaining \$14,991.68 is required.

The Northern Territory Department of Housing and Community Development requires that grant acquittals be completed and laid before Council. This report seeks Council's approval for the acquittal.

## DISCUSSION

As of 30 June 2018, Council had completed the installation of CCTV at the Palmerston Recreation Centre, the Civic Building, Palmerston Library at a cost of \$32,008.32.

Further works were completed at the Palmerston Swimming and Fitness Centre in July 2018 at a cost of \$24,912.02.

With all works completed, Council has expended \$56,920.34 Council has previously acquitted \$32,008.32 of expenditure at the end of the 2017/18 financial year. A further \$14,991.68 is required to be acquitted, **Attachment A**.

## CONSULTATION PROCESS

Consultation is not required for this report.

## POLICY IMPLICATIONS

There are no policy implications to this report

## BUDGET AND RESOURCE IMPLICATIONS

Council has expended \$56,920.34 on the installation of CCTV cameras in Council Facilities. \$47,000 was received from the Department of Housing and Community Development by way of a Special Purpose Grant. \$15,000 expenditure was included in Councils 2017/18 Capital Works budget. Council is required to acquit the entire \$47,000. \$32,008.32 has been acquitted, as a partial acquittal. A further \$14,991.68 will be required to be acquitted once invoices have been received and paid.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

Failure to approve and submit an acquittal for the Special Purpose Grant as of the end of the 2017/2018 financial year may prevent Council from seeking further Special Purpose Grants through the Northern Territory Government.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications to this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** Special Purpose Grant 2<sup>nd</sup> Part Acquittal CCTV

City of Palmerston

2017-18 ACQUITTAL OF SPECIAL PURPOSE GRANT

Department of Housing and Community Development

File number: LGR2014/00187

**Purpose of Grant:** To install CCTV cameras and operating systems at the Palmerston recreation centre, swimming and fitness Centre, library and civic building public areas.

**Capital works - Bought from a Territory enterprise:** Yes/No/Not applicable

**Date of Approval of Variation to Grant (if applicable)** / / 201\_\_

INCOME AND EXPENDITURE ACQUITTAL FOR THE PERIOD ENDING 30 June 2018

Special Purpose Grant	\$47 000
Other income	
Total income	<u>\$47,000</u>
Expenditure (Specify accounts and attach copies of invoices and ledger entries) <i>An 'administration fee' is not to be apportioned to the grant for acquittal purposes.</i>	
Partial Acquittal forwarded 10/8/2018	<u>\$32,008.32</u>
Remaining Expenditure July 2018	<u>\$24,912.02</u>
Total Expenditure	<u>\$56,920.34</u>
Surplus/(Deficit)	\$ <u>\$9920.34</u>

We certify, in accordance with the conditions under which this grant was accepted, that the expenditure shown in this acquittal has been actually incurred and reports required to be submitted are in accordance with the stated purpose of this grant.

Acquittal prepared by **Jan Peters, Director Community Services** ...../...../201\_

Laid before the Council at a meeting held on ...../...../201.... Copy of minutes attached.

CEO or CFO ...../...../201\_

DEPARTMENTAL USE ONLY

Grant amount correct: YES/NO

Expenditure conforms to purpose: YES/NO

Capital works - Bought from a Territory enterprise: YES/NO/Not Applicable

Minutes checked: YES/NO

Balance of funds to be acquitted \$ / /

Date next acquittal due

ACQUITTAL ACCEPTED YES/NO

Prepared by

.....

Comments

Donna Hadfield – Manager Grants Program

/ / --

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.2

**REPORT TITLE:** Palmerston Library Temporary Closure

**REPORT NUMBER:** 9/0081

**MEETING DATE:** 18 September 2018

**Author:** Director Community Services, Jan Peters

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

This report seeks Council approval to close the Palmerston Library on Friday 5 October 2018 between 12:00pm and 5:00pm for Library staff to undertake team training and development designed to improve the customer experience.

### Municipal Plan:

#### 1. Community & Cultural Wellbeing

##### 1.3 Arts and Culture

1.3 We are committed to the fostering and promotion of arts and culture within our community, the awareness and promotion of our local history, and advocacy for increased cultural resources.

### KEY ISSUES

- Seeking approval to close Palmerston Library between 12:00pm and 5:00pm on Friday 5 October 2018.
- Professional development as a team is required to improve organisational culture, processes and customer service standards.
- The Palmerston (Public Places) By-Laws, Part 11, Division 2 Library hours requires Council to determine by resolution any closure or alteration to normal Library operating hours.

### RECOMMENDATION

1. THAT Report Number 9/0081 entitled Palmerston Library Closure be received and noted.
2. THAT Council approve the temporary closure of the Palmerston Library on Friday 5 October 2018 between the hours of 12:00pm and 5:00pm for the purpose of staff training and development.

## BACKGROUND

The Palmerston Library opens seven days a week with the following opening hours:

Monday - Thursday	10:00am – 6:00pm
Friday	12:00pm – 8:00pm
Saturday	10:00am – 1:00pm
Sunday	1:00pm – 4:00pm

The Palmerston (Public Places) By-Laws, Part 11, Division 2 Library hours states;

*“A Library is to be open on the days and during the hours that the Council by resolution determines.”*

This report seeks Council approval to temporarily close the Palmerston Library between the hours of 12pm and 5.00pm on Friday 5 October 2018 for Library Team professional development.

## DISCUSSION

Council is committed to continuous improvement in its services delivery and the ongoing development of its staff.

Due to the Library being open seven days a week it is difficult to ever coordinate whole team training. Closing the Library for half a day on Friday 5 October 2018, will allow the entire Community Services team, including Library, to work together as a team to improve the customer experience, organisational culture, team cohesion and review organisational processes.

It is proposed that the Library close during its normal operating hours from 12:00pm till 5:00pm to allow for a full day whole team professional development session. The Library would then reopen between 5:00pm and 8:00pm that day.

The closure times will be advertised to Library patrons via signage in the Library and on Council's Facebook, website, including the Library Facebook page.

## CONSULTATION PROCESS

In preparing this report, the following City of Palmerston staff were consulted:

- Manager People, Performance and Change
- Community Services Staff

## POLICY IMPLICATIONS

There are no policy implications for this report.

## BUDGET AND RESOURCE IMPLICATIONS

The training and professional development cost are to be funded from the approved 2018/2019 operational budget.

Closure of the Library between 12:00pm and 5:00pm on Friday 5 October 2018, does not have any budget or resource implications for Council.



## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There is a risk that Library patrons will be inconvenienced by the closure and restricted access on the proposed day. This can be mitigated, but not eliminated, by promotions leading up to the day and by opening the Library for 3 hours on that day between 5:00pm and 8:00pm.

There is a risk that if training does not occur, Council will not improve the customer experience in the future and will not be providing adequate training for its staff to improve service delivery for the community.

The Palmerston (Public Places) By-Laws, Part 11, Division 2 Library hours requires Council to determine by resolution any closure or alteration to normal Library operating hours.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

There are no attachments for this report.

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.3

**REPORT TITLE:** Community Benefit Scheme Application – Rotary Club of Litchfield / Palmerston Inc.

**REPORT NUMBER:** 9/0083

**MEETING DATE:** 18 September 2018

**Author:** Director of Community Services, Jan Peters

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

This report seeks Council approval to support the Community Benefit Scheme application from Rotary Club of Litchfield/Palmerston Inc. for \$4,400 to purchase and install ten (10) Buddy Benches in Palmerston Schools

#### Municipal Plan:

1. Community & Cultural Wellbeing
  - 1.1 Healthy Communities
    - 1.1 We are committed to providing quality health and family support services to our community.

### KEY ISSUES

- The Buddy Bench seat is an initiative that gives school children a focal point for a better school community, and better individual esteem, assisting to remove concealed negative feelings.
- The Rotary Club purchased ten (10) Buddy Benches in March 2018, allocating these to schools in both Palmerston and Litchfield Municipalities.
- The Rotary Club has applied to City of Palmerston for a grant to purchase ten (10) additional Buddy Benches to install in the remaining Palmerston schools.

### RECOMMENDATION

1. THAT Report Number 9/0083 entitled Community Benefit Scheme Application – Rotary Club of Litchfield/Palmerston Inc. be received and noted.
2. THAT Council approve the grant to Rotary Club of Litchfield/Palmerston to the value of \$4,400 to purchase and install ten (10) Buddy Benches in Palmerston Schools.

### BACKGROUND

Council assesses applications for Community Benefit Scheme funding that are more than \$2,000 and determines what, if any, level of support to offer.

This report seeks Council's direction regarding an application for \$4,400 from the Rotary Club for Litchfield/Palmerston for ten (10) Buddy Benches in Palmerston schools.

## **DISCUSSION**

The Rotary Club of Litchfield/Palmerston is an incorporated club committed to supporting or providing events and projects, especially for the young people in our region.

There are sixteen (16) schools within the City of Palmerston Municipality, including Government, Catholic and Independent Schools.

The Buddy Bench is a simple idea to eliminate loneliness and foster friendship in the playground.

The Buddy Bench seat gives school children a focal point for a better school community, and better individual esteem, removing concealed negative feelings. Teachers discuss the purpose of the Buddy Bench with students, to develop a total understanding that it is a place where students may sit when they don't have anyone to play with. The Buddy Bench may assist children to sort out their conflicts, as it is a peace area where kids can retreat too, then begin the conflict resolution process.

The Buddy Bench plays an important role in students' feeling of belonging and being connected in their school environment. Students know that they have an important role to play in assisting the Buddy Bench program.

Cost of each Buddy Bench is approximately \$560.00, plus freight, from Australian supplier BAB Aluminium.

### **Project Progress: Stage One**

The Rotary Club of Litchfield/Palmerston purchased ten (10) Buddy Benches in March 2018. The club raised the necessary funds for this project through their weekly raffles and a generous grant from Rotary District 9550 Governor's Grant Program. The first ten Buddy Benches have now been allocated to schools within the Palmerston and Litchfield area.

The Litchfield Palmerston Interact Club, sponsored by the Rotary Club of Litchfield/Palmerston at the Good Shepherd Lutheran College in Howard Springs, raised funds and built a Buddy Bench for the Howard Springs Campus as their local community project and will also provide one for the Palmerston Campus.

C.A.R.S (Collision, Accident, Repair Services) in Humpty Doo donated their time to spray the back support of each Buddy Bench with clear Ameropaint to protect and preserve the applied stickers. City of Palmerston would also be able to have its logo applied to the new bench backs, to acknowledge support of this project.

Rotary Club of Litchfield/Palmerston was supported by Bunnings Warehouse Palmerston with a donation of pre-mix cement, mesh and Dyna bolts for the installation of the benches in schools. The Club does not envisage any further expenses for stage two of this project other than purchasing the additional Buddy Benches.

### **Project Plan: Stage Two**

The Rotary Club of Litchfield/Palmerston Inc. has applied to City of Palmerston for a grant of \$4,400 to purchase ten (10) additional Buddy Benches to install in the remaining Palmerston schools.

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Cost of ten (10) Buddy benches, including delivery, is \$6,290.

30% of project costs will be met by Rotary Club Litchfield/Palmerston through additional fundraising activities.

Installation will be arranged as soon as possible, to suit each school's needs.

Staff have reviewed the application and recommend its approval as it will deliver benefit to Palmerston residence and the community and complies with the relevant policy.

The benches will include City of Palmerston branding.

### **CONSULTATION PROCESS**

No community or other consultation has been identified or required.

### **POLICY IMPLICATIONS**

Eligibility for funding from Council's Community Benefit scheme is described in detail in Council's FIN18 Policy:

*4.1.5 Requests from religious organisations or schools are specifically excluded unless there is a clear community benefit to Palmerston.*

It should be noted that although the proposed benches will be installed within school grounds, at the request of school governing bodies, the funding applicant is an incorporated club which meets all eligibility requirements.

### **BUDGET AND RESOURCE IMPLICATIONS**

Council does not pay GST on grant funding.

The cost of each Buddy Bench is \$560 GST inclusive, plus freight from an Australian supplier BAB Aluminium. The cost of 10 Buddy Benches with GST is \$5,600, there is also a cost of \$690 for freight for the project.

The financial implications to Council, should the application be approved, will be \$4,400 from the Community Benefit Scheme 2018/2019 operational budget. The Community Benefit Scheme has an 2018/2019 budget of \$130,000. At the time of writing this report the funds remaining in the scheme rests at \$71,900.

### **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There is no risk, nor legal and legislative implications involved in this issue.

### **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

### **ATTACHMENTS**

There are no attachments for this report.

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.4

**REPORT TITLE:** Update on NT Government Planning Reform

**REPORT NUMBER:** 9/0084

**MEETING DATE:** 18 September 2018

**Author:** Director City Growth and Operations, Gerard Rosse

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

This report presents to Council an update on the Northern Territory Government's consultation on Planning Reform and proposed Phase 1 Priority Reforms. The report seeks Council endorsement of **Attachment A** of the reports as a response to the Northern Territory Government on the proposed reforms.

#### Municipal Plan:

2. Economic Development

2.3 City Planning

2.3 We are committed to effective and responsible city planning which balances and meets both residential and commercial needs in our community.

### KEY ISSUES

- In 2017 the Northern Territory Government (NTG) announced a review of the Planning System within the Northern Territory.
- The NTG has considered the consultation outcomes and produced two Planning Reform documents being a Directions Paper and a Phase 1 Priority Reforms.
- Council's proposed response (**Attachment A**) is largely positive to proposed changes and is centred around the proposals put forward by the NTG for aspects of reform and also additional aspects that council should raise.

### RECOMMENDATION

1. THAT Report Number 9/0084 entitled Update on NT Government Planning Reform be received and noted.
2. THAT Council endorse the submission to the NT Department of Infrastructure, Planning and Logistics on Stage 2 of Planning Reform being **Attachment A** to Report Number 9/0084 entitled Update on NT Government Planning Reform.

## BACKGROUND

In 2017 the Northern Territory Government (NTG) announced a review of the Planning System within the Northern Territory. This review began in late 2017, whereby the NTG undertook Stage 1 consultation on a discussion paper entitled “Building Confidence through Better Planning for the Northern Territory – Review, Reframe, Renew”. This was the first step in undertaking a review that was aimed towards planning reform. Various consultation activities were undertaken including individual and group meetings with key stakeholders, including Local Government; industry workshops; a random and representative telephone survey of 400 NT residents; a 1800 number; an online survey; accepting written submissions; and pop-up sessions at local shopping centres. Over 1,000 people were directly involved with the consultation process.

The NTG, via their appointed consultants collated all information received during Stage 1 consultation and produced a Consultation Outcomes Report (**Attachment B**). The report summarises comments received and put forward recommendations for priorities for reform in each of four key areas:

- Strategic Land Use Planning,
- Development Applications,
- Compliance and Enforcement, and
- Review of Decisions (Appeals Process).

## DISCUSSION

The NTG has considered the consultation outcomes and produced two Planning Reform documents: a Directions Paper and a Phase 1 Priority Reforms.

The intent of the Directions Paper, included as **Attachment C**, is to provide an overview of the Government's strategy to reform the planning system. It provides three overarching objectives for planning reform, describes how the reform will extend over two phases, and provides a snapshot of the proposed reforms. The three objectives are:

- Strengthen and clarify the planning framework to deliver better planning and development outcomes.
- Make the planning system more open and accountable to improve public understanding and confidence in planning decisions.
- Improve connections are with the public to better value, encourage and support community contributions to planning processes.

Phase 1 are priority reforms that consist mainly of legislative changes that are critical to the success of the remaining reforms and some administrative reforms that are reasonably simple to implement.

Phase 2 are longer term reforms that require the law or policy to be changed first and/or will require further comprehensive research and investigation to determine the most suitable outcome.

The Phase 1 Priority Reforms document details recommendations that should be undertaken in each of the four key areas noted above in the Consultation Outcomes Report. Please refer to the Phase 1 Priority Reform document included at **Attachment D** for the details of each recommendation.

Council's proposed detailed response is **Attachment A** to this report and is centred around the proposals put forward by the NTG for aspects of reform and also additional aspects that Council should raise. The response letter is largely positive to proposed changes and focuses on the following elements which are summarised below and discussed in further detail in the response:

### Strategic Land Use Planning and the NT Planning Scheme

Improving publicly available information, improvements to the Planning Scheme amendment process and better alignment of land use planning with infrastructure planning.

### Development Assessment and Application Processes

Supporting the concept of pre-application consultation for some applications provided appreciate guidelines are implemented, improved liaison with between Planning Officers and submitters on development applications, including post-exhibition and pre-determination conferences. Supporting ongoing training for DCA members as well as the continued inclusion of Council nominated members and highlighting that qualified independent town planning professionals would be best suited for inclusion in an advisory role on the DCA.

### Review of Decisions

Council supports the proposed recommendations for the review of decisions and support for amendments to the concurrent application process.

### Compliance and Enforcement

Council supports compliance with the requirements of the NTPS, NT Planning Act and consented Development Permits on the basis that enforcement of planning decisions is undertaken by the NTG and/or DCA as the assessment authority.

### Council as a Service Authority

Council request that consideration be given to the role it plays as an authority and the responsibility Council has to the community in the context of planning comments that its provides and the outcomes of decision making.

## **CONSULTATION PROCESS**

The NTG has undertaken various consultation activities including individual and group meetings with key stakeholders, including Local Government; industry workshops; a random and representative telephone survey of 400 NT residents; a 1800 number; an online survey; accepting written submissions; and pop-up sessions at local shopping centres. Over 1,000 people were directly involved with the consultation process.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget implications relating to this report.

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## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

The provision of comments from Council emphasises the areas of agreement with the positive changes and provides Council with an opportunity to provide valuable input into potential changes that can affect residents in the municipality.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

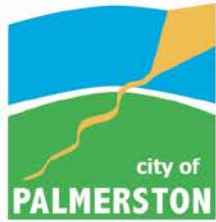
**Attachment A:** Letter of Response to Proposed Planning Reform

**Attachment B:** Consultation Outcomes Report

**Attachment C:** Planning Reform Directions Paper

**Attachment D:** Planning Reform Phase 1 Priority Reforms





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19 September 2018

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### Submission on Planning Reform, Directions Paper and Phase 1 Priority Reforms

Thank you for the opportunity to provide comments on the Planning Reform documents being the Directions Paper and Phase 1 Priority Reforms. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

A summary of council comments is included below.

#### Strategic Land Use Planning and the NT Planning Scheme

Council supports the reform intent to make more information publicly available, including providing improved guidance on interpretation of the NT Planning Scheme (NTPS) and factsheets. Council particularly supports guidelines, and would support the introduction of minimum requirements, for making a planning scheme amendment (PSA) and/or concurrent application which will improve transparency and enable more informed decision-making.

For changes to the PSA process, Council strongly supports additional guidance on items to be addressed when proposing a rezoning application and guidelines against which the Minister should consider making a decision. Further guidance could be provided on assigning timer frames for decision making by the minister in relation to these applications to provide certainty to the development industry and ensure timely decision making occurs. While the reforms propose that an applicant would potentially be given a time limit for provision of additional information requested, there are no changes proposed to the absence of a timeframe for a Minister's decision. Council continues to support the addition of a timeframe for requiring a decision on an application from the Minister, in order to provide certainty to the public and industry around future land uses.

Council strongly supports the recommendations to more closely link planning and infrastructure and would prefer that the ultimate reform includes that strategic plans are not adopted without plans in place for the infrastructure provision. This would provide more robust land use plans to be informed by underlying infrastructure provision to ensure in sound decision making occurs and Council can better plan for the community with certainty around land use and ultimate development.

#### Development Assessment and Application Processes

Council supports the improved provision of information to the public on the development application process, including both paper and online access. Council

supports the recommendations for updates to sign requirements and expanding the role of electronic services.

Council supports the concept of pre-application consultation for some applications, though there are concerns about the practicality and thoroughness of requiring applicants that may have no experience in consultation to conduct adequate consultation on their project. There is the risk, that without adequate guidelines and controls, that consultation could be inappropriately biased for or against the project. The ultimate outcome of the recommendations should provide more information the type and extent of consultation expected. Furthermore, the aspect of pre-consultation should be flexible to include an incentive for a proponent whereby it be undertaken in accordance with such a guideline that an application should be considered for a "fast tracked" technical assessment (as an example) if the suitable steps are taken and achieved. This would act as an industry incentive to undertaking pre-application consultation/liaison.

While Council supports the reduction of red tape for some types of developments, Council would support neighbour notification extending to residents across the street from the subject property, rather than just adjoining boundaries, as the new development may actually affect those across the street more than adjacent residents (for example, front setback reductions more affect those directly opposite rather than those adjacent).

The contact between Planning Officers and submitters on development applications, including post-exhibition and pre-determination conferences is supported and considered sound. Suitable documentation of this process and the outcomes will become key to its success, and the requirements for documentation should be confirmed prior to the practice commencing. Council also recommends that a process be developed to ensure all submitters and service authorities receive any revised information about the development application prior to any DCA hearing on the application. Currently, there is often confusion, and a lack of opportunity to adequately comment, at a meeting when a DCA report or the applicant discusses information that is not held and commonly understood by all parties at the hearing.

Council supports ongoing training for DCA members as well as the continued inclusion of Council nominated members, however clarification on the role of Council nominated members on the DCA should be explored as it is often unclear between the role of a community member or that of Council as the service authority.

It is noted that the proposal suggest that it is being considered that requirements for the chair of the DCA is to be legally qualified in order to best lead the DCA. This proposal has the potential to cloud the role of the balance members and as similar to the principles of an executive board, member responsibility should not be diluted. Best practice suggest it should be responsibly of all appointed members to be aware of legal implications of decision making, not just the Chair. There is merit in the suggestion for requirements for specialist members on the DCA with expertise in relevant fields, if more information was provided on this recommendation. Interpretation of the planning implications of a development can often be the biggest challenge for the DCA and qualified independent town planning professionals would be best suited for inclusion in an advisory role on the DCA,

### Review of Decisions

Council supports the proposed recommendations for the review of decisions and appreciates the balance of supporting appeals versus the rights of an applicant to proceed with an approved development.

Council strongly supports amendments to the concurrent application process such that a parcel of land proposed for rezoning would not be formally rezoned until the concurrent subdivision or development is carried out on the site.

### Compliance and Enforcement

In reference to compliance and enforcement, Council supports compliance with the requirements of the NTPS, NT Planning Act and consented Development Permits. Thus, Council supports stronger enforcement of these adopted bodies of work. Non-compliance with the NTPS and Development Permits can result in legacy issues for Council in protecting and planning for community assets and providing suitable services to the community. This is supported on the basis that enforcement of planning decisions is undertaken by the NTG and/or DCA as the decision-making authority.

Increasing the enforcement powers of the DCA, revisions to penalty units, the introduction of penalty infringement notices, and clarifying the time to commence prosecution are all recommendations that are strongly supported.

Recommendations around the role of Authorised Officers, deeming provisions, and liability of office holders is supported on the basis these powers remain with the decision-making authority being the NTG/DCA.

### Council as a Service Authority

It is requested the planning reform review consider the role of Council as a service authority. It is noted that in accordance with the *NT Local Government Act (Part 2.3 Role, functions and objectives of councils)* the role of Council is (amongst other items):

- (a) *to act as a representative, informed and responsible decisionmaker in the interests of its constituency; and*
- (b) *to develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way; and*
- (c) *to provide and coordinate public facilities and services; and*
- (d) *to encourage and develop initiatives for improving quality of life; and*
- (e) *to represent the interests of its area to the wider community;*

The challenge often presented to Council is its role in planning as purely a service authority balanced with consideration the above aspects of the LG Act. Although Council will provide service authority comments on its relevant items (roads, stormwater, waste etc), its responsibility to the community often leads to comments provided on aspects of a development that may affect the community. These comments may sit outside of its service authority responsibility but are borne by its responsibility and role to the community as outlined in the LG Act.

The issue is that for aspects of a development application or PSA that outside of its generic service authority responsibility, Councils' comments do not hold legislative weight and are sometimes overlooked to the detriment of a sound outcome for the community. Council request that consideration be given to the role it plays as a service authority and the responsibility Council has to the community in the context of providing planning comments and the outcomes of decision making.

We thank you again for the opportunity to provide comments on this important process. Should you wish to discuss any items contained herein, please do not hesitate to contact me on [gerard.rosse@palmerston.nt.gov.au](mailto:gerard.rosse@palmerston.nt.gov.au) or (08) 8935 9958.

Yours sincerely

Gerard Rosse  
Director City Growth and Operations





# Consultation Outcomes Report

Building Confidence through Better Planning  
for the Northern Territory -  
Review, Reframe, Renew

NTG Department of Infrastructure, Planning & Logistics  
06 February 2018

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## List of Acronyms

<b>DA</b>	Development Application
<b>DAS</b>	Development Assessment Services
<b>DCA</b>	Development Consent Authority
<b>DIPL</b>	Department of Infrastructure, Planning and Logistics
<b>EDP</b>	Exceptional Development Permit
<b>EPA</b>	Environment Protection Authority
<b>NT</b>	Northern Territory
<b>NTG</b>	Northern Territory Government
<b>NTCAT</b>	Northern Territory Civil and Administrative Tribunal
<b>NTPS</b>	Northern Territory Planning Scheme



# Executive Summary

## Why was Consultation Undertaken?

Since being elected in 2016, the Northern Territory Government has heard from Territorians that:

- » Planning law and policy are not delivering the best-possible built form and development outcomes.
- » They want a planning and development system that is accessible, transparent and accountable.
- » Government needs to give confidence that the right planning decisions are being made.

In response to this feedback, the Minister for Infrastructure, Planning and Logistics, the Hon Nicole Manison, MLA, announced in October 2017, that the Department of Infrastructure, Planning and Logistics would consult with the community to *review, reframe* and *renew* the current NT Planning System.

The discussion paper '*Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew*' was released to support consultation, and assist in gathering ideas on the types of improvements that Territorians want delivered.

Elton Consulting was appointed to undertake independent consultation for stage 1 of the '*Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew*' discussion paper (the Discussion Paper).

## Limitations

Consultation occurred simultaneous to numerous other strategic planning projects being delivered by the Northern Territory Government. Any feedback provided during the planning reform consultation process on other policies or Plans (for example Planning for a Vibrant Future or Tennant Creek Land Use Plan) were provided directly to the Department of Infrastructure, Logistics and Planning.

A number of respondents noted consultation fatigue, due to the number of concurrent consultation processes, and limited resources to provide considered responses.

## When, how and where was the Consultation Delivered?

Consultation was undertaken between mid October and mid December 2017.



The consultation process aimed for **meaningful engagement** with a **broad spectrum** of the community, ranging from those who have little-to-no experience with planning, to those who use the planning system extensively and regularly."

## Consultation Tools

To achieve the objective, a wide variety of consultation tools were used, including:

- » **Direct contact** and **meetings** with key stakeholders and groups, introducing the discussion paper and inviting them to participate in consultation.
- » A random and representative **telephone survey** of 400 Northern Territory residents; aimed at providing statistically significant outcomes.
- » A dedicated **1800 number** for queries.
- » An **online survey**, providing the opportunity for all Territorians to participate.
- » Inviting **written submissions**.
- » Two **industry workshop** sessions, held in Alice Springs and Darwin.
- » One **focus group**, with participants sourced from random telephone respondents.
- » Two **Council workshop** sessions to capture focussed feedback, and involving members from virtually all local government areas in the Territory.
- » **Pop-up** community consultation sessions at local shopping centres and malls.

The telephone and online surveys indicate a proportionate involvement of the communities across the Northern Territory, as well as a broad cross section of all age groups.

Over 1,000 people within the Northern Territory were directly involved in the consultation, with additional residents reading the documents on the website.

## Geographic Distribution

Consultation extended to all Territorians, with options to participate online, by telephone, by written submission. Location specific workshops or community pop-up sessions were held in various locations across Greater Darwin, Alice Springs, and Katherine.

## What are the Consultation Outcomes?

The consultation process provided opportunities to review and provide comment on the planning process including, strategic planning framework, development applications, compliance and enforcement, review of decision making and the community consultation processes.

### Summary

The vast majority of Northern Territorians who participated in various consultation events generally distrust the planning system and decision making process, believe more meaningful participation should occur and there is too much political interference in the planning system. Participants particularly emphasized the need for planning system to be more transparent, inclusive and integrated.

The proportion of people who participated in the telephone or online survey as well as residents who attended the pop-up sessions commented that there is a need for information to be more accessible and clearer, whilst those who used the system more regularly commented on the need for an improved website connecting applicants to all relevant information, as well as making communication with service authorities easier.

A high proportion of the respondents felt that there was insufficient enforcement of planning outcomes, and suggested more should be done to enforce the permits granted.

There were mixed views on the review of the decision making process, in particular, regarding third party appeals. Many participants felt the current review system was adequate provided there was better communication and understanding of the planning process and outcomes. Others were of the view that third party appeal rights should be increased.

Participants from the community consultation workshops, whether from local government or stakeholders/professionals who used the planning system extensively, acknowledged there are positive elements of the planning system but also suggested numerous improvements that could be made. The participants acknowledged positive elements, such as:-

- » The planning system is predominantly an efficient and streamlined system, with timeframes known for development applications.
- » Comparable to other states, the planning system is generally simple.
- » Development Assessment Services (DAS) is easy to deal with and approachable.
- » Electronic submissions of development applications is efficient.
- » Strategic planning has improved significantly and is moving in the right direction.

Below provides a summary of key issues raised within the key planning processes.

## Strategic Land Use Planning

The value of strategic planning was broadly acknowledged by virtually all respondents. The recent work at developing Area Plans and other strategic planning policy acknowledged was raised, with Groups acknowledging that estimating future development, particularly infrastructure and residential needs is a crucial part of government planning. The extent of consultation and the need for communities to have more influence and understand exactly what the strategic planning or Area Plans, was sought. This notwithstanding, the following key areas were identified during the consultation process:

- » Strategic Planning is required for **all areas** and should be a **priority, and reflect a placed based approach**.
- » Improve the depth of strategic planning **research and review**.
- » Decision making and implementation should be **refined**.
- » Strategic planning should be undertaken with **transparency & accountability**.
- » Strategic planning needs to be **context specific / location specific**.
- » Strategic planning **outcomes** need to be improved and coordinated.
- » A comprehensive **legislative review** should be undertaken.
- » A planning **education process** should be started.
- » The way strategic planning projects are released for **consultation** should be reviewed.
- » Focus on **community input**, and outcomes.
- » Planning process should be linked to environmental, mining or ground water legislation and processes, with potential to include environmental sustainability as an object of the Planning Act.

## Development Applications

The most notable outcome from the consultation process, relating to Development Applications, relates to the approval process, the make-up of the Development Consent Authority, and the perceived level of political influence in the Development Process.

Similarly, the understanding of the planning process points to the needs for improved planning education, and broader understanding of the system. This observation arises from direct comments, as well as input received that demonstrates misunderstanding of the planning system.

Across most jurisdictions, and all consultation tools, the need for a hierarchy of applications was raised – implying the need for the application and approvals process to reflect the complexity of applications, along with additional delegations down to officer level to approve minor applications, such as carports.

Key themes arising from this section include:

- » Planning **advice** needs to be more **consistent** and accurate.
- » The application process needs to be more consistent, and **outcomes focussed**, with consideration of the built form, subdivision and good tropical design guidelines.
- » The **robustness of the NTPS** should be improved.
- » The progress of applications should be **trackable**.
- » Planning in **remote towns** should be improved.
- » Provide a structured approach to **service authority comments** and resolving issues.
- » Development applications should be undertaken with **transparency & accountability**.
- » Development application **decision making** should be undertaken **impartially**.
- » The planning process should be **simplified**, and a **hierarchy of applications** should be introduced to streamline simple proposals.
- » Application requirements should reflect the complexity of the proposal to **reduce cost**.
- » A **streamlined variations** process should be implemented.
- » **Consultation** should be balanced and transparent.
- » A **planning education** process should be started.

## Compliance & Enforcement

The compliance and enforcement theme received less input than the strategic land use planning and development application themes. In general terms, the observation is that there is too little compliance and enforcement. It was suggested that a more robust system be put in place to pick up non-compliance without a complaint / report being required.

A further focus of input received, was simplifying the process for complying with development permit conditions, as well as improving enforcement of conditions.

The key points raised were:

- » Compliance and enforcement should be **holistic and consistent**.
- » Conditions of Development Permits should be **enforced diligently**.
- » The outcomes of variation applications should be **communicated to respondents** and service authorities.

- » The compliance process should be **streamlined and strengthened**.

## Review of Decisions (Appeal Process)

There are divergent perspectives on the appeal process. While respondents, particularly through the online and telephone survey, commented on the need for extended third party appeal rights, this was countered by the need for a robust, transparent planning process reducing the need for appeals. The need to consider the economic impact / time cost of the appeal process was also a recurring theme.

Increased appeal rights could be accompanied by a more rigid requirement for what should be included in an appeal to ensure the validity of such an appeal. Concern was raised that wider appeals options would be open to abuse.

The "Review of Decisions (Appeal Process)" theme within the consultation was also frequently confused with the planning (Ministerial and DCA) approvals process. Where this occurred, these responses have been re-allocated to the appropriate section above.

Key themes arising from the consultation included:

- » The strength, and **extent** of third party appeal rights should be improved.
- » Third party appeal rights should consider the **impact on the Economy**.
- » Ensure the NTCAT considers both legal and planning considerations, and should not only be a legal process.

## General

Certain general comments were received through the course of the consultation process. In many cases, these were not related to the Planning System Reform, but related to specific land use concerns, or were related to other strategic planning consultation undertaken simultaneously. Many people from the workshops indicated that a new Act and holistic review of the NTPS is required.

The following points relate specifically to planning system reform:

- » The NTPS needs to be **place specific**.
- » There is a need for the NTPS to include **design guidelines** / requirements.
- » There should be better **co-ordination and integration**.
- » Updating of the NTPS needs better **notification** and distribution.
- » **Transparency and accountability** should be a focus of the planning system.
- » The website and **availability of information** should be improved.
- » Better linkage and **integration with other legislation and processes**, such as environmental, vegetation, ground water and mining.

## Conclusion

In summary, through the consultation process, Territorians have provided the Northern Territory Government with significant input/comment to inform the review of the planning system across elements relating to governance, consultation processes, strategic planning, development application permit process, compliance, enforcement, as well as review of decisions (appeal process).

The consultation process outlined:-

- » a significant number of key planning processes or issues to retain,

- » significant number of improvements that could occur within the legislation,
- » improvement to governance and decision making.

The consultation outcomes highlighted a lot of similarities across all areas of the Northern Territory but also across different residents, or groups of users. The consultation process also obtained mixed views on aspects in the planning process, including appeal rights, or the extent of consultation influence that should or does occur.

The consultation outcomes have provided the Northern Territory Government with some key priorities to immediately improve the planning system, no matter what Northern Territory region or town the participant resided/worked within.

# 1 Introduction

Elton Consulting was appointed to undertake an independent consultation process for stage 1 of the *'Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew'* discussion paper (the Discussion Paper).

## 1.1 Objective

The objective of consultation was to gain input, through feedback from community, industry and stakeholders, into opportunities to reform the planning and development system.

The outcomes will enable the Department of Infrastructure, Planning and Logistics to review, reframe and renew the current Northern territory (NT) planning system.

## 1.2 Consultation Approach

The consultation approach aimed for meaningful engagement with a broad spectrum of the community, ranging from those who have little-to-no experience with planning, to those who use the planning system extensively and regularly.

### Consultation Tools

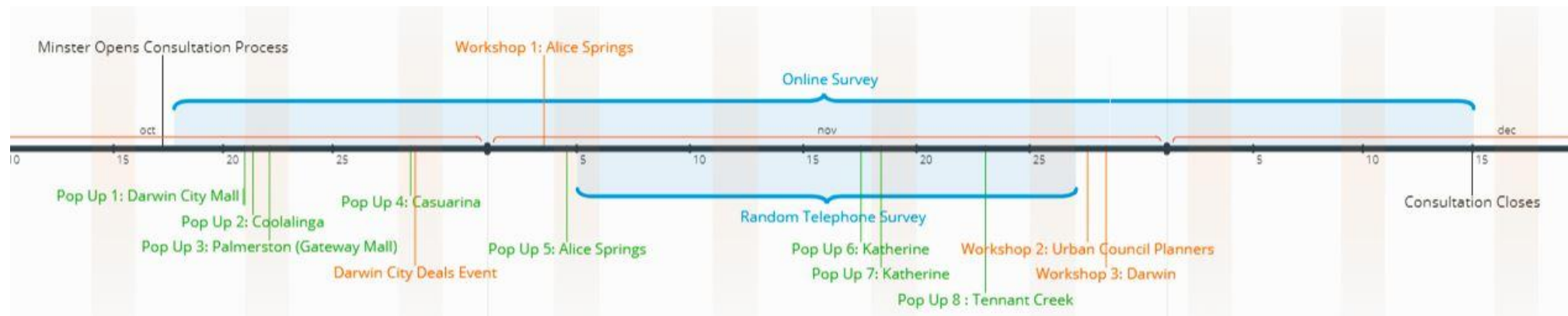
To achieve this, a wide variety of consultation tools were used, including:

- » Direct contact with all key stakeholders, introducing the discussion paper and inviting them to participate in consultation.
- » Meetings with key stakeholders.
- » A random and representative phone survey of 400 Northern Territory residents; aimed at providing statistically significant outcomes.
- » A dedicated 1800 number for queries.
- » An online survey, providing the opportunity for all Territorians to participate.
- » Inviting written submissions.
- » Two industry workshop sessions, held in Alice Springs and Darwin.
- » One focus group, with participants sourced from random telephone respondents.
- » Two Council workshop sessions to capture focussed feedback, and involving members from virtually all local government areas in the Territory.
- » Pop-up community consultation sessions at local shopping centres and malls.

## Timing

Consultation was undertaken between 17 October 2017 and 22 December 2017. The figure below provides a timeline of consultation activities and timeframes.

**Figure 1 Consultation Programme – October to December 2017**



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## 1.3 Consultation Focus & Outcomes

Respondents across all consultation tools were asked questions relating to:

- » **Experience** with the current planning system.
- » **Opportunities** to achieve the six key principles of:
  - > Provides Certainty
  - > Balances Competing Interests
  - > Ensures Transparency
  - > Reduces Complexity
  - > Incorporates Consultation.
  - > Extends opportunities for decisions to be reviewed.

Workshop participants were also asked to provide **priority actions/tasks**.

### 1.3.1 Quantifying the Engagement Response

The outcome of the consultation process resulted in:

- » Under ten telephone calls to the 1800 number.
- » 73 online surveys being completed.
- » 404 participants completing the random telephone survey, with an average completion time of 9.6 minutes.
- » All major local government councils participating and providing comments, comprising approximately 20 participants in two Council workshops in November 2017.
- » The majority of industry, professional and peak bodies having representatives at workshops/meetings both in Alice Springs and in Darwin. Workshops and meetings were held in November with approximately 31 participants over two workshops
- » Approximately 450 people attending pop up sessions in Darwin, Palmerston, Litchfield, Katherine, Tennant Creek and Alice Springs regions across the Territory throughout weekends in October and November 2017.
- » 31 written submissions.
- » Website Analytics:
  - > 868 total site visits.
  - > 329 Discussion paper downloads.
  - > Approximately 700 unique visits (excludes multiple visits from the same IP address).

### 1.3.2 Collating Consultation Outcomes

Responses have been collated, and structured into the following categories:

- » Strategic Planning.
- » Development Applications.
- » Review of Decision Making (Appeal Rights).
- » Compliance & Enforcement.
- » Other / General.

## 1.4 Limitations

It is noted that respondents frequently blurred the lines between planning process being the subject of this consultation, the content of the NT Planning Scheme, as well as various geographically specific strategic planning projects and issues.

Comments and input have therefore been refined in the main body of this report, with the focus being *planning system reform* issues.

## 2 Strategic Land Use Planning

**This section outlines the consultation outcomes specific to the theme of Strategic Planning.**

The value of strategic planning was broadly acknowledged by virtually all respondents, the recent work at developing Area Plans, and other strategic planning policy acknowledged. Groups acknowledge that estimating future development, particularly infrastructure and residential needs is a crucial part of government planning, but it can be difficult due to population fluctuations, and unexpected change. The extent of consultation and the need for communities to have more influence and understand exactly what the strategic planning or Area Plans was sought. In particular community groups considered the new manner of doing Area Plans may be too detailed. This notwithstanding, the following key areas were identified during the consultation process:

- » Strategic Planning is required for **all areas** and should be a **priority**.
- » Improve the depth of strategic planning **research and review**.
- » Decision making and implementation should be **refined**.
- » Strategic planning should be undertaken with **transparency & accountability**.
- » Strategic planning needs to be **context specific / location specific**.
- » Strategic planning **outcomes** need to be improved and coordinated.
- » A comprehensive **legislative review** should be undertaken.
- » A planning **education process** and clarity on Area Plans should be started.
- » The way strategic planning projects are released for **consultation** should be reviewed.
- » Focus on **community input**, community influence and outcomes.

These themes are explored in more detail below.

### 2.1 Experiences & Opportunities

**Table 1 Strategic Planning – Key Themes & Outcomes**

Key Themes	Experiences & Opportunities
<b>Strategic Planning is required for all areas.</b>	<ul style="list-style-type: none"> <li>» The lack of direction of planning for areas such as industrial estates and commercial areas is a detractor for investment.</li> <li>» Planning is needed for rural and regional areas, to support decision making on development pressure and pressures to subdivide.</li> <li>» More consistent planning is needed for remote towns to support Council service delivery.</li> <li>» Strategic planning for specific areas should take into account the impact on other areas and link in with the infrastructure required.</li> </ul>

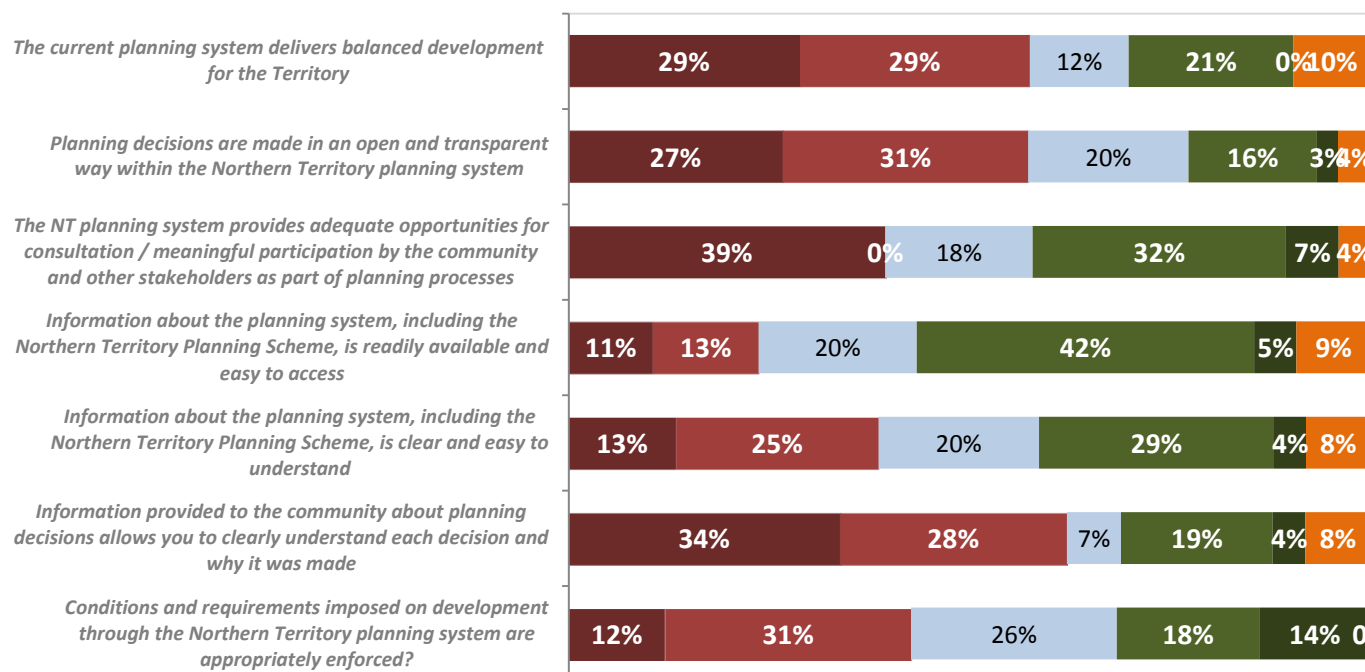
	<ul style="list-style-type: none"> <li>» The focus on more Area Plans is good.</li> <li>» Area plans should provide definitive certainty on where rezoning and different forms of development will be supported.</li> </ul>
<b>Improve depth of strategic planning research.</b>	<ul style="list-style-type: none"> <li>» Strategic Planning should:               <ul style="list-style-type: none"> <li>&gt; Consider the capacity of physical infrastructure (roads, stormwater, electricity, water, sewerage).</li> <li>&gt; Consider environmental impacts, and protection of natural corridors.</li> <li>&gt; Improving the connection of strategic planning and funding, and service authority strategic planning and implementation. E.g. budgeting for the expansion of service infrastructure.</li> <li>&gt; Consider economic factors/impact and market demand.</li> <li>&gt; Consider environmental impacts, and the potential to incorporate environmentally sustainable development as an objective of the planning system.</li> <li>&gt; Consider and protect of heritage elements.</li> </ul> </li> <li>» The Planning Commission could consult more broadly when considering strategic planning to ensure all interests (often competing / divergent) are considered equally.</li> <li>» Service Authorities, and particularly Councils, should play a larger role in strategic planning to ensure they are able to support service delivery demands resulting from increased development. The lack of involvement of service authorities creates difficulties in implementing projects.</li> <li>» Strategic planning should consider the provision of community purpose land and social infrastructure, so to support the growth in areas, whether residential or employment.</li> <li>» Strategic planning should follow a holistic approach, with a clear vision for development densities, and integrated approach across service agencies, delivery of infrastructure, and delivering public transport.</li> <li>» There are too many, and different technical engineering, road and water guidelines. One set of consolidated technical guidelines should be prepared, in consultation with industry. Consistency is needed across all Councils in the Territory.</li> </ul>
<b>Decision making and implementation should be refined.</b>	<ul style="list-style-type: none"> <li>» The rezoning component of a concurrent application should only be affected when construction of the DA component is completed, to ensure the zoning change does not extend past the validity period of a permit.</li> <li>» There should be clear guidelines and criteria for rezoning decision making.</li> <li>» There should be clear reasons or justification provided when a decision is made.</li> </ul>
<b>Strategic Planning should be a priority.</b>	<ul style="list-style-type: none"> <li>» There is a need for Area Planning in more areas, as a priority, to support investment and development.</li> <li>» Area Plans should clearly identify what land can and cannot be used for in future.</li> <li>» Develop neighbourhood character statements to provide better direction for development within specific areas.</li> </ul>

	<ul style="list-style-type: none"> <li>» The number of Specific Use Zones issued points to the current zones being too limiting and specific. Zones should be re-visited and/or additional zones developed to provide clarity and be less restrictive</li> </ul>
<b>Strategic planning should be undertaken with transparency &amp; accountability.</b>	<ul style="list-style-type: none"> <li>» Strategic planning (including rezonings and Exceptional Development Permits) should be undertaken by professional planners and technicians, with decision making made on planning grounds independent from politics.</li> <li>» There should be consistency in planning regardless of which political party has formed Government.</li> <li>» There should be consistency across electoral cycles to provide certainty in the planning process.</li> <li>» The availability of planning information should be improved; both electronically (online) and in hard copy.</li> <li>» Rezoning and Exceptional Development permit (EDP) reports should be made available in the same manner as Development Application reports.</li> <li>» The timeframe for a Ministerial decision on rezonings and EDPs should be legislated. Rezoning decisions should be based on clear criteria and guidelines.</li> <li>» Development form / proposals should not be altered to achieve specific political government objectives.</li> <li>» Outlining the reasons for the decision on strategic planning rezoning or policy was repeatedly made.</li> </ul>
<b>Strategic Planning needs to be context specific / location specific.</b>	<ul style="list-style-type: none"> <li>» Certain areas have different character, and context specific planning controls should apply – rather than standardised NT wide controls. For example, Alice Springs CBD, remote towns.</li> </ul>
<b>Strategic Planning outcomes need to be improved.</b>	<ul style="list-style-type: none"> <li>» The NT Planning Scheme (NTPS) should be refreshed to focus on better built form outcomes.</li> <li>» Amenity should be considered in strategic planning and policy.</li> <li>» The NTPS has been changed incrementally over the past few years. It needs to be reviewed in its entirety, with community input.</li> <li>» Planning "Overlays", such as flooding or overland flow, vegetation etc. could be included and referenced in the NTPS.</li> </ul>
<b>A comprehensive legislative review should be undertaken.</b>	<ul style="list-style-type: none"> <li>» The Planning Act should be reviewed and refreshed to simplify the planning system.</li> <li>» A coordinated review of all related legislation, e.g. the Environment Protection Act should be undertaken to remove duplication, and to streamline both processes.</li> </ul>
<b>A planning education process should be started.</b>  <i>Note: This section relates to comments, as well as survey results.</i>	<ul style="list-style-type: none"> <li>» Improve the understanding of zones, and accessibility of the scheme for non-planners, so the broader community can understand planning</li> <li>» Improve the understanding of Strategic Planning more broadly, and more specifically Area Plans, and the various levels of strategic planning in the NTPS.</li> <li>» There should be clarity or minimum requirements as to what</li> </ul>

	reports or level of detail is needed in rezonings.
<b>The way strategic planning projects are released for consultation should be reviewed.</b>	<ul style="list-style-type: none"> <li>» There are currently too many strategic planning projects being consulted on at the same time – resulting in consultation fatigue.</li> <li>» Too many consultation projects simultaneously affect organisation's ability to review the project/policy/proposal and prepare comprehensive responses.</li> <li>» Better coordination of strategic planning consultation will allow respondents to collaborate, and work together.</li> </ul>
<b>Focus on Community input, and outcomes.</b>	<ul style="list-style-type: none"> <li>» Community input into strategic planning is vital. <ul style="list-style-type: none"> <li>&gt; The community advisory group model is an opportunity to improve consultation outcomes.</li> </ul> </li> <li>» Improve outcomes of community consultation in strategic planning and policy development: <ul style="list-style-type: none"> <li>&gt; Reflect community consultation outcomes – or explain why they have not been incorporated.</li> <li>&gt; Ensure it is genuine consultation, and not a "tick-the-box" exercise.</li> <li>&gt; Ensure decisions are balanced, and reflect community aspirations and amenity concerns – not weighted in favour of developers.</li> </ul> </li> <li>» Ensure consultation occurs before decisions are made on strategic planning or policy.</li> <li>» Provide a one-stop-shop online for all planning related information.</li> </ul>

**Figure 2 Opinions about the planning system**

■ 1 Strongly disagree ■ 2 ■ 3 Neither agree nor disagree ■ 4 ■ 5 Strongly agree ■ Don't know



## 2.2 Priorities for NTG

Respondents at the workshop sessions were asked to provide planning system reform ideas that they consider priorities, or actions, that could be implemented to improve the planning system. Each participant was requested to choose only three key elements as their priorities. The following main themes were common across all workshops:

- » Prioritise Area Plans / Strategic Planning for rural and regional/remote areas, to protect lifestyle and amenity and provide a framework for decision making.
- » Increase the number and extent of consultation within strategic planning
- » Review and expand the number of zones, and strengthen definitions of zones.
- » Provide uniform subdivision design guidelines across the NT.
- » Improve the integration of strategic land use planning and strategic infrastructure planning, coupled with intra- and inter-government cooperation.
- » Introduce development contribution schemes.
- » Review the Planning Act and Northern Territory Planning Scheme (NTPS), with a focus on being simpler and more outcomes focussed.

### 3 Development Application System

**This section outlines the consultation outcomes specific to the theme of Development Applications.**

The most notable outcome from the consultation process, relating to Development Applications, relates to the approval process, the make-up of the Development Consent Authority, and the perceived level of political influence in the Development Process.

Similarly, the understanding of the planning process points to the needs for improved planning education, and broader understanding of the system. This observation arises from direct comments, as well as input received that demonstrates misunderstanding of the planning system.

Across most jurisdictions, and all consultation tools, the need for a hierarchy of applications was raised – implying the need for the application and approvals process to reflect the complexity of applications, along with additional delegations down to officer level to approve minor applications, such as carports.

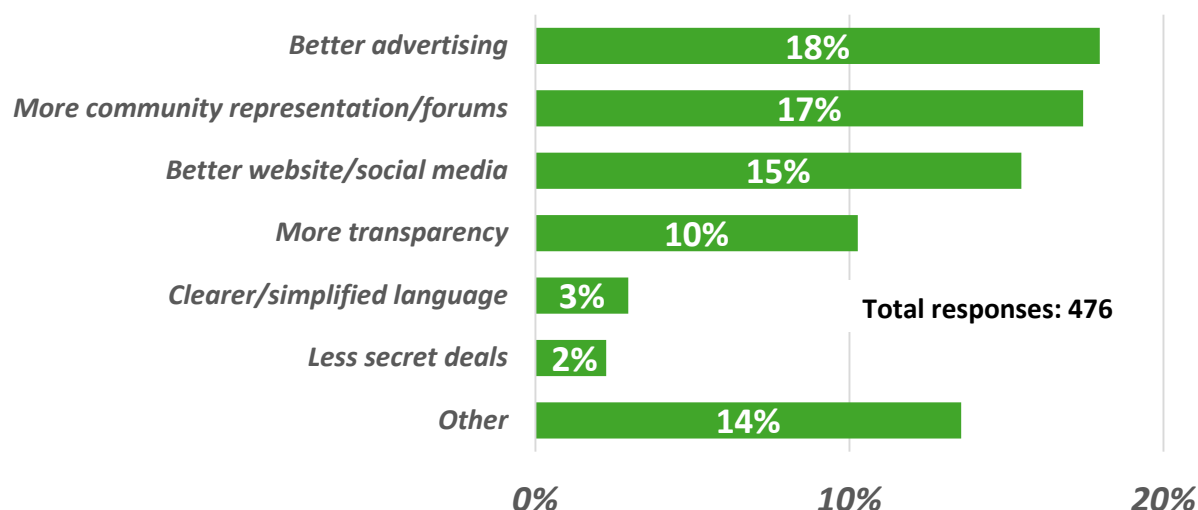
Key themes arising from this section include:

- » Planning **advice** needs to be more **consistent** and accurate.
- » The application process needs to be more consistent, and **outcomes focussed**.
- » The **robustness of the NTPS** should be improved.
- » The progress of applications should be **trackable**.
- » Planning in **remote towns** should be improved.
- » Provide a structured approach to **service authority comments** and resolving issues.
- » Development applications should be undertaken with **transparency & accountability**.
- » Development application **decision making** should be undertaken **impartially**.
- » The planning process should be **simplified**, and a **hierarchy of applications** should be introduced to streamline simple proposals.
- » Application requirements should reflect the complexity of the proposal to **reduce cost**.
- » A **streamlined variations** process should be implemented.
- » **Consultation** should be balanced and transparent.
- » A **planning education** process should be started.

These are explored in more detail below.



**Figure 3** Categorical responses to the question in the telephone survey - 'Can you identify any ways we could make information about the planning system including the NT Planning Scheme better?



### 3.1 Experiences & Opportunities

**Table 2** Development Application System – Key Themes & Outcomes

Key Themes	Experiences & Outcomes
<b>Planning advice needs to be more consistent and accurate.</b>	<ul style="list-style-type: none"> <li>» Planning advice needs to be more consistent across officers and NT office locations.</li> <li>» Access to planners with specific geographic expertise is important for advice, rather than relying on a duty planner who does not have area specific knowledge.</li> <li>» Need to allow for more detailed pre-lodgement application assessment.</li> <li>» Allow for more mediation to resolve issues before an application is tabled at a DCA hearing.</li> <li>» There needs to be only one point of contact in the planning process, with coordination undertaken by Planning.</li> <li>» Re-instate the regular service authority review meetings, at which applications are discussed collaboratively.</li> </ul>
<b>The application process needs to be more consistent, and outcomes focussed.</b>	<ul style="list-style-type: none"> <li>» The exhibition process does not always match the complexity of the application. Simpler applications should not require exhibition / shortened exhibition.</li> <li>» Processing times across jurisdictions / offices are inconsistent.</li> <li>» Staffing levels need to be addressed, particularly in smaller offices, particularly to deal with more complex applications.</li> <li>» There could be additional skill sets in the NT Planning</li> </ul>

	<p>Department, including skills such as urban design.</p> <ul style="list-style-type: none"> <li>» Assessment of applications are too “tick-the-box”. Assessment should include outcomes based planning assessment, considering the impact of the development on the surrounding community / land uses.</li> <li>» Applications should be performance based, rather than compliance based – with a focus on innovation in the built environment.</li> <li>» Guidelines should be developed to identify acceptable levels of variations</li> </ul>
<b>The robustness of the Northern Territory Planning Scheme (NTPS) should be improved.</b>	<ul style="list-style-type: none"> <li>» Improve the number of definitions and explanations contained in the NTPS.</li> <li>» Improve the description / intent of zones.</li> <li>» Better provision should be made for temporary uses.</li> <li>» Early and better consultation on NTPS changes, and showing clearly changes in the Scheme is useful.</li> </ul>
<b>The progress of applications should be trackable</b>	<ul style="list-style-type: none"> <li>» Provide a mechanism for interested parties to track the progress of the application.</li> </ul>
<b>Planning in remote towns should be improved.</b>	<ul style="list-style-type: none"> <li>» Facilitate streamlined landowner authorisation processes.</li> <li>» Outline roles and responsibilities, and consultation requirements in remote towns.</li> </ul>
<b>Provide a structured approach to service authority comments and resolving issues.</b>	<ul style="list-style-type: none"> <li>» Weighting should be provided on service authority comments, to allow for competing priorities to be assessed and prioritised.</li> <li>» Service authorities should be provided with timeframe for condition precedence.</li> <li>» Better integration of service authority departments and their requirements, and they should not change decisions retrospectively.</li> <li>» Allow for post-exhibition and pre-DCA mediation to resolve issues before a recommendation is developed.</li> </ul>
<b>Development applications should be undertaken with transparency &amp; accountability</b>	<ul style="list-style-type: none"> <li>» The development application process should be followed strictly, and all provisions applied equally to applicants.</li> <li>» Consistent, and not varying, information requirements and process should be applied to all developers.</li> <li>» Variations to development permits should be more transparent, so that submitters and service authorities are aware that variations are being made.</li> <li>» Consider different ways of notifying people of applications, including newspaper, and mail drops to affected residents.</li> <li>» Provide past development permits online, and accessible.</li> <li>» There should be improvements to the advertising notification and then information post advertisement of applications.</li> </ul>
<b>Development application decision making should be undertaken</b>	<ul style="list-style-type: none"> <li>» Ensure that the DCA chairperson is a skills-based appointment, rather than a political appointment.</li> <li>» Review the composition of the DCA to include subject matter</li> </ul>

<b>impartially.</b>	<p>experts, or a specialised panel to advice/inform the planning decision.</p> <ul style="list-style-type: none"> <li>» Ensure that DCA decisions are consistent, and that reasons for decisions are provided/outlined.</li> </ul>
<b>The planning process should be simplified, and a hierarchy of applications should be introduced to streamline simple proposals.</b>	<ul style="list-style-type: none"> <li>» To the general person, the current planning process is complicated and a negative experience with substantial "red-tape".</li> <li>» There is the need for the planning system to have a hierarchy of applications, where simpler proposals follow a shorter / streamlined application process.</li> <li>» Processing timeframes should reflect the complexity of the application.</li> <li>» A wider range of delegations should be provided to officer level for approval of simpler applications.</li> </ul>
<b>Application requirements should reflect the complexity of the proposal to reduce cost.</b>	<ul style="list-style-type: none"> <li>» Applications can cost a substantial amount of money, not only in application fees, but also consultant costs to prepare an application that meets the requirements of the Act.</li> <li>» Simpler applications / planning issues should be streamlined to reduce requirements and technical reports needed to reduce the cost.</li> <li>» Clearer indication as to which specialist reports are needed for each type of application could assist in avoiding unnecessary, costly specialist reports and studies.</li> </ul>
<b>A streamlined and clearer variations process should be implemented.</b>	<ul style="list-style-type: none"> <li>» A review of Clause 2.5 of the NTPS is required, to allow for a simpler Development Permit Variation process. In particular, an outline of criteria as to when the waiver may be of "special circumstance" to support the waiver or variation.</li> </ul>
<b>Consultation should be balanced and transparent.</b>	<ul style="list-style-type: none"> <li>» The applicant should be provided sufficient opportunity to respond to submissions.</li> <li>» Consultation and objections should have a structure, where objections are grounded in planning merit / amenity issues, and avoid personal comments.</li> <li>» Amended application details should be circulated to service authorities and submitters for review, with sufficient time to allow a full assessment.</li> <li>» Consultation should be genuine, and comments from the community should be taken into account in the decision making process.</li> </ul>
<b>A planning education process should be started</b> <i>Note: This section relates to comments, as well as survey results.</i>	<ul style="list-style-type: none"> <li>» Clearly explain the role of the NTG and Council in the planning process.</li> <li>» Improve the location and accessibility of information. The website is difficult to navigate to find planning information.</li> <li>» Pink signs are too small, particularly for moving traffic.</li> <li>» Outline clearly which agencies should be consulted with for each particular type of application, and at which stage of the application process.</li> <li>» Improve fact sheets and guidelines explaining the planning process clearly, in an accessible way understandable to the</li> </ul>

	<p>general reader.</p> <ul style="list-style-type: none"> <li>» Improve application flow-charts to be more understandable to the general reader.</li> <li>» Improve the connection to the Environmental Assessment process (NT EPA), and explain this process in more detail.</li> </ul>
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### 3.1.1 Conflicting Outcomes

In certain cases, respondents and stakeholders had divergent perspectives. These included:

- » *"The exhibition time is too short" vs "The exhibition time is too long" vs "The exhibition time is just right."*
- » *"Planning assessment should be undertaken by the NTG, not the Councils" vs "Councils should have more planning power."*
- » *"The concurrent application process is good, as it provides more detail through the process" vs "Concurrent applications should not be allowed as the DCA focus on the detailed design, and not the principle of the rezoning."*
- » *"Less flexibility to ensure decisions are free from subjective / opinion based influence" vs "More flexibility to ensure improved design outcomes"*
- » *"More community consultation is required, and comments from the community need to be better reflected, particularly in relation to amenity concerns" vs "Broader consultation would give too much precedence to opponents of development"*

## 3.2 Priorities for NTG

The following priorities were suggested by workshop participants:

- » Introduce a hierarchy of development applications, with reduced application requirements and streamlined processing and approvals of simple applications.
- » Introduce more delegations for approval, particularly for simpler applications.
- » Put in place requirements for objections – e.g. a standard objection form with key areas to be addressed.
- » Introduce a weighting system for objections and submissions.
- » Review definitions in the NTPS to provide more certainty, and reduce grey areas.
- » Review the make-up of the DCA:
  - > Improve the independence by amending the appointment of the Chairperson from a political appointment to a skills-based appointment.
  - > Ensure that membership includes trained professionals.
- » Introduce time limits on service authority comments, including clearing conditions.
- » Design guidelines should form part of the NTPS to improve built form and subdivision outcomes.
- » Improve the availability of information, including improving the website to place all information relevant to development applications in one place.

- » Review the consultation process, including the timing of exhibition based on complexity of the application, the introduction of local advisory committees, and the way community input is assessed.
- » Ensure planners providing advice understand the local context – better access to the area planner, rather than reliance on a duty planner.

## 4 Compliance & Enforcement

**This section outlines the consultation outcomes specific to the theme of Development Applications.**

The compliance and enforcement theme received less input than the strategic land use planning and development application themes. In general terms, the observation is that there is too little compliance and enforcement. It was suggested that a more robust system be put in place to pick up non-compliance without a complaint / report being required.

A further focus of input received, was simplifying the process for complying with development permit conditions, as well as improving enforcement of conditions.

The key points raised were:

- » Compliance and enforcement should be **holistic and consistent**.
- » Conditions of Development Permits should be **enforced diligently**.
- » The outcomes of variation applications should be **communicated to respondents** and service authorities.
- » The compliance process should be **streamlined and strengthened**.

These points are discussed further below.

### 4.1 Experience and Opportunities

**Table 3 Compliance & Enforcement – Key Themes & Outcomes**

Key Themes	Experiences & Opportunities
<b>Compliance and enforcement should be holistic and consistent.</b>	<ul style="list-style-type: none"> <li>» Where an area of non-compliance is identified, it needs to be enforced universally – not in isolation. Anyone undertaking the illegal use should be enforced.</li> <li>» The NTPS needs to be reviewed to ensure clauses cannot be interpreted differently. For example, the experience has been that the new open space requirements and zero lot lines provision are interpreted differently across offices and individuals.</li> <li>» Compliance is difficult in the case of retrospective applications, when the use has already commenced. Stronger provisions are needed to discourage non-compliant development.</li> <li>» More support should be provided to allow government/councils to take enforcement action quickly</li> </ul>

Key Themes	Experiences & Opportunities
<b>Conditions of Development Permits should be enforced diligently.</b>	<ul style="list-style-type: none"> <li>» 17% of online survey respondents (the highest proportion of respondents to this question) indicated that there is little or no enforcement on the conditions of development permits.</li> <li>» Provide a requirement for security deposits / bonds on applicable conditions.</li> <li>» Provide higher fines for non-compliance with conditions.</li> <li>» Improve resourcing of the compliance division to allow for better monitoring of compliance.</li> </ul>
<b>The outcomes of variation applications should be communicated to respondents and service authorities.</b>	<ul style="list-style-type: none"> <li>» Ensure there is better communication of variations to conditions to service authorities (including Councils), to ensure they are working from the most up-to-date list of conditions.</li> </ul>
<b>The compliance process should be streamlined and strengthened.</b>	<ul style="list-style-type: none"> <li>» Establish clear guidelines for acceptable levels of variation from Development Permits.</li> <li>» There should be legislated timeframes for service authorities to provide clearances.</li> <li>» There should be a standard process for service authorities to provide clearances.</li> <li>» A monitoring system should be established to pick up non-compliance, rather than relying on complaints/reports.</li> <li>» There should be stronger penalties for non-compliance.</li> <li>» Infringement notices should be introduced.</li> </ul>

## 4.2 Priorities for NTG

The following priorities were suggested by workshop participants:

- » Establish clear guidelines for acceptable levels of variation / extent of changes that trigger the need for an application.
- » Introduce stronger provisions for enforcements, including higher fines for non-compliance.

## 5 Review of Decisions (Appeal Process)

**This section outlines the consultation outcomes specific to the review of planning decisions (Appeal Process).**

There are divergent perspectives on the appeal process. While respondents, particularly through the online and telephone survey, commented on the need for extended third party appeal rights, this was countered by the need for a robust, transparent planning process reducing the need for appeals. The need to consider the economic impact / time cost of the appeal process was also a recurring theme.

Increased appeal rights could be accompanied by a more rigid requirement for what should be included in an appeal to ensure the validity of such an appeal. Concern was raised that wider appeals options would be open to abuse.

The "Review of Decisions (Appeal Process)" theme within the consultation was also frequently confused with the planning (Ministerial and DCA) approvals process. Where this occurred, these responses have been re-allocated to the appropriate section above.

Key themes arising from the consultation included:

- » The strength, and **extent** of third party appeal rights should be improved.
- » Third party appeal rights should consider the **impact on the Economy**.
- » Ensure the NTCAT has **specialist advice** / members.
- » Review the **structure of NTCAT** in relation to planning appeals.

These explored in detail below.

### 5.1 Experience & Outcomes

**Table 4 Review of Decisions (Appeal Process) – Key Themes & Outcomes**

Key Themes	Description
<b>The strength, and extent of third part appeal rights should be improved.</b>	<ul style="list-style-type: none"> <li>» Appeal rights, based on planning and amenity issues, should be extended to people not directly impacted by development.</li> <li>» Appropriate, and genuine community consultation through the planning process (strategic and development application) is viewed as more important than stronger appeal rights.</li> <li>» Appeal rights should be extended to include zoning decisions and strategic planning.</li> <li>» Third party appeal rights are considered essential, as it provides the opportunity for the community to actively challenge planning decisions.</li> </ul>



Key Themes	Description
<b>Third party appeal rights should consider the impact on the Economy.</b>	<ul style="list-style-type: none"> <li>» Requirements should be set up for appeals, with a structure for vetting appeals before being accepted, to reduce unnecessary and costly responses.</li> <li>» Any increase in third party appeal rights should take into account the impact on development feasibility, and time costs of delays.</li> </ul>
<b>Ensure the NTCAT has specialist advice / members.</b>	<ul style="list-style-type: none"> <li>» NTCAT is viewed as an effective tool as an independent third party.</li> <li>» Assessment of appeals should be made from a specialist, informed planning viewpoint, and not purely from a legal perspective.</li> <li>» NTCAT is a legal process, rather than a political decision, which is positive – it is however too focussed on legal requirements, rather than good planning outcomes.</li> </ul>
<b>Review the structure of NTCAT in relation to planning appeals.</b>	<ul style="list-style-type: none"> <li>» Ensure that reviews happen in a timely manner.</li> <li>» Provide a performance based index on review of an application.</li> <li>» Reviews should reflect context, and planning principles, as well as local context.</li> <li>» Reviews of decisions should be based on the rights of applicants, and with due consultation.</li> <li>» NTCAT should consult a specialist in review of planning decisions.</li> <li>»</li> </ul>

## 5.2 NTG Priorities

The following priorities were suggested by workshop participants:

- » Rezoning / EDP decisions should be appealable.
- » The local context, and planning principles, should form part of appeal reviews – not only legal approach.

## 6 General Comments

**This section outlines the general comments received that relate specifically to Planning System Reform.**

Certain general comments were received through the course of the consultation process. In many cases, these were not related to the Planning System Reform, but related to specific land use concerns, or were related to other strategic planning consultation undertaken simultaneously.

Many people from the workshops indicated that a new Act and holistic review of the NTPS is required.

The following points relate specifically to planning system reform:

- » The NTPS needs to be **place specific**.
- » There is a need for the NTPS to include **design guidelines** / requirements.
- » There should be better **co-ordination and integration**.
- » Updating of the NTPS needs better **notification** and distribution.
- » **Transparency and accountability** should be a focus of the planning system.
- » The website and **availability of information** should be improved.

These are discussed in greater depth below.

### 6.1 Experiences & Opportunities

**Table 5 General Comments – Key Themes & Outcomes**

Key Themes	Experiences and Opportunities
<b>The NTPS needs to be place specific.</b>	<ul style="list-style-type: none"> <li>» Certain towns and suburbs have different character and requirements, making place specific requirements and provisions within the NTPS necessary / appropriate.</li> <li>» Character statements should be included into the NTPS.</li> </ul>
<b>There is a need for the NTPS to include design guidelines / requirements.</b>	<ul style="list-style-type: none"> <li>» Design and subdivision guidelines should be incorporated into the NTPS to guide development, and ensure better built form and subdivision outcomes and amenity.</li> </ul>
<b>There should be better co-ordination and integration.</b>	<ul style="list-style-type: none"> <li>» The various levels of government, and service authorities, should be better integrated to improve the system and provide consistency.</li> <li>» Consultation revealed the need to consider mining leases and titles, environmental, certification, water license and pastoral lands with the planning reform.</li> </ul>
<b>Updating of the NTPS</b>	<ul style="list-style-type: none"> <li>» When the NTPS is updated, distribution of new pages or</li> </ul>

Key Themes	Experiences and Opportunities
<b>needs better notification and distribution.</b>	notification of the changes needs to be better advised / more broadly distributed.
<b>Transparency and accountability should be a focus of the planning system.</b>	» There was the broad perception, on a range of topics, that planning decisions should be de-politicised, and made by impartial specialist people / bodies.
<b>The website and availability of information should be improved.</b>	<ul style="list-style-type: none"> <li>» All relevant information should be available in one place.</li> <li>» The website needs to be improved to be more logical, and with relevant information in the same place.</li> </ul>

## 7 Summary & Conclusion

The community consultation to obtain input and comments to “Building confidence through Better Planning for the Northern Territory” included opportunities for many resident, stakeholders and businesses to be involved in various ways and mechanisms across the Northern Territory, including Darwin, Palmerston, Lichfield, Alice Springs, Katherine and Tennant Creek.

The telephone and online surveys indicate a proportionate involvement of the communities across the Northern Territory, as well as a cross section of age groups. Over 1,000 people within the Northern Territory were directly involved in the consultation, with additional residents reading the documents on the website. The consultation involved a broad spectrum of the community who had little to no experience with planning as well as those who used the planning system extensively and regularly.

The vast majority of communities who participated in the consultation process were of the view that the planning system is not easily understandable and further that it is neither transparent nor provides significant meaningful participation. While many participants (primarily from the workshops) who used the planning system more extensively provided comments that the planning system is working well, but there is a need for improvements. The majority of comments provided by Territorians reflect the need for decision making to be more transparent and with the key reasons for the decision being outlined. A high proportion of the respondents felt that there was insufficient enforcement of planning outcomes, and suggested more should be done to enforce the permits granted. Between the participants there were mixed views on the review of the decision making process, in particular, regarding third party appeals. Many participants felt the current system was adequate provided there was better communication and understanding of the planning process and outcomes.

The inputs and comments from the community consultation were generally consistent across the Northern Territory, with few minor differences between the regional/rural areas and the greater Darwin region. Where differences in perspective were held, these related more to place-based / development specific issues rather than planning system concerns. The participants of the community consultation provided a significant more comment and ideas to reviewing and improving strategic planning and the development application process, rather than enforcement or the review of decisions. However, by far the greatest input from Territorians was based on the decision making process, criteria and skills associated with strategic plans, rezonings and large development applications.

The proportion of people who participated in the telephone or online survey who had not necessarily been involved extensively in the planning process, as well as residents who attended the pop up sessions provided the need for education on the planning system, consultation in the planning system and more information regarding advertising of development applications and the associated process.

Participants from the community consultation workshops, whether from local government or stakeholders/professionals who used the planning system extensively, acknowledged the increasing importance of strategic plans and streamlined efficiency for development permits. Suggested improvements were to have strategic planning for all areas with the need for the integration of transport, infrastructure and land use being coordinated. Decision making of development applications and the need for a “hierarchy of applications” – meaning the application and approvals process reflecting the size and complexity of applications, was commonly raised at workshops.

In summary, Territorians through the consultation process have provided the Northern Territory Government with significant input/comment into the review of the planning system across elements relating to governance, consultation processes, strategic planning, development application permit process, compliance and enforcement as well as review of decisions.



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# PLANNING REFORM DIRECTIONS PAPER

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*Building Confidence through Better  
Planning for the Northern Territory*

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- 2 Directions to Deliver Planning Reform
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## LIST OF ACRONYMS

DA	Development Application
DAS	Development Assessment Services
DCA	Development Consent Authority
DIPL	Department of Infrastructure, Planning and Logistics
EDP	Exceptional Development Permit
NT	Northern Territory
NTG	Northern Territory Government
NTCAT	Northern Territory Civil and Administrative Tribunal
NTPS	Northern Territory Planning Scheme



# INTRODUCTION

*Land use planning is needed to make sure that existing and future Territorians have the built and natural environments needed to support great lifestyles and strong communities.*

Planning guides how land can be used and sets the direction for sustainable and orderly development that meets the demands of a growing population. The Government is committed to providing the best planning system for the Territory – a system that is transparent, accountable and that will balance the many interests in the community.

From October to December 2017, a consultation paper was released outlining how the current Northern Territory planning system operates and introducing six principles intended to underpin the planning system to ensure it:

- ▷ provides certainty
- ▷ balances competing interests
- ▷ ensures transparency
- ▷ reduces complexity
- ▷ incorporates meaningful community participation and consultation
- ▷ expands opportunities for decisions to be reviewed.

Elton Consulting was engaged to talk with all sectors of the community to seek feedback on the current planning system in the Territory and ideas for its improvement. Feedback about the strengths of our planning system, its shortcomings and suggestions for improvement have been used to inform a package of proposed planning reforms. The full consultation outcomes report from Elton is available online.

## FEEDBACK SNAPSHOT

Feedback from the community and industry illustrates features of the NT planning system that work and key areas for improvement.

### KEY STRENGTHS

- ▷ Comparable to other states, the NT planning system is generally simple.
- ▷ The planning system is predominantly an efficient and streamlined system for development applications.
- ▷ Development Assessment Services (DAS) is easy to deal with and approachable.
- ▷ Electronic submissions of development applications is efficient.
- ▷ Strategic planning has improved significantly and is moving in the right direction.

### KEY SHORTCOMINGS

- ▷ There is too much potential for political interference in the planning system.
- ▷ Decision making processes need more meaningful public participation.
- ▷ Planning decisions need to be more transparent and accountable.
- ▷ Planning decisions need to have more holistic and informed consideration of environmental, social and economic issues, and should focus on producing good development outcomes.
- ▷ Planning information needs to be clearer and more accessible, especially online.
- ▷ More needs to be done to enforce development permits.

## AIM OF THE DIRECTIONS PAPER

This Directions Paper gives an overview on the Government's strategy to reform the planning system.

The Directions Paper introduces:

- ▷ three overarching directions for planning reform guided by the six principles and reflecting community feedback
- ▷ the two phases over which reforms will be delivered
- ▷ a snapshot of the proposed reforms and
- ▷ issues considered to be outside the scope of this review

The Directions Paper is complemented by a Phase 1 Priority Reforms paper that provides more technical detail on reforms proposed for Phase 1.

Phase 1 reforms include a number reference so you can easily find more detail and focused questions about these in the detailed Phase 1 Priority Reforms paper

# DIRECTIONS TO DELIVER PLANNING REFORM

Community feedback identified a broad range of concerns and priorities. The essence of this feedback and the six principles guiding the reform suggest three key directions for improving the NT planning system.

## SIX PRINCIPLES

PROVIDING CERTAINTY	BALANCING COMPETING INTERESTS	ENSURING TRANSPARENCY
REDUCING COMPLEXITY	INCORPORATING MEANINGFUL COMMUNITY PARTICIPATION AND CONSULTATION	EXPANDING OPPORTUNITIES FOR DECISIONS TO BE REVIEWED

## THREE KEY DIRECTIONS

### PRINCIPLES

- 1 Strengthen and clarify the planning framework** to deliver better planning and development outcomes
 






- 2 Make the planning system more open and accountable** to improve public understanding and confidence in planning decisions
 






- 3 Improve connections with the public** to better value, encourage and support community contributions to planning processes
 







## TWO PHASES OF PLANNING REFORM

Improving the planning system will require a mix of changes to planning laws and regulations, amendments to the NT Planning Scheme, development of new information resources, upgrades to online systems, and changes to administrative processes.

The proposed reform timeframe is split into two phases:

### Phase 1

**Priority reforms** which consist of:

- fundamental legislative changes;
- structural planning scheme amendments that are needed to support a renewal of the Scheme in Phase 2; and
- administrative changes that are reasonably simple to implement.

### Phase 2

**Longer term reforms** that:

- rely on a change to law or policy to be completed first (through Phase 1 reforms); and/or
- require comprehensive research and investigation.

The Lands Planning team has already commenced reforms that improve how planning information is accessed and internal administrative systems and processes. This reform project aims to have all Phase 1 reforms completed in 2019, and a majority of Phase 2 reforms completed in 2020.

# 1 Strengthen and clarify the planning framework to deliver better planning and development outcomes

## WHAT WE HEARD

This direction reflects key themes from consultation that:

*A comprehensive legislative review should be undertaken to simplify the planning system.*

*Strategic plans are needed for all areas as a priority. These should be developed with a greater depth of research and review, and should avoid a 'one size fits all' approach.*

*Planning processes need to be better coordinated and integrated with other legislation and processes, including those related to vegetation, water resources and infrastructure provision.*

*Development outcomes need to be improved, including considerations of the environment, built form, urban design and the local context of proposed developments.*

*There is a need for the NT Planning Scheme to include design guidelines / requirements.*

## PHASE 1 REFORMS

The NT planning system was generally considered to work well, notwithstanding the opportunities for improvement. It was also acknowledged that strategic planning is important to enable holistic consideration of environmental, social and economic issues at a relevant scale, including the local level.

Phase 1 reforms are proposed to build on these good points and address areas that need improving. The Act and Scheme will be restructured to make it clear how the planning system works, what matters must be considered by all decision makers (the DCA and Minister) when making planning decisions, and to strengthen the role of policy to influence consideration of a development within the context of its surroundings. Phase 1 reforms include actions to:

- ▷ Revise the purpose of the *Planning Act* and refine the structure and principles of the NT planning system (1.3)
- ▷ Define the contents of a planning scheme (1.4)
- ▷ Clarify the hierarchy and role of policy within the NT Planning Scheme (1.5)
- ▷ Strengthen the linkages between strategic planning and development assessment (1.6)
- ▷ Improve the integration of land use planning and infrastructure provision (1.8)

## PHASE 2 REFORMS

Once the Act and Scheme are restructured and the role of policy is established, we can work within the new framework to do a comprehensive review of the NT Planning Scheme. This will include a substantial body of work to:

- ▷ Review definitions, zones and development provisions
- ▷ Review and develop a range of guidelines for matters such as building design, subdivision and land clearing

# 2

## Make the planning system more open and accountable to improve public understanding and confidence in planning decisions

### WHAT WE HEARD

This direction reflects key themes from consultation that:

*The planning system should be more transparent and accountable.*

*The planning system is too political.*

*Decisions on development applications should be impartial.*

*Enforcement of the Planning Act needs to be proactive and consistent, and penalties should be stronger.*

*Opportunities for third party appeal rights should be improved.*

*Any increase in third party appeal rights should take into account and minimise unnecessary cost and delays to development*

*The NTCAT should take account of both legal and planning considerations.*

### PHASE 1 REFORMS

Proposed Phase 1 reforms include measures to improve transparency. The reforms listed in this section will be supported by better communication and consultation processes which are addressed in Section 3.

#### MORE TRANSPARENT APPLICATION AND ASSESSMENT PROCESSES

- ▷ Make the planning scheme amendment process more robust (1.7)
- ▷ Reform the Development Consent Authority (2.8)
- ▷ Introduce time limits for the deferral of development applications (3.2)

#### REVIEW THE APPEALS PROCESS

- ▷ Revise third party appeal rights (3.1)
- ▷ Increase access to NTCAT to review decisions (4.3)

#### REVIEW ENFORCEMENT AND COMPLIANCE PROVISIONS

- ▷ Review and clarify existing use rights (4.1)
- ▷ Improve the ability of the DCA to enforce offences under the *Planning Act* (4.2)
- ▷ Strengthen the ability of authorised officers to investigate (4.4)
- ▷ Revise penalty units to reflect the severity of offences (4.5)
- ▷ Introduce penalty infringement notices for minor offences (4.6)
- ▷ Introduce deeming provisions that establish who is liable when an offence has occurred (4.7)
- ▷ Expand liability provisions to include office holders of body corporates (4.8)
- ▷ Clarify provisions that limit time to commence prosecution (4.9)

### PHASE 2 REFORMS

Phase 2 reforms that build on Phase 1 actions will include:

- ▷ Review the concurrent application process
- ▷ Review the use of exceptional development permits

### PARTS OF THE SYSTEM TO BE PRESERVED

While proposed reforms respond to most concerns raised during consultation, some significant aspects of the current system will be preserved with improvements to aid understanding and enhance community confidence.

- ▷ The Minister will retain discretion over planning scheme amendments and exceptional development permits. This recognises that these decisions relate to changes to government policy. To address the concerns about the transparency of the Minister's decisions, parameters that all decision makers must consider will be added to the Planning Act.
- ▷ Council nominated members will remain part of the Development Consent Authority. This recognises their role in representing the interests of the local community. A new DCA code of conduct will include direction on how Council nominated members may voice the views of Council while ensuring their decisions are made independently.
- ▷ All planning scheme amendment hearings will continue to be held by the NT Planning Commission. This recognises that the NTPC is established to develop and advise on planning policy but has no decision making powers under the Planning Act. For transparency, reports from the Commission to the Minister with advice on issues raised by the community will now be made publically available.



# 3 Improve connections with the public to better value, encourage and support community contributions to planning processes

## WHAT WE HEARD

This direction reflects key themes from consultation that:

*Planning information needs to be easier to understand and more accessible, especially online.*

*A planning education process should be started.*

*Consultation should be balanced and transparent.*

*The way strategic planning projects are released for consultation should be reviewed.*

*Updating of the NT Planning Scheme needs better notification and distribution.*

*Requirements for applications and consultation should reflect the complexity of the proposal.*

*The progress of applications should be trackable and the outcomes should be better communicated to submitters.*

*Planning advice needs to be more consistent and accurate.*

*There should be a structured approach to service authority comments and resolving issues.*

## PHASE 1 REFORMS

Better information and communication values community participation. This will improve both transparency and confidence in decisions, and result in better development outcomes through the contribution of local knowledge. To support community involvement in planning, Phase 1 will involve the following reforms:

### CLEARER AND MORE ACCESSIBLE INFORMATION ABOUT HOW THE PLANNING SYSTEM WORKS

- ▷ Demystify the NT Planning Commission (1.1)
- ▷ Improve the clarity and availability of information about the NT planning system and planning scheme amendment processes (1.2)
- ▷ Improve the clarity and availability of information about development assessment processes (2.1)

### CONSULTATION THAT BETTER REFLECTS THE COMPLEXITY AND POTENTIAL IMPACT OF A PROPOSED DEVELOPMENT

- ▷ Introduce pre application consultation by applicants for high impact developments (2.2)
- ▷ Simplify notification requirements for minor developments (2.3)

### MORE ACCESSIBLE INFORMATION ABOUT APPLICATIONS

- ▷ Update requirements for signs placed on land (2.4)
- ▷ Expand the role of electronic services for development notifications and formal correspondence (2.5)

### BETTER RESPONSES AND ONGOING COMMUNICATION WITH SUBMITTERS

- ▷ Promote contact between planning officers and submitters on development applications (2.6)
- ▷ Facilitate post exhibition / pre determination discussion between applicants and submitters (2.7)

## PHASE 2 REFORMS

Phase 1 improvements to information and communication will be further developed in Phase 2 with substantial work on online systems and alternative engagement methods. Phase 2 reforms include:

### IMPROVE ENGAGEMENT OF 'HARD TO REACH' GROUPS

- ▷ Increase the awareness of and engagement with young people in planning
- ▷ Improve planning for remote communities

### FURTHER IMPROVEMENTS TO ONLINE SYSTEMS

- ▷ Overhaul of online systems to develop an integrated planning portal that presents and interlinks systems that may include:
  - Online interactive planning scheme
  - Intuitive interactive mapping system with better property and planning information
  - Easy to understand presentation of applications
  - Application tracking and submissions platform for the public, and improvements to online application tracking / processing system for applicants
  - Online planning application archive
- ▷ Explore potential to use technology to improve opportunities to participate in DCA meetings including livestream

## PARTS OF THE SYSTEM TO BE PRESERVED

Set timeframes will not be imposed on service authorities to sign off development permit conditions. This recognises that development must meet the technical and legal requirements of service authorities. Proposed reforms will increase opportunities for developers and service authorities to confer, and to potentially resolve issues, prior to a decision being made by the DCA.

## NEXT STEPS

- This Discussion Paper is intended to be read in conjunction with the Phase 1 Priority Reform paper.
- The Phase 1 Priority Reforms paper gives a more detailed technical explanation of issues to be addressed in Phase 1.
- Your feedback will be used to further refine the direction of reforms, including the specific drafting of legislation and changes to Government policy. This will include changes to the *Planning Act*; planning scheme amendments; and administrative changes.
- Draft legislation and planning scheme amendments will be provided for further feedback, prior to being tabled in parliament in 2019.

## HOW TO COMMENT

The Department of Infrastructure, Planning and Logistics will be running targeted consultation sessions over the coming 6 weeks focussing on the details of the Phase 1 Priority Reform paper.

If you provided your details as part of the Stage 1 consultation process you will be automatically included on our stakeholder contact list and invited to attend a workshop.

If you would like to be involved in the consultation sessions, or would prefer to provide written feedback, you can get in touch at: [planningreform@nt.gov.au](mailto:planningreform@nt.gov.au); or phone 08 8946 0600.



# PLANNING REFORM PHASE 1

# PRIORITY REFORMS

*Building Confidence through Better  
Planning for the Northern Territory*



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## Introduction

The release of a consultation paper in October 2017 was the first step in the process of Building Confidence through Better Planning for the Northern Territory. The consultation paper outlined how the Northern Territory planning system operates and introduced the six principles intended to underpin reform of the system. The aim of the initial consultation was to identify opportunities to reform the planning system so it delivers high quality developments and the outcomes the community expects.

In response to feedback from the first round of consultation, the Government has released:

- A **Directions Paper** to give a simple, accessible explanation of the Government's strategy to deliver planning reform and introduces the two phases through which reform will be developed and delivered.
- This **Phase 1 Priority Reforms** paper to give a more detailed technical explanation of issues to be addressed in Phase 1 and the reforms proposed to be developed and implemented to address the first tranche of the issues of concern identified by the consultation.

Government is seeking the view of all stakeholders on the strategy identified in the Directions Paper and the specific initiatives suggested in this paper.

## Background

The *Planning Act* has been in effect since early 1993. A major amendment in 2005 introduced the framework for a single consolidated Northern Territory Planning Scheme (NTPS). The introduction of the NTPS in 2007 integrated 40 separate documents into a scheme covering all zoned land in the Territory (except Jabiru).

Since that time both the Act and the Scheme have been subject to numerous amendments.

The creation of the Northern Territory Planning Commission (NTPC) in 2012 increased the focus on the importance of strategic planning in guiding growth. A range of other amendments and administrative changes have improved components of the system and access to planning information.

This review reflects the recognition that improvements can always be made. A holistic approach to the review of the planning system is intended to give the community confidence that the system will deliver outcomes that support the needs of Territorians both now and into the future. Reforms will include a range of changes to the legislation, regulations, and the NTPS and new information resources and administrative processes.

## Scope

Planning reform is intended to address the operation and effectiveness of the *Planning Act*, the NTPS and associated administrative and decision making processes. The objective of this paper is to identify those issues comprising Phase 1 of the reform, explain the reasons for the issues and identify potential reforms or actions to address them. These reforms will also provide a framework for further reforms as part of Phase 2.

## List of Acronyms

<b>DA</b>	Development Application
<b>DAS</b>	Development Assessment Services
<b>DCA</b>	Development Consent Authority
<b>DIPL</b>	Department of Infrastructure, Planning and Logistics
<b>EDP</b>	Exceptional Development Permit
<b>NT</b>	Northern Territory
<b>NTG</b>	Northern Territory Government
<b>NTCAT</b>	Northern Territory Civil and Administrative Tribunal
<b>NTPC</b>	Northern Territory Planning Commission
<b>NTPS</b>	Northern Territory Planning Scheme

## 1. Strategic Land Use Planning and the NTPS

Consultation acknowledged that strategic planning in the Territory is improving, and this is a move in the right direction. The NT planning system is also considered to be relatively simple and effective compared to other jurisdictions in Australia. However, the need to clarify the planning system and better coordinate the various components of the NTPS was also raised.

The increasing focus on a strategic approach to planning is not unique to the Territory. The challenge for all jurisdictions is to streamline processes while reinforcing the role of strategic plans to facilitate holistic and informed consideration of environmental, social and economic issues.

The following reforms identify opportunities to restructure the Act and Scheme to make it clear how the planning system works, what matters inform decisions and to reinforce the role of policy in influencing those decisions. This is supported by reforms to the way in which information is made available and communicated to all stakeholders.

### 1.1. Demystify the role and processes of the NTPC.

The Act establishes the NTPC as an independent body and identifies its functions, including to consult with the community and to prepare integrated strategic plans, guidelines and assessment criteria for inclusion in the NTPS. As well as developing strategic planning policy, the Commission has a role in holding public hearings and reporting to the Minister on public feedback in relation to proposed planning scheme amendments. The Commission has no decision making powers under the Act.

While generally supportive of strategic planning by the Commission, a number of comments and submissions suggested that consultation could be improved and, in particular, that consultation across strategic planning projects needs to be better coordinated. More broadly, it seemed the role of the Commission and the factors that influence the development of planning policy were poorly understood by the community, contributing to lack of confidence in planning processes.

Some respondents felt that the Commission should not conduct hearings for proposed policy that they developed, and there was also a suggestion that this role should revert to the DCA to ensure local government involvement. Hearings on proposed planning scheme amendments will continue to be held by and reported on by the Commission to ensure it is aware of issues raised to inform future development of overarching strategic planning objectives. This approach also recognises that the Act already specifically provides for local government involvement in the planning scheme amendment process.

This reform focuses on improving community understanding and the transparency of the NTPC's functions, particularly in relation to community consultation. This is complemented by reforms seeking to clarify the structure of the planning system and reinforce the role of policy (1.3 - 1.6), improvements to the planning scheme amendment process (1.7), and improved access to information on the planning system and processes more generally (1.2).

Actions under this reform are to:

- 1.1.1 *Amend the Act to require the NTPC to have a publicly available community engagement charter including performance outcomes.*
- 1.1.2 *Make reports from the NTPC to the Minister publicly available.*
- 1.1.3 *Improve coordination of information about NTPC projects across the Commission and NT Government websites to increase awareness of the status these projects and their role in informing decisions.*

## 1.2. Improve the clarity and availability of information about the NT planning system, particularly amendments to the scheme including the rezoning of land

The community confidence in the planning system and ability to participate meaningfully in planning processes is impacted by a lack of transparency as well as misunderstandings around the operation of the NT planning system. A lack of information or difficulty accessing or interpreting the available information was an issue recognised by all sectors of the community including both frequent and occasional participants in planning processes.

This reform seeks to improve information on the NT planning system and make this information more accessible. This includes use of language and media that considers target audiences, particularly noting the different levels of expertise, understanding and information needed by frequent participants in the NT planning system (such as industry professionals) compared to those who are new to planning.

This reform relates to reform 2.1 which seeks to improve information on development application processes, as well as improvement and development of online systems proposed to take place in Phase 2. This will also support changes to the *Planning Act* and NTPS proposed through reforms 1.3 – 1.7 that clarify the fundamental structure of the NT planning system and the importance of policy.

Actions under this reform are to:

- 1.2.1. *Review and simplify the user guide to the NTPS to reflect the importance of policy.*
- 1.2.2. *Develop and improve guidance notes for industry professionals that assist in interpretation of various clauses of the NTPS, and in particular new or changed provisions.*
- 1.2.3. *Develop 'plain English' factsheets and similar information resources to clarify how the NT planning system is structured, and the powers, roles and responsibilities of key agencies under the Act.*
- 1.2.4. *Review and simplify guides for making a planning scheme amendment or concurrent application, and for providing submissions to these processes.*
- 1.2.5. *Develop an online glossary of planning terms and acronyms that can be added to over time to help the public understand more technical documents and applications.*

## 1.3. Establishing principles to advance the purposes of the Act

Through consultation it is clear there is confusion about how the planning system operates and what considerations guide planning and decision making. Some submissions made specific suggestions about objectives that should be included while others suggested that the planning system should be less prescriptive and more outcomes-focused.

Part 1 – Preliminary of the *Planning Act* establishes the purpose of the Act, the overarching objects and a number of mechanisms to achieve the objects but does not define a clear framework for planning processes and policies nor does it assign decision making roles.

Revision of Part 1 of the Act will clarify the function of the Act to guide the fair, transparent and accountable operation of the overall planning system. This will ensure transparency in decision making and provide the community with greater confidence that decisions are advancing achievement of the objectives of the Act.

Action under this reform is to:

- 1.3.1. *Revise Part 1 of the Act to establish:*

- *an expanded purpose of the Act to clearly establish the broad range of considerations that should guide the planning system;*
- *a clear structure for the planning system procedures, and decision-making roles and responsibilities; and*
- *overarching directions to advance the purpose of the Act in a way that promotes the fair, transparent and accountable operation of the planning system.*

#### 1.4. Definition of a Planning Scheme

Section 9 of the *Planning Act* lists potential components of a planning scheme including policy statements; provisions that permit, prohibit restrict or impose condition on the use and development of land; and maps, designs or diagrams. The various components of the scheme are given power to inform decisions by other sections of the Act (in particular section 52). The vague nature of the descriptions of the components of a scheme, however, is limiting the effectiveness of policy and the achievement of good development outcomes.

The NTPC, the independent body established by the Act and tasked with strategic planning for the Territory, has suggested that strengthening the role of policy will be fundamental to achieving the Government's goals for reform of the planning system. The Commission has identified a number of reforms to underpin the importance of policy including a simpler and more clearly defined structure of the components of a Scheme.

Revision of section 9 and consequential amendment to section 52 of the Act will respond to the community's support for a consistent decision making framework and reinforce the status of policy.

Action under this reform is to:

##### 1.4.1. Review section 9 of the Act to clarify that a planning scheme can include:

- *Strategic land use policies to guide all decisions in relation to future land use and development;*
- *Zones that permit (with or without consent) or prohibit development within the context of strategic land use policies;*
- *Performance criteria applicable to a use or zone and inform the manner in which a use or development may be undertaken; and*
- *Guideline documents that assist in the interpretation of the planning scheme.*

#### 1.5. Clarify the scope for the policy hierarchy within the NTPS

The NTPS presents policy in a number of ways including:

- Territory and region-specific Land Use Frameworks and Planning Principles (Part 2)
- Area Plans (Part 8)
- Policy and Guideline documents (Schedules 2 and 3)
- Zone purpose statements (Part 3)
- Development provision purpose statements (Parts 4 and 5).

As the NTPC works with the community to prepare land use policies to improve development outcomes in the Territory, a hierarchy of plans is emerging – notably, regional land use plans that establish overarching directions and cascading subregional land use plans and area plans that provide further detail for smaller localities. This hierarchy is broadly acknowledged in the policy documents themselves, but is not identified in the Scheme or the Act.

Presenting a hierarchy of policy, which mirrors the hierarchy of plans being prepared by the NTPC, within a reformatted Part 2 of the Scheme will strengthen the role of policy in guiding future development and decision making.

The proposed changes also respond to community concerns that the increasing use of Specific Use (SU) Zones and Exceptional Development Permits (EDPs) by developers to facilitate relatively minor variations to development provisions is eroding the integrity of the Scheme. By increasing the role of policy to guide decision making, more innovative proposals or site specific variations can be accommodated without the need for ad hoc amendments to the Scheme or EDPs.

Action under this reform is to:

- 1.5.1. *Amend the NTPS to consolidate policy currently in Part 2, Part 8 and Schedule 2 within a new Part 2.*

## 1.6. Strengthen the linkages between strategic planning and development assessment

A consistent theme from consultation was that decision making needs to be better informed and consider social, environmental and economic issues holistically and within a local context to deliver better development outcomes. There was concern that the exercise of discretion was too “tick the box” and that decisions are being made without a view to delivering good planning outcomes that reflect community aspirations documented in policy.

The Act and Scheme do establish a role for policy in informing decision making but the provisions that guide the consideration of policy are often ambiguous and sometimes conflict. Relevant provisions and associated issues are summarised below.

Section 52 of the Act establishes that the DCA must not consent to a development that is contrary to policy, as referred to under section 9(1)(a), without approval from the Minister. Current application of this section can lead to the “tick the box” approach to assessments and decisions.

Clause 2.5 of the NTPS also describes the parameters around the exercise of discretion by the consent authority and only requires consideration of Parts 4 and 5 of the Scheme. It does not specify the need for the consent authority to consider policy within Part 2, Part 3, Part 8 and Schedule 2. Amendment will clarify that any policy may inform decisions.

Clauses of the NTPS relevant to how policy guides development decisions include:

- clause 1.2 – establishes that provisions of Part 3 (Zones) prevail over Part 8 (area plans) in the event of an inconsistency;
- clause 2.7 - requires the consent authority to consider policies in Part 8 or Schedule 2;
- clause 2.2 4(c) - provides for the granting of consent for development that does not accord with the provisions of the scheme.

When considered together, clauses 1.2, 2.7 and 2.2 4(c) suggest that:

- area plans cannot permit a use that would be unlawful under a Zone; and
- area plans can prevail over development provisions (in Parts 4 and 5); but
- subclause 2 of 2.7 creates confusion over the role of policy by suggesting policy, which is in fact part of the scheme, is overridden by the planning scheme where there is an inconsistency

Furthermore, while zones prevail over area plans and development provisions, zone purpose statements (contained within Part 3) are not clearly identified as a consideration in the exercise of discretion.

Review of clauses 1.2, 2.2 4(c), 2.5, and 2.7 in association with reforms 1.4 and 1.5 which restructure the planning scheme will reinforce the importance of policy.



This will contribute to better consideration of overall planning implications in decision making and better development outcomes. The proposed amendments below should be considered in the context of potential amendments discussed at 1.4 and 1.5. Actions under this reform are to:

- 1.6.1. *Amend section 52 of the Act to reflect its intended purpose - to require that the DCA may grant consent to a development that is contrary to a policy in the NTPS only if the Minister gives approval.*
- 1.6.2. *Amend clause 2.5 of the NTPS to clarify that in considering an application for consent, in addition to the existing matters to be considered, the consent authority must also consider the identified purpose of the zone and policy in proposed Part 2 of the Scheme.*
- 1.6.3. *Amend clause 2.7 of the NTPS to clarify that interpretation of the Scheme must have regard to the policy in proposed Part 2.*
- 1.6.4. *Include an introduction to the proposed Part 2 to clarify that interpretation of provisions in Parts 4 and 5 must be consistent with applicable policies in Part 2.*

### 1.7. More robust planning scheme amendment processes

Community concern about the transparency, openness and accountability of the planning system underpins the overall reform. Consultation has clarified that some of this concern results from a lack of criteria and guidelines for decision making, particularly in relation to the Minister's role.

The overwhelming suggestion for improving the transparency and accountability within the system was to document matters the Minister considers when making decisions in relation to proposals to amend the NTPS. It is noted that some respondents also suggested that the Minister should not be responsible for making rezoning decisions; however, limiting the Minister's powers is not currently being considered.

Part 2 of the *Planning Act* establishes the legislative basis for the making and amending of planning schemes. There is considerable detail around the processes associated with exhibition and the subsequent reporting on matters raised during exhibition. There is, however, nothing to guide a person or body making a request to amend the scheme, nothing to guide the Minister in considering such a request, and no criteria for the Minister to consider when initiating an amendment on his or her own initiative.

The Minister has a responsibility to make a decision based on the merits of a proposal. The establishment of clear and detailed criteria to guide the Minister's decisions will improve transparency and accountability by improving applicants' and submitters' understanding of what matters were considered and how these influenced the reasons for a decision. This approach also has the potential to draw attention to the purpose of the *Planning Act* and to reinforce the significant role of policy in informing decisions.

Concern was also raised about the lack of timeframes for the Minister to make a decision and the uncertainty created by the open ended deferral of proposals to amend the scheme. Given that planning scheme amendments represent changes of policy often requiring detailed and complex investigations, prescribed timeframes would be difficult to accommodate. A formal legislative framework around the deferral of consideration of proposed planning scheme amendments would, however, improve the transparency of the system.

Actions under this reform are to:

#### 1.7.1 Revise Part 2 of the Act to establish:

- *criteria to inform the Minister's consideration of a proposal to amend the planning scheme with reference to the overall objectives of the Act and to policy within the NTPS;*



- *matters to be addressed when lodging an application to the Minister to amend the Scheme;*
- *requirements for public exhibition of a proposal to amend the NTPS in line with changes proposed for development applications (Reform 2.4);*
- *a formal mechanism for deferral of consideration of either an initial request to the Minister to amend the scheme or a decision about an exhibited proposed amendment; and*
- *the opportunity to lapse an application in the event there is no response from a proponent to a request for further information.*

### 1.8. Improved integration of planning and infrastructure

Land use plans establish a framework for future development, including consideration of existing infrastructure capacity and identification of future infrastructure needs to support growth. However, land use plans do not provide detailed guidance on how infrastructure will be constructed or paid for. Current provisions within the *Planning Act* around developer contributions also lack the depth to coordinate infrastructure provision.

Consultation acknowledged the benefits of strategic land use plans but emphasised the need to better integrate provision and funding of infrastructure with land use planning. In particular, a lack of necessary headworks infrastructure to support further growth is often a significant hurdle for developers. Without direction on the provision of these headworks, developers and residents lack the confidence to predict the timing and ability to proceed with development opportunities identified in a land use plan.

Preparation of infrastructure plans to support land use plans would provide the detail needed to coordinate delivery of necessary infrastructure by the responsible agencies in an efficient, cost effective and logical manner. Infrastructure contribution plans would further aid the achievement of this through equitable management of contributions from private developers.

Actions under this reform are to:

- 1.8.1. *Review Part 6 of the Act to establish a process to facilitate the development of infrastructure plans and infrastructure contribution plans.*
- 1.8.2. *Develop guidelines / principles to support the preparation, format and content of infrastructure plans and infrastructure contribution plans.*

## 2. Development Assessment and Application Processes

The NT development assessment process is consistently ranked by industry as the best performing in Australia reflecting relatively fast processing times and for having a single consolidated planning scheme with easy to interpret clauses and definitions. However, feedback during consultation was that there is the need to increase genuine participation by the community in the development assessment process whilst at the same time enabling responsible development in a timely manner. An extensive review of best practice development assessment processes has identified a number of reform areas that would improve community understanding, enshrine genuine participation and build confidence that development proposals are appropriately assessed.

### 2.1. Improve information on development assessment processes

The need to improve the available information about development assessment processes was highlighted through direct comments as well as feedback from submissions. Overall there is limited understanding of the planning system amongst the general community. Specific issues included difficulties accessing DCA reports and reasons for decisions, and the need for flexible options for those who cannot attend DCA meetings during business hours.

This reform focuses on improvements to information about development assessment processes and links with other reforms to make it easier for all members of the community to understand and navigate the planning system and associated decision making processes. Evolution through Phase 2 reforms will further support the use of interlinked, online resources that can be accessed through mobile devices.

Actions under this reform are to:

- 2.1.1. *Revise and make it easier to find factsheets and guides on development application processes.*
- 2.1.2. *Develop new factsheets for making submissions and other processes for community involvement.*
- 2.1.3. *Improve online access to DCA reports and decisions.*

### 2.2. Pre application consultation by applicants

During the consultation process, concerns were raised by the community that the mandatory public exhibition period of 14 days for development applications and 28 days for concurrent applications provides insufficient time for the community to consider the proposal and to put forward their concerns. In particular, many concerns related to developments with potential for significant impacts on amenity or the environment.

This reform responds in part to these concerns by requiring applications for development likely to have high impacts on amenity to undergo mandatory pre application community consultation. This will provide greater opportunity for the community to provide upfront input into proposals.

Actions under this reform are to:

- 2.2.1. *Introduce a requirement that a new category of development, 'High Impact Development', undergo mandatory pre application community consultation to inform the community of a proposal. This also includes concurrent applications proposing a High Impact Development. This will better ensure communities are informed about development proposals and have an opportunity to contribute their views before a formal planning application is submitted. This process also provides the proponent with the opportunity to mitigate negative impacts where possible, address community misunderstandings and address any community issues.*

- 2.2.2. *Develop and introduce a new Schedule to the Regulations that prescribes the types of development subject to the pre application consultation requirements.*
- 2.2.3. *The applicant would be responsible for public notification of the proposal and conducting any consultation activities.*
- 2.2.4. *The applicant would be required to include a consultation report outlining the consultation undertaken, the issues raised by the community, and how these issues have been considered in the formal planning application.*
- 2.2.5. *The application, once lodged, would still undergo the existing public exhibition process and the community can still lodge submissions.*

### 2.3. Simplify notification requirements for minor developments

Public notification requirements for development applications currently consist of placement of an advertisement in the newspaper and erection of a sign on the property or, for minor types of development, limited neighbour notification by written notice.

The community raised concerns during the consultation process that notification of proposals was insufficient, particularly at the local community level. Industry concerns were that full public notification of minor developments was excessive as broader public interest is unlikely and that a simpler application process for minor waivers to development provisions should be introduced.

This reform responds to both concerns by expanding the notification of minor developments at a local community level and removing the need for their newspaper advertisement. The types of applications subject to these requirements have also been broadened in recognition of industry concerns and their low potential for public interest beyond the local community. The introduction of a streamlined application process for waivers to provisions will form part of the Phase 2 reforms.

Actions under this reform are to:

- 2.3.1. *Introduce a new category of public notification, 'local notification', for minor development applications (i.e. reduced front setback for carport) to include neighbour notification and sign only. Neighbour notification to be increased to include all adjoining property owners.*
- 2.3.2. *Applicant is responsible for the printing and erection of sign, plus neighbour notification.*
- 2.3.3. *Local notification is proposed to apply for the following application types:*
  - *additions or alterations to a single dwelling with a reduced setback to any boundary. (i.e. Carports, sheds, shade sails etc.)*
  - *single dwellings with a reduced setback to any boundary*
  - *single dwellings with non-compliant private open space*
  - *single dwellings within a defined flood zone*
  - *additions or alterations to an existing multiple dwelling unit*
  - *shed addition to existing multiple dwellings with reduced setbacks*
  - *additions to existing warehouse with reduced setbacks*
  - *multiple dwellings in a single storey building within Zone MD.*

### 2.4. Update requirements for signs placed on land

The existing development proposal signage provides limited information to inform the community of the detail of the development. The provision of additional information on the sign in a format that is easily understood and compatible with hand held devices such as

mobile phones would encourage community input and reduce objections based on misunderstanding of specifics.

Actions under this reform are to:

- 2.4.1. *Enhance the specifications for signs to include more visual information to identify key aspects of the proposal such as height, site coverage and setbacks to boundaries.*
- 2.4.2. *Explore the use of QR codes or similar technology to allow the public to link to details of a development proposal via a hand held device.*
- 2.4.3. *Applicant to be responsible for printing and erection of signage.*

## **2.5. Expand the role of electronic services for development notifications and formal correspondence**

Revision of the requirements for the service of documents and their transmission electronically will facilitate the use of online systems. The existing use of onsite signage and newspaper advertisements to advise of proposed developments provides only limited exposure to a community that is increasingly using digital media as the primary means of communication.

Public submissions generally supported the greater use of technology to improve community access to information about the planning system and development proposals. However, some sectors of the community have limited access or familiarity with electronic systems and information will continue to be available in traditional print format.

Actions under this reform are to:

- 2.5.1. *Amend the Act to enable the use of electronic services for the service of notices and other documents. The use of newspaper advertisements for statutory notices to be revised to provide for the option of future transition to electronic services.*
- 2.5.2. *Explore the potential to use platforms such as Facebook or mobile applications to display information about development proposals.*
- 2.5.3. *Allows the public to register to receive email alerts about development proposals in their neighbourhood or postcode.*

## **2.6. Promote contact between Planning Officer and submitters on development applications**

Community confidence in the planning system is negatively impacted by the existing assessment processes for development applications, particularly in relation to insufficient recognition of issues raised in submissions in assessment reports. The perception is that DCA decisions give little weight to submissions.

Improving engagement with submitters will ensure that community views are valued and will improve community understanding about what issues are considered when making decisions.

Action under this reform is to:

- 2.6.1. *Introduce a new assessment process requiring Planning Officers to contact submitters to clarify their concerns and to discuss how they will be assessed against the provisions of the Scheme. This will enshrine genuine community participation in the consideration of development applications and strengthen the relationship between the community and the assessment process.*

## 2.7. Facilitate post exhibition / pre determination conferences between applicants and submitters

Submissions during consultation raised that there is currently no process that allows applicants and submitters to informally discuss proposals prior to the public hearing held by the DCA. Voicing issues at the DCA hearing is considered by many to be too late in the process to allow genuine consideration of their concerns. Service authority and industry submissions raised similar concerns and suggested that an opportunity to resolve issues prior to the DCA meeting would be beneficial.

Improved consultation between applicants and service authorities around technical requirements will also assist in clarifying the scope of conditions on development permits.

Actions under this reform are to:

- 2.7.1. *Introduce that planning officers offer to convene a voluntary meeting between applicants and submitters following public exhibition to provide opportunity for the parties to discuss any concerns and to identify possible solutions. The outcomes of the meeting are to be included in the assessment report prepared for the DCA.*
- 2.7.2. *Introduce that planning officers convene a meeting between the proponent and service authorities upon request to help to resolve technical issues prior to the DCA meeting.*

## 2.8. Reform the Development Consent Authority

The DCA is the public face of the decision making process. A recurring theme during community consultation was that members of the DCA were not adequately skilled or trained to perform their duties and that “major” reform of the DCA was required to improve community confidence.

The community's confidence that the correct decisions are being made will be enhanced if members have appropriate skills, and meetings are conducted in a way that values community participation and demonstrates proper consideration of the issues.

Actions under this reform are to:

- 2.8.1. *Rename the Development Consent Authority the “Development Control Authority” to better reflect its role in assessing development proposals against the Planning Scheme.*
- 2.8.2. *Introduce new requirements for appointment of specialist members to provide expertise in relevant fields.*
- 2.8.3. *Deliver training and ongoing professional development for DCA members.*
- 2.8.4. *Introduce new requirements for the Chair of the DCA to be legally qualified, in order to prevent errors of law being made.*
- 2.8.5. *Clarify the role of local government nominated members on the DCA and the process for their appointment and termination.*
- 2.8.6. *Introduce a DCA member Code of Conduct.*
- 2.8.7. *Introduce the requirement for the DCA to provide an annual report for the Minister to table in the Legislative Assembly.*
- 2.8.8. *The DCA to establish procedures to better disseminate decisions following meetings and to record voting by individual members in the minutes.*
- 2.8.9. *Clarify that the assessment reports are provided by the Department to the DCA and are only one of the matters considered by the DCA in making its decision.*

### 3. Review of Decisions

The ability for a third party to appeal decisions in relation to development applications (aka rights of third party application for review) was introduced in the NT in 2005. This allowed, for the first time, the ability for third parties to seek independent review of a decision to grant a development application subject to a number of qualifying criteria. This right only applies to a specified classes of development applications. Criteria included that the location of the development must be in a residential zone or immediately adjacent, and the person seeking review must have made a valid submission during the exhibition period of the development proposal.

The challenge for the NT is to strike a balance between the rights of applicants to apply for development consent and the right of the community to seek independent review of decisions that have the potential to adversely impact on amenity.

#### 3.1. Review of third party appeal rights

Third party appeal rights allow people who feel they would be negatively affected by a proposal to dispute a decision by a consent authority to grant a development permit. The ability to lodge a third party appeal is, however, subject to a number of criteria to ensure that development is not delayed unnecessarily and/or by a person who is not really affected by the development proposal. For example, third party appeal rights are available against most types of development adjacent to an urban residential zone because there is a high amenity expectation in residential areas. This does not include development of dwellings not exceeding two storeys because this is be considered relatively standard for a residential zone and has a low risk of affecting amenity.

Submissions generally supported the extension of third party appeals rights to lots within Zone RL (Rural Living) on the basis that these lots are primarily used for residential purposes with the same high amenity expectation as other residential zones.

Action under this reform is to:

- 3.1.1. *Extend third party appeal rights to include land within Zone RL (Rural Living) of the NTPS.*

#### 3.2. Time limiting deferrals

The Development Consent Authority has the ability to defer consideration of an application if it considers it needs the applicant to provide additional information in order to make a decision. As there is no maximum time period specified for a deferral, considerable time can elapse between when an application underwent public consultation and when it is finally considered by the Development Consent Authority. Community confidence in the transparency of the assessment process is eroded when the public consideration of applications is delayed.

Action under this reform is to:

- 3.2.1. *Introduce a time limit for deferral of an application and associated requirements.*

#### 3.3. EDPs and Concurrent Applications

EDPs provide opportunities for development of land that would otherwise be unlawful while concurrent applications provide opportunities for an application comprising both an amendment proposal and a development proposal. EDPs are determined by the Minister rather than the DCA.

Consultation has identified a range of views around EDPs and concurrent applications. Some in the community expressed concern about the very concept of concurrent applications whereas others support them as they provide more detail through the process. A range of measures were suggested to address perceived problems with the process including:

- increasing the role of the NTPC in the conduct of hearings;
- deferring the making of the planning scheme amendment until the development has been completed;
- the need for independence of decision making; and
- making reports available to the public.

While further investigations to inform a review and potential renewal of these processes are undertaken, some interim improvements are proposed in Phase 1.

This reform comprises interim improvements to enhance consistency between processes and requirements for exceptional development permits, concurrent applications, development permits and planning scheme amendments. It is supported by the amendment to the Act flagged at reform 1.7 to provide criteria for the Minister's consideration.

Actions under this reform are to:

- 3.3.1. *Introduce a time limit for commencement (aka a base period) on exceptional development permits consistent with standard development permits.*
- 3.3.2. *Make Reporting Body Reports for both Exceptional Development Permits and Concurrent Applications to the Minister publicly available.*



## 4. Compliance and Enforcement

A strong theme arising from consultation was the need to improve the effectiveness of compliance activities in recognition of the value the community places on the environment and amenity of our communities. Over recent years the number and severity of development offences has increased and the DCA needs to be provided with effective powers to discourage offences; require rectification of any non-compliance; and to recover costs if prosecution is necessary.

### 4.1. Existing Use Rights

Existing use rights are recognised in planning legislation within Australia to protect lawfully established uses or developments that would otherwise become unlawful following an amendment or introduction of a planning scheme. Currently the administration of existing uses provides no certainty for the owners or operators who have significant investment and rely on the continuing use for their livelihood, nor does it allow effective compliance management to allay the disquiet from adjoining and nearby residents who consider the ongoing use inconsistent with their reasonable expectations of amenity.

Actions under this reform are to:

- 4.1.1. *Introduce new powers for the DCA or Minister to develop Guidelines to provide clarity around the operation of existing uses.*
- 4.1.2. *Introduce a new provision that allows a person to rely on the establishment of an existing use right if the use has been carried out continuously for 15 years. This will allow existing uses to be registered and effectively monitored for compliance.*
- 4.1.3. *Introduce a new provision allowing any person to seek review of a decision by the DCA in relation to an alleged breach of existing use rights to the Northern Territory Civil Administrative Tribunal (NTCAT). This will allow independent review of the decision and provide over time additional guidance on the administration of the existing uses.*
- 4.1.4. *Introduce a 'Compliance Certificate' process for existing use rights holders that can be used to formally establish the particulars of the right (type of activity permitted, area and intensity of use).*
- 4.1.5. *Introduce the right of review for a decision by the DCA to refuse an application for a 'Compliance Certificate' to the NTCAT.*

### 4.2. Enforcement and the role of the DCA

The DCA currently has limited enforcement powers under the Act without resorting to prosecution of alleged offences in the Local Court. The DCA has no power to order rectification works or to order demolition or removal of unapproved works. The introduction of a new range of enforcement powers will allow the DCA, and Courts, if necessary, to effectively take action in the event of breaches of the *Planning Act* and Scheme.

The following reforms have been identified:

- 4.2.1. *Introduce new powers for the DCA to issue a 'Show Cause Notice' requiring a person alleged to be in contravention of the Act to make representation to the DCA as to why an Enforcement Notice should not be issued. This will also provide for the person making the complaint to attend the DCA to also make representations.*
- 4.2.2. *Introduce new powers for the DCA to issue an "Enforcement Notice" that can require a range of remedies to non-compliance including ceasing an activity, removing or demolishing a building or lodgement of a development application.*



- 4.2.3. *Introduce new powers for the DCA to issue an “Enforcement Notice” immediately on its own initiative for urgent issues such as clearing of native vegetation; demolition of a building; development causing erosion or environmental harm;*
- 4.2.4. *Create a new summary offence of failure to comply with an ‘Enforcement Notice’ to be dealt with by the Magistrates Court with the ability to impose a penalty, compensation and orders.*

#### 4.3. Appeals and the role of the NTCAT

There are currently no provisions within the Act that allow a person to seek independent review of enforcement decisions by the DCA or to appeal orders seeking cessation of a development or use without resorting to an application to the Supreme Court. The cost of taking a matter to the Supreme Court and the risk of costs in the case of an adverse decision puts this beyond the means of most people. Expansion of the NTCAT role to include the ability for a person to seek review of enforcement decisions by the DCA would allow for independent review and over time provide guidance on the interpretation of the Act.

Actions under this reform are to:

- 4.3.1. *Introduce that a person unsatisfied with the DCA’s handling of a complaint may apply to the NTCAT for an Enforcement Order.*
- 4.3.2. *Introduce the right of review for a person subject to an “Enforcement Notice” issued by the DCA to the NTCAT.*

#### 4.4. The role of Authorised Officers

Authorised Officers are appointed to conduct compliance investigations on behalf of the Minister and are the primary point for receipt of complaints, investigation of complaints, preparation of briefings on enforcement matters to the DCA, monitoring of compliance with decisions of the DCA, and liaison with complainants. In order to ensure that Authorised Officers have effective powers to conduct their investigations, actions under this reform are to:

- 4.4.1. *Introduce powers for an Authorised Officer to take any action that is necessary to find out if any person has contravened the Act including taking measurements/samples, photographs, and to require a person to produce any documents considered necessary*
- 4.4.2. *Create new offences for assault, delay, obstruct, hinder or impeding an Authorised Officer, failure to produce records or making false or misleading statements.*
- 4.4.3. *Introduce the requirement for an Authorised Officer to be issued with a photographic identity card, for the card to be produced and displayed when exercising a power under the Act and to create an offence for failure to return an identity card if appointment ceases.*
- 4.4.4. *Clarify that Authorised Officers are appointed by the Chief Executive and that police officers should be deemed authorised officers.*
- 4.4.5. *Provide a mechanism, though the Regulations, for the Chief Executive to appoint local government employees as Authorised Officers subject to conditions.*

#### 4.5. Revision of penalty units

A jurisdictional review has identified that the current penalties for offences are low compared to other jurisdictions and do not reflect the bad faith of the breach nor community expectations around protections for environment, heritage and amenity. The current maximum penalty does not reflect the value the community places on compliance with the Scheme. In particular this is the case for offences that can have significant amenity impacts such as clearing of native vegetation and unapproved industrial uses in a residential area.

Action under this reform is to:

- 4.5.1 *Increase penalties to a level so they provide effective deterrent, reflect the seriousness of the breach, and are consistent with comparable offences in other jurisdictions.*

#### 4.6. Introduction of penalty infringement notices

The use of Penalty Infringement Notices (PINS) has proven effective in other jurisdictions in building a culture of compliance within industry and are typically restricted to offences that have an immediate short term impact on amenity or the environment. PINS are best used to encourage compliance when immediate rectification is relatively easy and further prosecution would be excessive. Examples include minor failure to comply with Development Permit conditions when undertaking works (hours of construction, erosion and sediment control measures) or non-compliance with Scheme provisions (advertisement signs).

Action under this reform is to:

- 4.6.1. *Introduce the use of PINS by Authorised Officers for a prescribed range of offences listed in the Regulations.*

#### 4.7. Deeming Provisions

The prosecution for offences against the Act in the past has proven difficult in cases where it has been unclear whether it was the owner, occupier or another third party that carried out the offence. Other jurisdictions have found it necessary to specify people who are criminally liable for breaches of the planning scheme on land. Specifically, the owner and occupier of the land are each deemed guilty if the land is used or developed in contravention of the planning scheme or permit. A contractor working without a required permit is also considered guilty of an offence.

By deeming certain persons to be liable, the onus of proof for who is responsible is effectively reversed. Prosecution can proceed on the basis that an offence has occurred, with each deemed person held responsible and each required to prove they are not guilty.

Action under this reform is to:

- 4.7.1. *Introduce deeming provisions that specify the owner and occupier is guilty of an offence if the land is used or developed in contravention of a planning scheme or a permit.*

#### 4.8. Liability of office holders

The number of body corporates in the Northern Territory has increased in recent years. Therefore, it is considered necessary to now include responsibility for offences to officers of bodies corporate if they failed to exercise due diligence to prevent the commission of the offence by the body corporate.

Action under this reform is to:

- 4.8.1. *Introduce that office holders of body corporates be included as liable for their body corporate where they failed to exercise due diligence.*

#### 4.9. Time to commence prosecution

The Act currently provides for a two-year period to commence prosecution from the time any member of the Police Force or an Authorised Officer becomes aware of the commission of the alleged offence. However, it is unclear if the DCA has the ability to issue an Enforcement Notice if a development or use contravenes the Scheme at any time regardless of when it first became aware of the alleged offence.

The DCA should have the ability to issue an Enforcement Notice if a development or use contravenes the Scheme at any time regardless of when it first became aware of the alleged offence. This is to ensure action can be taken against continuing offences that can occur sporadically over several years. For example a mango packing shed may have a history of non-compliance with the conditions on its development permit but due to the seasonal nature of the use, compliance may vary from year to year. The DCA could, if necessary, issue an Enforcement Notice each year that a breach of operating conditions occurs.

Action under this reform is to:

- 4.9.1. *Clarify the wording of the Act that the two-year limitation does not interfere with civil enforcement action, and that persons can be prosecuted for ongoing breaches of the scheme, provided the breach was ongoing within the previous two years.*

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.5

**REPORT TITLE:** Consultation Discussion Paper-Electoral Reforms

**REPORT NUMBER:** 9/0087

**MEETING DATE:** 18 September 2018

**Author:** Director Corporate Services, Chris Kelly

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

The purpose of this report is for Council to consider its response to the Northern Territory Government (NTG) Consultation Discussion Paper on Electoral Reforms.

#### Municipal Plan:

##### 4. Governance & Organisation

##### 4.1 Responsibility

4.1 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.

### KEY ISSUES

- Hon John Mansfield AO QC was appointed by the NTG to undertake an Inquiry into Options for the Reform of Political Funding and Donations in the Northern Territory.
- In response to the Inquiry Report, the NTG announced its general agreement with the 3 main principles:
  - introducing an indexed cap on electoral expenditure;
  - providing partial public funding of political parties and candidates; and
  - introducing an indexed cap on donations
- The NTG is seeking public comment on these principles.
- As these reforms do not apply to local government, it is being recommended that Council provide no comment.

### RECOMMENDATION

1. THAT Report Number 9/0087 entitled Consultation Discussion Paper-Electoral Reforms be received and noted.
2. THAT Council provide no comment on the Consultation Discussion Paper-Electoral Reforms at **Attachment A** to Report Number 9/0087 entitled Consultation Discussion Paper-Electoral Reforms.

## **BACKGROUND**

In June 2017, the Hon John Mansfield AO QC was appointed to undertake an Inquiry into Options for the Reform of Political Funding and Donations in the Northern Territory.

Following the tabling of the Inquiry Report on 14 August 2018, the Northern Territory Government (NTG) announced its general agreement with the electoral reform principles outlined in the Inquiry Report. These principles include:

- introducing an indexed cap on electoral expenditure;
- providing partial public funding of political parties and candidates in order to reduce the reliance on political donations; and
- introducing an indexed cap on donations.

The NTG is now seeking public comment on the level of caps on electoral expenditure and political donations as well as the level of public funding by 21<sup>st</sup> September 2018.

## **DISCUSSION**

The Department of the Chief Minister and the Department of Housing and Community Development have confirmed that these recommendations only pertain to elections for the Northern Territory Legislative Assembly conducted under the *Electoral Act*. These principles do not apply to local government elections conducted under the *Local Government Act* and *Local Government (Electoral) Regulations*. It is possible that changes to the *Electoral Act* that result from this process may be replicated in a future review of the *Local Government Act* and associated regulations, however Council will be given the opportunity to comment on any future changes to *Local Government Act* and associated regulations and that will be the subject of a future Council Report.

It is therefore recommended that Council not provide any comment. If Elected Members wish to respond, then they are welcome to do so, however it is recommended that they do this as individuals, not on behalf of Council.

## **CONSULTATION PROCESS**

Council staff consulted with representatives of the Department of the Chief Minister and Department of Housing and Community Development to confirm that these changes do not apply to local government.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget and resource implications for this report.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

It is possible that changes to the *Electoral Act* that result from this process may be replicated in a future review of the *Local Government Act* and associated regulations, however Council will be given the opportunity to comment on any changes and that will be the subject of a future Council Report.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

*A Place for People*

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** Consultation Discussion Paper-Electoral Reforms



ARNHEM

SEE ENLARGEMENT  
KATHERINE  
(SHEET 6)

KATHERINE

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# CONSULTATION DISCUSSION PAPER ELECTORAL REFORMS ELECTORAL EXPENDITURE, POLITICAL DONATIONS AND PUBLIC FUNDING OF POLITICAL PARTIES AND CANDIDATES

AUSTRALIA

STUART

SEE ENLARGEMENT  
ALICE SPRINGS  
(SHEET 6)







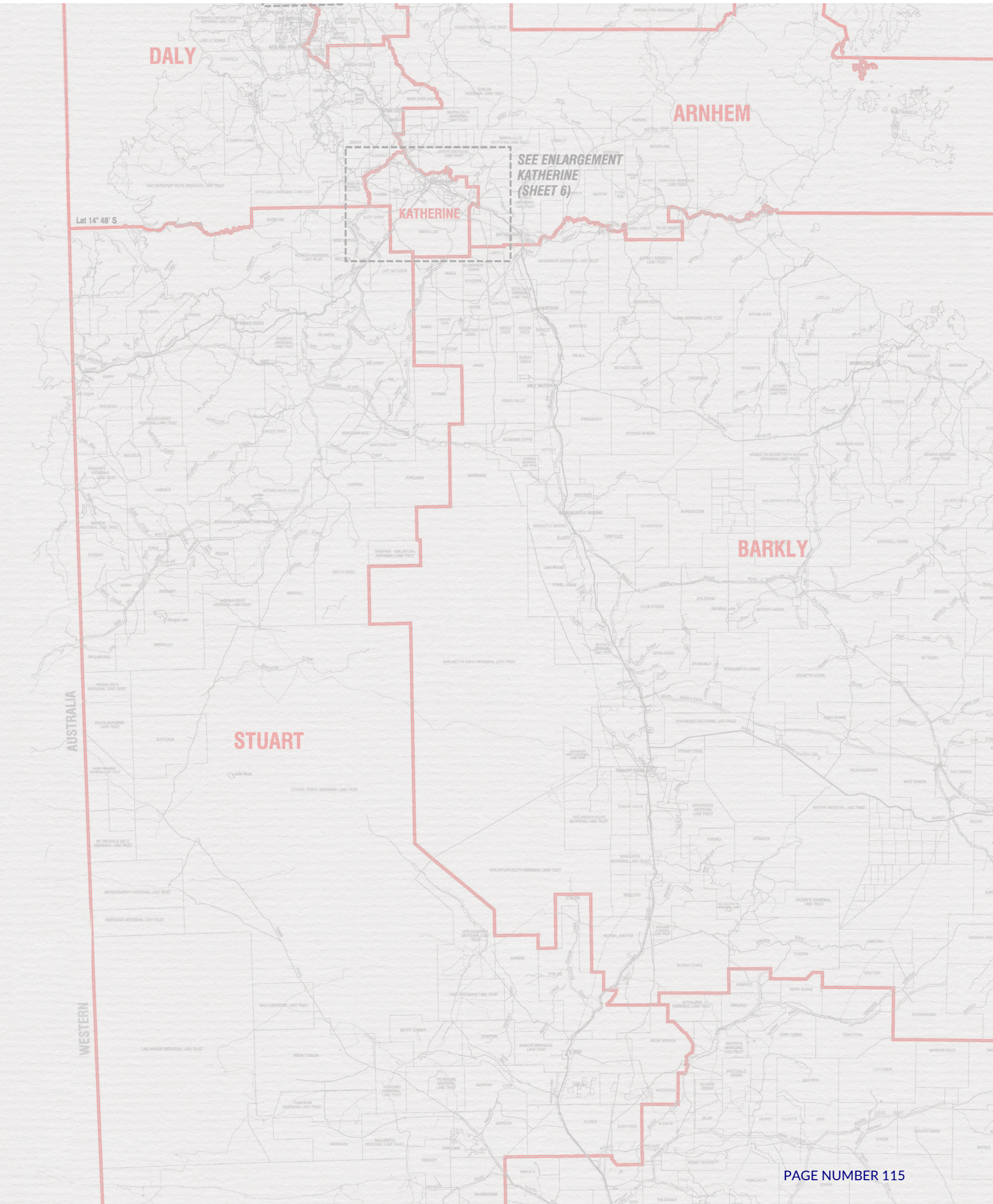
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## CONSULTATION DISCUSSION PAPER

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# WHY DO WE NEED ELECTORAL REFORM?

The Northern Territory (NT) Government is committed to reforms which ensure open, accountable and transparent government.

A fundamental principle of good governance is the participation of citizens in decision-making and public debate. Elections give every Territorian the opportunity to have a say about their government or to participate directly in government.

A good electoral system is one that works well for Territorians, is transparent and fair for voters and candidates, and which results in an effective democratic system of government.

The electoral reforms aim to:

- 1. increase the participation of Territorians in governance and public life**
- 2. enhance public support and confidence in our system of governance.**

These reforms are part of the development of a strong integrity framework for the Northern Territory Government. This means that our government systems are set up to be accountable to Territorians, with proper checks and balances on the powers exercised by politicians and public servants.





# INQUIRY INTO OPTIONS FOR THE REFORM OF POLITICAL FUNDING AND DONATIONS IN THE NORTHERN TERRITORY

## BACKGROUND TO THE INQUIRY

In December 2016, the Legislative Assembly passed a motion establishing the Inquiry into Options for the Reform of Political Funding and Donations in the Northern Territory under section 4A of the *Inquiries Act*.

In June 2017, the Hon John Mansfield AO QC was appointed as Commissioner of the Inquiry.

Commissioner Mansfield conducted extensive consultation and investigations to fulfil the Inquiry's terms of reference. This included inviting submissions on a Discussion Paper – Options for the Reform of Political Funding and Donations in the Northern Territory, which was released on the Inquiry's website ([www.donationsinquiry.nt.gov.au](http://www.donationsinquiry.nt.gov.au)) in October 2017. A total of 13 submissions to the Discussion Paper were received and published on the Inquiry's website.

In accordance with the *Inquiries Act*, the Inquiry Report was provided to the Administrator on 29 June 2018 and tabled in the Legislative Assembly on 14 August 2018. The Report is now available on the Inquiry's website [www.donationsinquiry.nt.gov.au](http://www.donationsinquiry.nt.gov.au)

## KEY FINDINGS OF THE INQUIRY REPORT

The Inquiry found, through its public submission and interview processes, that there is either general agreement or acceptance to the proposals that:

- there should be a cap on how much parties (and candidates) can spend on a campaign, which can be seen as an appropriate condition of accessing public funding for elections;
- there should be partial public funding of political parties and candidates in an election;
- there should be, as there is, political donations disclosure requirements, and
- the current disclosure requirements for political donations do not require disclosure in a sufficiently timely manner in some respects.

The Inquiry made no concluding findings as to whether particular entities or groups of donors should be banned from making political donations or whether there should be a cap on the level of political donations.

## REPORT RECOMMENDATIONS

The Inquiry Report includes a total of 31 recommendations, which have been presented as a package of complementary reforms. The recommendations relate to:

- the introduction of an indexed cap on electoral expenditure cap (\$40,000 per endorsed or unendorsed candidate);
- the introduction of an indexed cap on political donations (\$5,000 or \$10,000 per year);
- the provision of partial public funding, on an "opt-in" basis, of political parties and candidates of \$8 (to be indexed) per first preference vote received by candidates, provided that the candidate received at least four per cent of the formal first preference votes in the electorate they sought to represent and the party and candidate submit to the electoral expenditure cap;
- increased reporting requirements for disclosure returns in election years and in the lead-up to polling day; and
- reforms to ensure compliance, of associated entities and third parties, with the *Electoral Act*.



# INITIAL NORTHERN TERRITORY GOVERNMENT RESPONSE TO THE INQUIRY REPORT

**The Inquiry was an essential step in the electoral reform process which is a key element of the NT Government's agenda to restore the public's confidence in our electoral system.**

The NT Government welcomes the Final Report of the Inquiry and thanks Commissioner Mansfield and the Inquiry staff for their time and efforts in conducting the Inquiry.

Following the tabling of the Inquiry Report on 14 August 2018, the NT Government announced its general agreement with the electoral reforms principles outlined in the Inquiry Report. These principles include:

- introducing an indexed cap on electoral expenditure;
- providing partial public funding of political parties and candidates in order to reduce the reliance on political donations; and
- introducing an indexed cap on donations.

The NT Government is now seeking public comment on the level of caps on electoral expenditure and political donations as well as the level of public funding. Targeted public feedback is sought in relation to these three recommendations to ensure Government's approach reflects community expectations.



# PUBLIC CONSULTATION

This consultation paper sets out the proposed levels of caps on electoral expenditure and political donations, as well as the introduction of partial public funding of political parties and candidates as recommended by the independent Inquiry.

## HAVE YOUR SAY ON THE PROPOSED ELECTORAL REFORMS

**Comments are now invited on the proposed reforms from members of the public with submissions closing on Friday 21st September 2018.**

There are many opportunities to have your say:

You may like to provide feedback via the online survey at [www.haveyoursay.nt.gov.au/reform](http://www.haveyoursay.nt.gov.au/reform) or download and fill in the survey questionnaire for return by email to [electoralreform.dcm@nt.gov.au](mailto:electoralreform.dcm@nt.gov.au) or the postal address below.

The postal address for comments is:

**Electoral Reforms  
Department of the Chief Minister  
GPO Box 4396  
Darwin NT 0801**

## WHAT HAPPENS TO MY FEEDBACK

Any feedback or comment received by the Department of the Chief Minister will be treated as a public document unless clearly marked as 'confidential'. In the absence of such clear indication, the Department of the Chief Minister 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 Chief Minister website. The Department of the Chief Minister may draw upon the contents of such and quote from them or refer to them in reports, which may be made publicly available.

After the public consultation period, Government will consider the ideas and opinions put forward by members of the public, and decide whether the *Electoral Act* needs to be amended.

This paper has been prepared for discussion purposes only and any views expressed are not to be taken to represent official policy or the views of the Northern Territory Government, the Northern Territory Chief Minister or the Department of the Chief Minister.

## AREAS OF ELECTORAL REFORM

### ELECTORAL EXPENDITURE, POLITICAL DONATIONS AND PUBLIC FUNDING

**The Government is seeking public comment in relation to the following three reform areas recommended by the Inquiry:**

1. INTRODUCING A CAP ON ELECTORAL EXPENDITURE;
2. INTRODUCING A CAP ON POLITICAL DONATIONS; AND
3. PROVIDING PARTIAL PUBLIC FUNDING OF POLITICAL PARTIES AND CANDIDATES IN ORDER TO REDUCE THE RELIANCE ON POLITICAL DONATIONS.

This is a package of electoral reforms and should be considered in conjunction with each other, rather than as individual, stand-alone reforms.



# ELECTORAL EXPENDITURE

In the NT, there are currently no limits imposed on spending by parties, candidates or associated entities during election campaigns. Imposing a limit on spending may lead to a reduced reliance on political donations.

The Inquiry found that there is general agreement that there should be a cap on how much parties (and candidates) can spend on a campaign.

The NT Government agrees with the intent of the Inquiry's recommendation to introduce a cap on electoral expenditure.

It should be noted that the cap will need to be determined subject to the definition of the electoral expenditure in section 199 of the *Electoral Act* (the Act).

As recommended by the Inquiry, the Government will review this definition, taking into consideration whether travel and accommodation expenses that may be incurred by candidates in rural and remote electorates should be excluded or included as an election expense.

The NT Government also agrees with the intent of the Inquiry's recommendation that access to public funding should be conditional upon compliance with any electoral expenditure cap, as well as any requirements regarding electoral donations and disclosure returns.

## OPTIONS FOR REFORM

### ELECTORAL EXPENDITURE CAP

- a. Introduce an indexed cap on electoral expenditure of \$40,000 per endorsed candidate in the cases of registered political parties, and fixed at \$40,000 per unendorsed candidate.
- b. Introduce a cap of \$\_\_\_\_\_ on electoral expenditure per endorsed candidate in the cases of registered political parties, and fixed at \$\_\_\_\_\_ per unendorsed candidate (please specify the cap level).

### TRAVEL AND ACCOMMODATION EXPENSES

- a. Should travel and accommodation expenses be excluded or included in the definition of electoral expenses?





# POLITICAL DONATIONS

**There are currently no caps on monetary donations in the NT, except for those given by anonymous donors.**

The Inquiry has recommended the introduction of an indexed cap on donations to registered political parties and individual candidates.

The Report proposed \$5,000 or \$10,000 per year but described these levels as “tentative.”

The NT Government supports the introduction of an indexed cap on donations to political parties and candidates, and is seeking public comment regarding the appropriate level of such a cap.

As an example, New South Wales has annual caps on donations (\$6,300 to a party and \$2,800 to candidates) and, earlier this year, Victoria introduced a cap on donations of \$4,000 per donor for each four-year election period.

In determining the level of any cap on donations, consideration should be given to how the level of political donations may impact on the integrity of the electoral system as well as the reduced need for political donations if public funding is provided.

## OPTIONS FOR REFORM

- a. Introduce an indexed cap on political donations of \$10,000 per year.
- b. Introduce an indexed cap on political donations of \$5,000 per year.
- c. Introduce an indexed cap on political donations of an amount less than \$5,000 per year (please specify the cap level \$\_\_\_\_\_).
- d. Introduce an indexed cap on political donations of an amount more than \$10,000 per year (please specify the cap level \$\_\_\_\_\_).



# PUBLIC FUNDING

The primary reason for public funding is to reduce the perceived or actual influence of private money on elections and public policy.

All other Australian jurisdictions (except Tasmania) provide a form of public funding to candidates.

There is currently no public funding provided to parties or candidates in the NT.

The Inquiry has proposed the introduction of a partial and 'opt-in' public funding model for the NT.

Candidates and/or parties would be required to 'opt-in' to receive public funding and comply with any electoral expenditure cap.

The recommended level of funding is \$8 (to be indexed) per first preference vote received by a candidate, provided that the candidate received at least four per cent of the formal first preference votes in the electorate which that candidate sought to represent.

The funding would be limited to the amount required to reimburse expenditure only; recipients would not be able to make a profit from public funding.

The proposed four per cent qualification threshold is consistent with all other jurisdictions that provide public funding (except Queensland, which has a six per cent threshold).

The Inquiry Report notes that public funding is likely to create an expectation by the public that electoral expenditure will be regulated. The Report also notes that linking access to these funds to disclosure obligations may increase rates of compliance by candidates and parties with statutory requirements.

The introduction of a partial public funding model, including the use of a qualification threshold to determine eligibility to access funds, is supported by the NT Government. The adoption of an 'opt-in' public funding model is also supported by the Government, with access to funding to be conditional upon compliance with any electoral expenditure cap, as well as any requirements regarding electoral donations and disclosure returns.

The Inquiry Report notes that the NT Electoral Commission suggested the adoption of a public funding model using the ACT level of funding of \$8 per first preference vote. The Report also notes that a different level of funding could be applied provided that it is "at a level which incentivises the political parties and individual candidates to opt in to the public funding scheme and complementary expenditure cap".

The NT Government is therefore seeking public comment regarding the qualification threshold to access public funding as well as the level of funding that should be provided per first preference vote.

## OPTIONS FOR REFORM

### QUALIFICATION THRESHOLD

- a. Introduce a partial and 'opt-in' public funding model with a qualification threshold of four per cent of the formal first preference votes in the particular electorate where the candidate is standing for election.
- b. Introduce a partial and 'opt-in' public funding model with a qualification threshold of \_\_\_\_\_ per cent of the formal first preference votes in the particular electorate where the candidate is standing for election (please specify the qualification threshold \_\_\_\_\_ per cent).

### LEVEL OF PUBLIC FUNDING

- a. Introduce a partial and 'opt-in' public funding model with a level of funding of \$8 (to be indexed) per first preference vote received by a candidate (based on reimbursement of campaign expenses in election years), provided that the candidate meets the qualification threshold.
- b. Introduce a partial and 'opt-in' public funding model with a level of funding of \$\_\_\_\_\_ (to be indexed) per first preference vote received by a candidate (based on reimbursement of campaign expenses in election years), provided that the candidate meets the qualification threshold (please specify the level of public funding to be applied per first preference vote received by a candidate).



## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.6

**REPORT TITLE:** Edible Pocket Gardens – Consultation Review

**REPORT NUMBER:** 9/0082

**MEETING DATE:** 18 September 2018

**Author:** Director of Community Services, Jan Peters

**Approver:** Chief Executive Officer, Luccio Cercarelli

### PURPOSE

This report presents to Council an overview of the results of the Edible Pocket Garden Consultation, held from 22 August to 4 September 2018 and seeks the approval of the draft policy COMM004 Edible Pocket Gardens.

### Municipal Plan:

#### 1. Community & Cultural Wellbeing

##### 1.1 Healthy Communities

1.4 We are committed to providing quality recreation and sporting facilities, parks, gardens, playgrounds and open spaces for the benefit of our community.

### KEY ISSUES

- Draft Policy COMM004 Edible Pocket Gardens was adopted by Council for the purpose of public consultation.
- The community consultation period has now concluded.
- Council received positive feedback for the introduction of the policy.
- It is being recommended that Council adopt the policy.

### RECOMMENDATION

1. THAT Report Number 9/0082 entitled Edible Pocket Gardens – Consultation Review be received and noted.
2. THAT Council approve City of Palmerston Policy COMM04 Edible Pocket Gardens being **Attachment A** to Report Number 9/0082 entitled Edible Pocket Gardens – Consultation Review.

## BACKGROUND

The Edible Pocket Gardens report and associated policy was presented at the Council Meeting held on 7 August 2018.

Council resolved:

*Edible Pocket Gardens*

9/0060

1. THAT Report Number 9/0060 entitled *Edible Pocket Gardens* be received and noted.
2. THAT Council approve Draft Policy COMM04 *Edible Pocket Gardens* as **Attachment A** to Report Number 9/0060 entitled *Edible Pocket Gardens* for a 21-day city wide community consultation in August 2018.

CARRIED 9/0207 – 07/08/2018

## DISCUSSION

Community Consultation on the draft policy was released online through Council's website and promoted through local media outlets and Facebook from 14 August to 4 September 2018.

Eight (8) responses were formally received through the website during the consultation period, with the remaining comments from posts made on Facebook. The Facebook post received 178 likes, 26 comments and 36 shares. All the responses were positive, apart from one (1) negative response. An example of these are listed in the table below.

Positive	This is the best idea so far.
	Awesome idea to have edible plants on public land, worked well in other areas.
	Great idea thought about the wide verges along Forrest Parade.
	I love this.
	Great idea Council, great move.
	Wow, that's great!
	Fantastic! Would love to be able to plant on verges.
	Have been wishing for this kind of thing for a long time, kudos.
Negative	Need fences and security, people already have yards to plant edible plants, need to make parks more tranquil places.

The feedback received from the consultation mainly included positive responses regarding the concept, rather than specific suggestions for the policy. Considering this feedback, it is being recommended that the policy be adopted by Council.

Council did receive a number of operational type queries such as; the standard of plants will need to be kept to, the sort of plants allowed (this query was concerned with attracting bats with rotting fruit) and provisions to provide people with access to water/taps. These types of issues will be addressed at an operational level and within administrative guidelines.

## **CONSULTATION PROCESS**

COMM004 Draft Edible Pocket Gardens Policy went out for Community Consultation from 14 August to 4 September 2018.

The Policy was displayed on City of Palmerston website and promoted through social media, NT News, Palmerston Sun, Territory FM, ABC, Radio Larrakia and Mix FM.

## **POLICY IMPLICATIONS**

Edible Pocket Gardens Policy has been drafted and forms **Attachment A** to this report. Draft guidelines will also be developed pending approval of this report and the associated policy.

## **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget implications in this report.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There is no risk, legal or legislative implications to this report.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

This report increases the environmental sustainability within the Palmerston Community.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** City of Palmerston Policy Number COMM004 Draft Edible Pocket Gardens Policy



## COMM004

Name:	Edible Pocket Gardens		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Community Services, Jan Peters		
Approval Date:	[Approval Date]	Next Review Date:	[Next Review]
Records Number:		Council Decision:	

### 1 PURPOSE

To promote greening and sustainability initiatives throughout Palmerston by allowing residents to grow edible plants in sections of their local parks.

### 2 PRINCIPLES

Edible Pocket Gardens are a great way of creating a sense of community and a sense of space within a community. Edible Pocket Gardens are a free-range style of garden where residents can nominate to use a small section of their local park or reserve to plant edible plants. These plants are to be tended to by the resident or interested parties and Council must approve any works before they commence. The produce from the garden is accessible by the whole community and is not owned by the resident/group who tends to it. City of Palmerston reserves the right to make changes to the space at any time.

### 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Edible pocket garden	A green space on Council owned land, managed by member/s of the local community, that is used to grow edible species of plants for consumption by the general public.
The City	Refers to the City of Palmerston

### 4 POLICY STATEMENT

- 4.1 The City of Palmerston will support the growing of appropriate edible plants on Council land and reserves if the following conditions are met.
  - 4.1.1 A location is identified by residents and approved by City of Palmerston.
  - 4.1.2 Approval is gained before any edible pocket garden work is commenced.
  - 4.1.3 The edible plants must not interfere with or change normal operation or function of the park space.
  - 4.1.4 The site is prepared and maintained by the community members involved, to the satisfaction of the City of Palmerston.
  - 4.1.5 If the edible plants within the park are considered to pose a safety risk or aren't being maintained to a suitable standard, the City can request that work is undertaken by the responsible party to bring it up to the standard required. If this fails to occur, the City can remove the garden.
  - 4.1.6 Residents are required to meet the Edible Pocket Gardens Guidelines; which may be modified from time to time.

COMM004

**5 ASSOCIATED DOCUMENTS**

- 5.1 City of Palmerston Edible Pocket Garden Guidelines.

**6 REFERENCES AND RELATED LEGISLATION**

Nil

**AGENDA ITEM:** 13.2.7

**REPORT TITLE:** Asset Management Policy Review

**REPORT NUMBER:** 9/0068

**MEETING DATE:** 18 September 2018

**Author:** Gerard Rosse, Director City Growth and Operations

**Approver:** Luccio Cercarelli, Chief Executive Officer

## PURPOSE

The purpose of this report is to present to Council for consideration the review of the Asset Management Policy.

### Municipal Plan:

3. Environment & Infrastructure

3.2 Assets and Infrastructure

3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community.

## KEY ISSUES

- Council is responsible for the management of diverse infrastructure and assets of significant value, on behalf of the Palmerston Community.
- A review of Council's Asset Management Policy has been completed to reflect contemporary practice and thinking.
- The revised policy reflects recommendations of the Institute of Public Works Engineering Australasia who are a leading body in asset management in Australia.
- It is being recommended that Council adopt a revised Asset Management Policy.

## RECOMMENDATION

1. THAT Report Number 9/0068 entitled Asset Management Policy Review be received and noted.
2. THAT Council rescind City of Palmerston Asset Management Policy (January 2011) being **Attachment A** to Report Number 9/0068 entitled Asset Management Policy Review.
3. THAT Council adopt City of Palmerston AM01 Asset Management Policy being **Attachment B** to Report Number 9/0068 entitled Asset Management Policy Review.



## BACKGROUND

At its Ordinary meeting in August 2018, Council adopted a Policy Review Schedule.

The Asset Management Policy was identified for review in the third quarter of 2018.

Council Asset Management Policy **Attachment A** was adopted on 15 February 2011:

*Asset Management Strategy Implementation*

*7/0751*

*THAT Council adopts the Asset Management Policy for the City of Palmerston attached to report 7/0751.*

*CARRIED 7/1176 - 01/03/2011*

## DISCUSSION

A strategic approach to asset management will ensure that Council delivers an appropriate level of service through its assets.

A review of the existing policy has been completed with consideration of contemporary practises and thinking.

The amended policy considers and reflects advice and commentary from the Institute of Public Works Engineering Australasia (IPWEA) who are an Australasia leading authority in asset management in Local Government.

The Asset Management Policy (January 2011) was also based on these strategic principles and even though it has not been reviewed to date most of these principles remain consistent.

The policy has been amended to remove operational and administrative matters as these should not be contained within Council Policy. The policy has also been modernised to reflect Council's current policy model and contemporary practices and thinking.

The amended policy reflects strategic asset management fundamentals of value, alignment, leadership and assurance for:

- Long term financial sustainability
- Improved financial performance
- Informed asset investment decisions
- Managed risk
- Improved services and costs
- Demonstrated social responsibility
- Demonstrated compliance
- Enhanced reputation
- Improved sustainability

It is being recommended that Council adopt the reviewed and amended Asset Management Policy being **Attachment B**.

## CONSULTATION PROCESS

As the amended policy remains in general alignment with the existing policy and is focused on guiding the administration it is being recommended that Community Consultation is not required for this policy amendment.

## **POLICY IMPLICATIONS**

If adopted, the amendment will replace the existing policy.

The amended policy reflects in a form and context consistent with Council's current policies and removes elements which are operational or administrative based.

The policy should be reviewed at least once every four (4) years.

## **BUDGET AND RESOURCE IMPLICATIONS**

Adoption of the revised draft policy would not affect current budget or resources but will continue to inform Council's decision making into the future.

Council needs to continue to ensure that adequate provision is made for the sustainable long-term provision, management and replacement of major assets.

Council is custodian for \$393 million of infrastructure assets it manages on behalf of the community.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

Without a strategic asset management policy that reflects contemporary practices and thinking, Council is at risk of not adequately managing and providing services and community infrastructure.

The provision and management of assets needs to be undertaken with consideration of risk, legal and legislative issues.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

The policy identifies considerations of environmental factors and requirements, and it forms part of the strategic asset management approach.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** Asset Management Policy – January 2011

**Attachment B:** Draft AM01 Asset Management Policy



## ASSET MANAGEMENT POLICY



# ASSET MANAGEMENT POLICY CITY OF PALMERSTON

**January 2011**

Adopted by Manex January 2011

For review January 2013



## ASSET MANAGEMENT POLICY

DOCUMENT CONTROL			
Rev No.	Date	Author	Approver
1	18 November 2010	Shathieskumar	
2	31 January 2011	Tom Maher	Manex
3			
4			



## ASSET MANAGEMENT POLICY

### 1. Purpose

This policy details Council's commitments to the best practice management of community assets and the delivery of expected and necessary services to the present and future Palmerston Community.

### 2. Objective

The objective of this Policy is to set guidelines for implementing consistent asset management processes throughout Council Departments.

This is to ensure that a holistic approach to lifecycle management is embedded within Council for the following key asset groups:

- Roads and associated infrastructure including kerbing, signage, road furniture, street lights.
- Pathways, on-street and off street, including footpaths, cyclepaths, driveways and laneways.
- Parking assets both on street and off street.
- Drainage systems and culverts.
- Buildings and other structures (e.g. public art).
- Sporting & Recreation Facilities, Swimming Pools, Playgrounds.
- Parks, gardens, reserves, and street landscapes etc.
- Plant and equipment.

### 3. Scope

The policy applies to the creation, acquisition, operation, maintenance and disposal all community assets owned by the City of Palmerston.



## ASSET MANAGEMENT POLICY

### 4. Policy

To ensure the sustainability of Council in the delivery of services, new assets and maintenance of existing assets for the community, a total asset management approach will be applied along the following lines of:

- Developing and maintaining Asset Management Plans for key asset classes.
- Implementing a single Corporate Asset Management System for recording and maintaining asset information in order to eliminate stand-alone systems and duplication of data and effort.
- Aligning financial and asset management practises by applying the Australian Infrastructure Financial Management Guidelines to link the technical and financial aspects of managing infrastructure and services and assist infrastructure owners develop sustainable long-term asset and financial management plans.
- Applying optimised decision making techniques to ensure decisions made on maintaining, renewing and investing in new assets are both optimal and sustainable
- Implementing cyclic asset condition surveys, inspection programs and standardised data collection and maintenance processes.
- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining asset management awareness throughout the Council.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.
- Developing and committing to long term capital works and financial management plans that support and are responsive to the needs of the community.
- Valuing community input to the development of its assets.
- Establishing a council wide Asset Management Working Group to assist with strategic asset management planning.
- Providing necessary resources, staffing and training for sustainable management of community infrastructure.



## ASSET MANAGEMENT POLICY

### 5. Application

This policy applies to Council, Elected Members, Executive Management, Asset Management Team and the Community involved in the operations, maintenance, refurbishment, renewal, upgrading and development of Council's existing and new infrastructure assets.

### 6. Review

The policy will be reviewed every two years

### 7. Definitions

#### i. Asset

A Physical component of a facility which has value enables services to be provided and has an economic life of greater than 12 months;

#### ii. Asset Management

The combination of management, financial, economic, engineering and other practices applied to assets with the objective of providing the required level of service in the most cost effective manner;

#### iii. Lifecycle Cost

The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal;

#### iv. Level of Service

The level of service is the defined service quality for a particular activity or service area against which service performance may be measured. Level of service usually refers to quality, quantity, reliability, responsiveness, environmental acceptability and cost.



## ASSET MANAGEMENT POLICY

### Linkage AM Objectives to benefits of implementing Council's AM Strategy

AM Objectives	Asset Management Practices and Systems will assist in:
Implement Asset Management Improvements	<ul style="list-style-type: none"> <li>Raising awareness across the organisation on what is required to effectively manage all assets.</li> <li>Effecting culture change to implement new AM policies</li> <li>Identifying potential benefits of introducing new practices and systems</li> <li>Identifying asset groups most in need, prioritising programmes accordingly, and allocating resources effectively</li> </ul>
Optimising Asset Decision Making	<ul style="list-style-type: none"> <li>Putting appropriate practices in place to manage the assets and protect new investment</li> <li>Ensuring asset creation at the lowest life cycle cost</li> <li>Understanding the implications of whole of life costs when considering new asset purchases, acquisitions or triangles.</li> <li>Identifying non-core and underutilised assets</li> <li>Identifying current levels of utilisation, performance and condition</li> <li>Investigating all options to overcome deficiencies including asset and non-asset options (e.g. demand management )</li> </ul>
Introducing Lifecycle Asset Planning	<ul style="list-style-type: none"> <li>Identifying future liabilities that need to be funded</li> <li>Developing strategic plans relating to rehabilitation, renewal and/or replacement including optimised decision making</li> <li>Highlighting future asset problems and developing strategies to reduce their impact on ratepayers</li> </ul>
Identifying Cost Efficiencies	<ul style="list-style-type: none"> <li>Identifying the best practises to manage the assets most cost effectively</li> <li>Carrying economic evaluations to determine whether to renew or rehabilitate and when would be the best time to do this</li> <li>Identifying the optimal cost balance between planned and reactive maintenance activities</li> <li>Identifying the opportunity for investments that have the greatest return</li> <li>Identifying and prioritising asset needs to deliver the service objectives</li> </ul>
Reducing Risk	<ul style="list-style-type: none"> <li>Identifying assets at-risk (in terms of imminent failure)</li> <li>Identifying assets that have high consequences should they fail</li> <li>Using risk management techniques to optimise renewal/rehabilitation practises and drive maintenance programmes</li> <li>Reducing Council's exposure to liability related incidents</li> <li>Driving condition monitoring programmes, as passives assets reach end of life</li> </ul>
Updating / Replacing Inadequate Records	<ul style="list-style-type: none"> <li>Identifying the strengths and weaknesses of existing systems</li> <li>Identifying the data and systems required to raise the level of information to manage assets effectively</li> <li>Making sure that new and upgraded assets are automatically recorded on the AM System</li> </ul>
Addressing Service Standards	<ul style="list-style-type: none"> <li>Setting minimum and target levels of service for all services</li> <li>Satisfying the public and assets are managed to the best of Council's ability and capacity</li> <li>Achieving adopted levels of services in the most cost effective manner</li> <li>Developing the most effective method to programme and carry out performance and condition monitoring</li> </ul>
Satisfying Stakeholders/ Customers and Improving Organisation Image	<ul style="list-style-type: none"> <li>Ensuring that the organisation has the best systems in place to protect its investment and optimise investment dollars</li> <li>Proving that the assets are being managed well and equitably for both present and future generations without burdens on new investors and/or existing customers</li> <li>Letting the community know more about their assets, the real costs for different service standards, and the effective allocation of monies.</li> </ul>
Meeting Accounting Standards	<ul style="list-style-type: none"> <li>Highlighting the need for better financial and technical integration</li> <li>Implementing systems to provide the necessary financial information at the asset level</li> <li>Addressing accrual accounting outputs, including matching depreciation with actual loss of service potential</li> <li>Providing interested parties with detailed cost information on all assets owned and operated by Council</li> </ul>
Knowing the Real Asset Costs	<ul style="list-style-type: none"> <li>Implementing Systems that identify the true lifecycle costs on an asset-by-asset (or service) basis, relating to a specific level of service.</li> </ul>



## AM01

Name:	Asset Management Policy		
Type:	Council Policy		
Owner:	Director of City Growth and Operations		
Responsible Officer:	Chief Executive Officer		
Approval Date:		Next Review Date:	September 2022
Records Number:		Council Decision:	

### 1 PURPOSE

Council is responsible for the management of diverse infrastructure and assets, of significant value, on behalf of the Palmerston community.

A strategic approach to asset management will ensure that Council delivers an appropriate level of service through its assets.

This policy provides a guideline for strategic Asset Management for the City of Palmerston's infrastructure assets.

### 2 PRINCIPLES

This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Council is committed to the asset management fundamentals of value, alignment, leadership, and assurance for;

- Long term financial sustainability
- Improved financial performance
- Informed asset investment decisions
- Managed risk
- Improved services and costs
- Demonstrated social responsibility
- Demonstrated compliance
- Enhanced reputation
- Improved sustainability

Council will ensure adequate provision is made for the sustainable long-term provision, management and replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service.
- Safeguarding Council assets by implementing appropriate asset management strategies and appropriate financial resources for those assets.

## AM01

- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- An integrated approach in acquiring, disposing of and renewing assets that ensures transparency and evaluates life cycle management of assets.

### 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Asset	An asset is physical infrastructure defined under the asset class and is owned or controlled by Council.
Asset Management (AM)	The combination of management, financial, economic, engineering and other practices applied to assets with the objective of providing the required level of service in the most cost-effective manner.
Lifecycle cost	The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal.
Level of service	The level of service is the defined service quality for a particular activity or service area against which service performance may be measured. Level of service usually refers to quality, quantity, reliability, responsiveness, environmental acceptability and cost.
Asset Class	A group of assets having similar nature or function in the operations of Council, and which, for purposes of disclosure, is shown as a single item without supplementary disclosure.

### 4 POLICY STATEMENT

This policy applies to all Council asset classes. Council infrastructure assets including but are not limited to:

- Land and Improvements
- Parks and Reserves
- Buildings
- Pathways
- Transport (roads)
- Stormwater Drainage
- Sporting Reserve and Facilities
- Public Lighting

City of Palmerston recognises that assets exist to provide services and value to the community and this recognition underpins Council's asset management policy and practices.

Council will apply a total asset management approach as one of its key strategies in demonstrating effective governance through the application of the following:

- 4.1 Undertake asset management activities within a strategic framework which is integrated with broader corporate and business planning, and operational processes.
- 4.2 A consistent Asset Management Strategy must exist for implementing systematic and appropriate asset management best-practice.
- 4.3 All relevant legislative requirements together with political, social, environmental, cultural and economic factors are to be considered.

## AM01

- 4.4 Asset Management Plans will be developed for major service/asset categories.
- 4.5 An asset management framework which ensures accountability for asset condition and performance with a whole-of-council approach to the continued improvement and development of asset management activities; and
- 4.6 An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- 4.7 Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will form the basis of annual budget estimates with the service and risk consequences of variations in defined asset renewals and budget resources documented in budget documentation.
- 4.8 Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- 4.9 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- 4.10 Future life cycle costs should be considered in decisions relating to the new services and assets and upgrading of existing services and assets.
- 4.11 Asset Management Plans and data will be used to inform the Long-Term Financial Plan.
- 4.12 Asset Management Plans and renewal plans will incorporate sustainable practices wherever possible to ensure consistency with Council's policies and plans.
- 4.13 Ensuring a corporate approach to Asset Management.
- 4.14 Improved leadership, cross functional integration, effective communication and culture.
- 4.15 Integrated customer experience, stating planning, financial affordability and capital works planning.

### **5 ASSOCIATED DOCUMENTS**

This policy is supported and informed by:

- City of Palmerston Strategic Plan
- City of Palmerston Long Term Financial Plan
- City of Palmerston Municipal Plan
- Relevant Australian Standards
- NAMS.PLUS - Institute of Public Works Engineering Australasia

### **6 REFERENCES AND RELATED LEGISLATION**

**AGENDA ITEM:** 13.2.8

**REPORT TITLE:** Review of Outdoor Dining Policy REG01

**REPORT NUMBER:** 9/0085

**MEETING DATE:** 18 September 2018

**Author:** Director City Growth and Operations, Gerard Rosse

**Approver:** Chief Executive Officer, Luccio Cercarelli

## PURPOSE

This report presents the reviewed Outdoor Dining Policy REG01 for Council's consideration and approval.

### Municipal Plan:

2. Economic Development

2.3 City Planning

2.3 We are committed to effective and responsible city planning which balances and meets both residential and commercial needs in our community.

## KEY ISSUES

- In accordance with the policy review schedule recently adopted by Council, Council Policy Outdoor Dining Policy REG01 has been reviewed.
- The intent and general purpose of the policy remains unchanged and that is to make provisions for and encourage suitable outdoor dining within the municipality.
- Outdoor dining is recognised as being beneficial in providing vibrancy, improving safety and economic benefit to cities and communities.
- The policy largely remains relevant and applicable and proposed changes to the policy have been made which strengthen and reflect the intent or are largely administrative in nature.
- It is recommended that a further report be presented to Council at its 2<sup>nd</sup> Ordinary Meeting in November 2018 that considers the fees and charges associated with outdoor dining and explore options to encourage appropriate outdoor dining within the municipality.

## RECOMMENDATION

1. THAT Report Number 9/0085 entitled Review of Outdoor Dining Policy REG01 be received and noted.
2. THAT Council rescind City of Palmerston Policy Number REG01 Outdoor Dining being **Attachment A** to Report Number 9/0085 entitled Review of Outdoor Dining Policy REG01.

3. THAT Council adopt Policy REG01 – Outdoor Policy being **Attachment B** to Report Number 9/0085 entitled Review of Outdoor Dining Policy REG01.
4. THAT a further report be presented to Council at the 2<sup>nd</sup> Ordinary Meeting of Council in November 2018 that considers the fees and charges associated with outdoor dining.

## BACKGROUND

At the 1<sup>st</sup> Ordinary Council Meeting held on 7 August 2018 Council made the following decision bringing the review of this policy forward:

### 13.2.2 Council Policy Review Schedule

9/0065

Moved: Alderman Spick  
Seconded: Alderman Garden

1. THAT Report Number 9/0065 entitled Council Policy Review Schedule be received and noted.

CARRIED 9/0202 – 07/08/2018

Moved: Mayor Pascoe-Bell  
Seconded: Alderman Buhr

2. THAT Council endorses the Policy Review Schedule at **Attachment A** to Report Number 9/0065 entitled Council Policy Review Schedule as amended to move the review of Council Policy EM05 Political Involvement in Council Events from 3rd Quarter 2019 to 1st Quarter 2019 and move the review of Council Policy FIN18 Grants, Donations, Scholarships and Sponsorships from 1st Quarter 2020 to 2nd Quarter 2019.

CARRIED 9/0203 – 07/08/2018

## DISCUSSION

In line with the policy review schedule recently adopted by Council, Council Policy Outdoor Dining Policy REG01 **Attachment A** has been reviewed. The general intent of the policy remains unchanged allowing for outdoor dining to occur within Palmerston. A number of changes have been made which are intended to better reflect and clarify the intent, purpose, process and requirements.

Policies should be a representation of the values that Council has in relation to services, activities or its business. These are also matters which it will take into consideration when making decisions. It is recommended that Policies should not be operational in nature or simply reflect legislation or alter statutory documents but to rather have a purpose to reflect that values that Council has and in this case, values in relation to outdoor dining.

It is being recommended that the section referring to the standard conditions of permit be removed as these are operational and not policy matters. The recommended amended City of Palmerston Policy Number REG01 – Outdoor Dining is provided at **Attachment B**.

The review of the Outdoor Dining Policy REG01 has highlighted the need for Council to review fees and charges associated with the operation of outdoor dining. A review of review fees and charges associated with the operation of outdoor dining will consider opportunities to encourage appropriate outdoor dining to encourage businesses to operate within the city centre with an aim to contribute to an active and vibrant city centre.

The review of fees and charges is recommended to occur under a separate report to Council.

## **CONSULTATION PROCESS**

As the overall intent of the Policy has not changed it is being recommended that consultation is not required.

## **POLICY IMPLICATIONS**

Council's Outdoor Dining Policy REG01 has been reviewed and updated.

The policy will guide the Council administration in consideration of outdoor dining applications.

## **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget or resource implications from this report. A review of Fees and charges associated with outdoor dining will occur under a separate report to Council.

The current 2018/19 fees and charges for the outdoor dining classes are Class 1 \$25 per annum and Class 2 \$177 per m<sup>2</sup> per annum.

It is noted that initiatives aimed at increasing outdoor dining can have economic beneficial outcomes for local businesses and the economy.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

Councils Policy Outdoor Dining Policy REG01 regulates outdoor dining activities within in the municipality. The policy has been reviewed and updated.

The Chief Executive Officer has delegation to approve outdoor dining applications, and associate permit and conditions.

All outdoor operations will need to not only comply to Council Policy and permits, but also to all other relevant legislation and standards.

Increasing outdoor dining can be beneficial in improving safety and amenity. It also improves lifestyle choices for the community.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications from this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

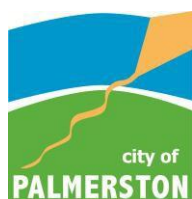
We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

## **ATTACHMENTS**

**Attachment A:** Outdoor Dining Policy REG01 adopted by Council on 8 December 2015.

**Attachment B:** Updated Outdoor Dining Policy REG01.





Name:	Outdoor Dining		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Technical Services		
Approval Date:	8/12/2015	Next Review Date:	8/12/2019

## 1 Purpose

This Policy sets out the application procedure and criteria for both **Non-Licensed** and **Licensed** dining activities on Council land.

## 2 Principles

The City of Palmerston encourages dining in all areas of Palmerston, and seeks to maintain and improve public street amenity while providing economic benefits to the community. Al fresco dining has long been recognised as beneficial in providing vibrancy and passive observance of public spaces in addition to an opportunity for business to expand its operations at a reasonable cost.

## 3 Definitions

For the purposes of this Policy, the following definitions apply:

Term	Definition

## 4 Policy Statement

### 4.1 Class 1 Application – Up To 4 Tables / 8 Seats (Whichever Is The Lesser)

Council will permit tables and chairs to be placed outside food outlets with or without a removable dividing barrier along the public thoroughfare subject to the applicant meeting the following requirements:

- 4.1.1 Furniture will generally be commercially manufactured, well maintained, and of a suitable size to accommodate diners
- 4.1.2 Where adjoining businesses provide a similar outdoor dining service the applicant may be required to provide furniture of a similar design
- 4.1.3 Permits will be annual and no security deposit is required
- 4.1.4 Adequate footpath width is maintained at all times to the satisfaction of the Director Technical Services
- 4.1.5 The applicant will be required to satisfy all other standard permit conditions

### 4.2 Class 2 Application - All Other Applications (with or Without a Licence to Serve Alcohol)

Council will permit the construction of formal dining areas within Council owner or controlled land subject to the following requirements:

- 4.2.1 A dimensioned drawing indicating the frontage of the site, the position of tables and chairs, and any street furniture or service infrastructure visible within the proposed site.
- 4.2.2 Consent in writing from the owner of the adjoining premises/business.
- 4.2.3 A photograph or brochure detailing the proposed furniture, accessories and fittings intended to be placed in the area.
- 4.2.4 An indication of the proposed permit term and any proposed permit conditions.
- 4.2.5 Where relevant the location and style of patron protection measures.
- 4.2.6 Details of how the dining area will be delineated from the public area.
- 4.2.7 The application being for the area directly adjacent the business to which it relates and not exceeding the lateral boundaries.
- 4.2.8 The style and look of the area must be in keeping with the character of the general area in which it is situated.
- 4.2.9 The design of the area must incorporate compliant disability access.

#### **4.3 Standard Conditions of Permit**

The following are standard conditions common to all dining permits:

- 4.3.1 The permit holder shall at all times indemnify City of Palmerston and keep it indemnified against all actions, proceedings, accounts claims and demands whatsoever on the part of any person or persons and from all costs, damages, expenses, losses and other claims and liabilities which may arise out of, or incidental to the operation of the dining area.
- 4.3.2 A public liability policy for not less than \$20 million and which lists City of Palmerston as an interested party is to be maintained for the dining operation.
- 4.3.3 This permit may be revoked at any time if:
  - The holder during the time that the permit is in force, fails to comply with any condition of the permit and/or
  - The Council determines that the permit should be revoked
- 4.3.4 The permit area and all furniture and other improvements will be maintained in good order and appearance and kept clean and neat at all times
- 4.3.5 A minimum head clearance to the underside of umbrellas and landscaping of 2.1m will be maintained at all times
- 4.3.6 The permit fee as set by the City of Palmerston annual Fees and Charges will be paid by the 1st August each year. It is the permit holders responsibility to ensure payment is made by the due date whether a Council reminder invoice has been issued by mail or not.

- 4.3.7 A late payment fee of 5% of the total annual fee due will apply for any late payment of up to two calendar months. Permits more than two calendar months behind in payment are automatically revoked.
- 4.3.8 The security bond as determined by the Director Technical Services must be kept current at all times and will be reviewed on a five (5) year cycle.
- 4.3.9 The permit holder must at all times provide adequate toilet facilities for patrons.
- 4.3.10 The permit holder must not permit levels of noise to emanate from the permit area at a level that would adversely interfere with the lifestyle of a normal person.
- 4.3.11 The permit is not transferable.
- 4.3.12 The permit holder will not permit any advertising signage to be erected within or around the permit area without the written permission of the City of Palmerston.
- 4.3.13 The Permit holder will remove all furniture and other loose items at the by the announcement of a stage 3 cyclone warning by the Regional Counter Disaster Controller.

#### 4.4 Fees and Charges

Permit fees will be in accordance with Council's annual fees and charges

### 5 Associated Documents

City of Palmerston Annual Fees and Charges (available on Council website)

### 6 References and Related Legislation

Section 53 of the **Palmerston Public Places By-Laws** – Control of certain activities in Malls and other Public Places requires that any person wishing to operate a business from a public place must have a permit before doing so.

**Commonwealth Disability Discrimination Act 1992** requires that all areas accessible to able bodied persons must equally be accessible to disabled persons.

Name:	Outdoor Dining		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director City Growth and Operations		
Approval Date:	[Approval Date]	Next Review Date:	[Next Review]
Records Number:		Council Decision:	
HISTORY			
Records Number:		Council Decision:	[Policy Code]

## 1 PURPOSE

This policy is intended to encourage the practice of outdoor dining across the Palmerston area whilst ensuring that the amenity and safety of streets and public places is maintained and that there is clear guidance and consistency with respect to outdoor dining.

## 2 PRINCIPLES

The City of Palmerston encourages dining in all areas of Palmerston and seeks to maintain and improve public street amenity while providing economic benefits to the community. Outdoor dining has long been recognised as beneficial in providing vibrancy and passive observance of public spaces in addition to an opportunity for business to expand its operations at a reasonable cost.

Underlying principles reflected in this policy are to:

- Encourage outdoor dining in areas that are suitable;
- Add vibrance and activity, and improving safety to streets and public spaces whilst balancing existing amenity and character;
- Encourage activities that contribute to the economy and amenity of Palmerston;
- Designs are inclusive of and consider all users;

## 3 DEFINITIONS

NIL

## 4 POLICY STATEMENT

This Policy Statement sets out the application procedure and criteria for both **Non-Licensed** and **Licensed** dining activities on Council land.

### 4.1 General

The following applies to all outdoor facilities and activities on Council land:

1. Ensure that Universal Design Principles and Crime Prevention through Environmental Design Principles are adhered to;
2. Outdoor dining areas are maintained in a clean, healthy and tidy manner, and remain an attractive element of the Public Realm to the satisfaction of the City of Palmerston;
3. Equitable access for all;

## REG01

4. Generally outdoor cafés and dining areas in public places should be located where there is an adjacent to existing indoor restaurant, bar or café and be an extension of this activity,
5. The design should consider cooling devices, weather protection and screens.
6. The design of the area must incorporate compliant disability access.
7. Outdoor dining areas should be integrated into the street in a way that does not compromise existing street activities, circulation requirements and pedestrian and traffic safety through maintaining adequate clearances.
8. Permanent structures may be considered.
9. A permit is required to operate any outdoor café or dining area located on public land.

### 4.2 Class 1 Application – Up To 4 Tables / 8 Seats (Whichever Is the Lesser)

Council will permit tables and chairs to be placed outside food outlets with or without a removable dividing barrier along the public thoroughfare subject to the applicant meeting the following requirements:

- 4.2.1 Furniture will generally be commercially manufactured, well maintained, and of a suitable size to accommodate diners.
- 4.2.2 Where adjoining businesses provide a similar outdoor dining service the applicant may be required to provide furniture of a similar design.
- 4.2.3 Permits will be annual, and no security deposit is required.
- 4.2.4 The applicant will be required to satisfy all other standard or special permit conditions.

### 4.3 Class 2 Application - All Other Applications (with or Without a Licence to Serve Alcohol)

Council will permit the construction of formal dining areas within Council owned or controlled land subject to the following requirements:

- 4.3.1 A dimensioned drawing indicating the frontage of the site, the position of tables and chairs, and any street furniture or service infrastructure visible within the proposed site.
- 4.3.2 Consent in writing from the owner of the adjoining premises/business.
- 4.3.3 A photograph or brochure detailing the proposed furniture, accessories and fittings intended to be placed in the area.
- 4.3.4 An indication of the proposed permit term and any proposed permit conditions.
- 4.3.5 Where relevant the location and style of patron protection measures.
- 4.3.6 Details of how the dining area will be delineated from the public area.
- 4.3.7 The application being for the area directly adjacent the business to which it relates and not exceeding the lateral boundaries.
- 4.3.8 The style and look of the area must be in keeping with the character of the general area in which it is situated.

## 5 ASSOCIATED DOCUMENTS

- 5.1 City of Palmerston Annual Fees and Charges

## 6 REFERENCES AND RELATED LEGISLATION

- 6.1 Palmerston (Public Places) By-Laws
- 6.2 Palmerston (Signs, Hoardings and Advertising) By-Laws
- 6.3 Disability Discrimination Act 1992
- 6.4 Local Government Act
- 6.5 Tabaco Control Act
- 6.6 Liquor Act

## 2nd Ordinary Council Meeting

**AGENDA ITEM:** 13.2.9

**REPORT TITLE:** Council Policy Review – *FIN15 Asset Disposal*

**REPORT NUMBER:** 9/0086

**MEETING DATE:** 18 September 2018

**Author:** Finance Manager, Shane Nankivell

**Approver:** Director Corporate Services, Chris Kelly

### PURPOSE

This report seeks Council approval to rescind Council Policy *FIN15 Asset Disposal*.

#### Municipal Plan:

##### 4. Governance & Organisation

##### 4.1 Responsibility

- 4.1 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.

### KEY ISSUES

- Policies are not required if they simply restate statutory obligations, outline operational procedures or do not add any value to Council's decision-making process.
- Council Policy *FIN15 Asset Disposal* is superfluous as it reiterates the contents of *Local Government Guideline 7: Disposal of Property* and references the application of Australian Accounting Standards.
- If the policy is rescinded, Council will continue to apply the sale process consistent with legislative and Accounting Standard requirements.

### RECOMMENDATION

1. THAT Report Number 9/0086 entitled Council Policy Review – *FIN15 Asset Disposal* be received and noted.
2. THAT Council rescind Council Policy *FIN15 Asset Disposal* at **Attachment A** to Report Number 9/0086 entitled Council Policy Review – *FIN15 Asset Disposal*.

### BACKGROUND

At the 2<sup>nd</sup> Ordinary Council Meeting of 21 June 2016 Council made the following decision:

#### 11.1.5 Review *FIN15 Asset Disposal* Policy



*THAT Council adopt the amended FIN15 Asset Disposal Policy.*

**CARRIED 8/2078 - 21/06/2016**

This report outlines the recommendations from the review of this policy by Council staff.

## **DISCUSSION**

In line with the policy review schedule recently adopted by Council, Council Policy *FIN15 Asset Disposal* has been reviewed.

Policies are not required if they simply restate statutory obligations, outline operational procedures or do not add any value to Council's decision-making process.

The policy is superfluous as it simply restates the contents of *Local Government Guideline 7: Disposal of Property* and references the application of Australian Accounting Standards. Council is legally required to adhere to both and restating these as a policy adds no value to Council decision making or processes. The policy also includes a process that is undertaken to achieve the required outcomes including options for disposal and approval processes. These are operational and variable in nature and should not be captured in policy. As a consequence, it is recommended that the policy is rescinded.

If the policy is rescinded, Council will continue to apply the process of sale consistent with legislative and Accounting Standard requirements and ensure that procedural elements form part of Council's documented operational processes.

## **CONSULTATION PROCESS**

No consultation was required in the preparation of this report.

## **POLICY IMPLICATIONS**

If rescinded, this policy will no longer be a policy of Council, however matters addressed will still be covered by Local Government Guidelines and Australian Accounting Standards.

Council is not required to have a policy relating to this matter.

## **BUDGET AND RESOURCE IMPLICATIONS**

There are no budget or resource implications from this report.

## **RISK, LEGAL AND LEGISLATIVE IMPLICATIONS**

There are no risk, legal or legislative implications for this report.

## **ENVIRONMENT SUSTAINABILITY IMPLICATIONS**

There are no environment sustainability implications for this report.

## **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.



*A Place for People*

## **ATTACHMENTS**

**Attachment A:** Council Policy *FIN15 Asset Disposal*

FIN15

Name:	Asset Disposal		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Corporate Services		
Approval Date:	21/06/2016	Next Review Date:	21/06/2018
Records Number:	298522	Council Decision:	8/2078

### 1 PURPOSE

This policy governs the de-recognition of non-current Assets in form of disposal including sales at the City of Palmerston.

### 2 PRINCIPLES

This policy follows the accounting treatment set out in AASB140 (Investment Property) and AASB116 (Property, Plant & Equipment), as well as under legislative requirements. Asset de-recognition occurs on disposal or when no future economic benefit is expected from an asset.

### 3 DEFINITIONS

*For the purposes of this Policy, the following definitions apply:*

Term	Definition
Asset	An asset is a resource controlled by Council as a result of past events and from which future economic benefits are expected to flow to the entity for more than 12 months. Assets include tangible items like property, plant and equipment and intangible assets like software.
Useful life	The useful life of an asset is the period over which an asset is expected to be available for use by Council.
Carrying amount	The carrying amount is the amount at which an asset is recognised in the statement of financial position. It is the cost of an asset, or fair value less accumulated depreciation.
Residual value	The residual value is the estimated amount that Council would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

### 4 POLICY STATEMENT

#### 4.1 Reasons for Disposal

Any sale or disposal of assets should be consistent with the council's economic, social and/or environmental objectives set out in strategic plans. When considering options for the sale and disposal of assets, council should look for opportunities to advance the objectives of the council's strategic plan. Council may dispose assets due to renewal programs in line with Asset Management Plans.

#### 4.2 Method of Disposal

The following practices of disposal are approved by Council:

- Direct sale through Council officers
- Quotation sought by officers for external party to sell on behalf of council

- Selected tender
- Open tender
- Disposal due to renewal
- Other means directed by council

The following items should be considered selecting the method of disposal:

- Potential to obtain best price;
- Number of known potential purchasers;
- Current and possible preferred future use of the asset;
- Opportunity to promote local economic growth and development;
- Total estimated value of the sale;
- Delegation limits taking into consideration accountability, responsibility, operational efficiency and urgency of the sale;
- Compliance with statutory and other obligations.

#### 4.3 Approval of Disposal

Council has delegated authority for disposal of assets under section 32 of the Local Government Act to the Chief Executive Officer documented in the delegation manual.

Approval of disposal of assets shall be sought in line with the delegation manual in writing and should include the following information as a minimum:

- Identification of asset (linkage to financial asset register)
- Reason for disposal
- Method of disposal
- Timeframe of disposal
- Application of proceeds

Property which has been purchased, or the purchase of which has been contributed to, by a funding source, may not be disposed of unless the terms of the funding agreement have been met. This includes any requirement to gain approval from the funding body to dispose of property.

#### 4.4 Proceeds from Sale of Assets

Proceeds from the sale of assets should be applied to a particular purpose:

- Reduction of any debt associated with the asset acquisition or upgrade since the original purchase or construction
- Offset of cost of replacement assets required for operations arising from the asset sale
- Specific Reserve Fund
- Other specific purpose as determined by Council resolution

#### 4.5 Financial Recognition of Disposal

When an asset is sold and its selling price varies from the carrying amount in Council's balance sheet, a gain or loss on disposal will be recognised directly to the Income Statement in accordance with AASB 140 or AASB 116 respectively.

If an asset is derecognised before it has been fully depreciated, the carrying amount represents a loss on disposal and will be expensed.

### FIN15

Where an asset disposed of has been subject to revaluation, the net increment in the asset revaluation reserve relating to the disposed asset will be transferred to Accumulated Surplus. The amount transferred must not exceed the balance of the asset revaluation.

Partial disposal of an asset is recognised if a partial renewal/replacement has taken place and the carrying value of that disposed part in regards to AASB 116 can be identified.

Alternatively, if the fair value of the replaced part cannot be identified, the cost of the replacement is added in the carrying amount of the asset and the fair value shall be reassessed at revaluation.

#### **5 ASSOCIATED DOCUMENTS**

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- 5.1 City of Palmerston Policies
- 5.2 City of Palmerston Delegation Manual

#### **6 REFERENCES AND RELATED LEGISLATION**

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- 6.1 Northern Territory Local Government Act
- 6.2 Northern Territory Local Government (Administration) Regulations
- 6.3 Northern Territory Local Government (Accounting) Regulations
- 6.4 Australian Accounting Standards
- 6.5 Ministerial Guidelines
- 6.6 Local Government General Instructions

**14.1 Information**

**14.1.1 LGANT Draft Executive Minutes – 28 August 2018**

THAT Council receive and note Item 14.1.1 entitled LGANT Draft Executive Minutes – 28 August 2018.

**14.2 Correspondence**

**14.2.1 Council Website Compliance Update – August 2018**

THAT Council receive and note Item 14.2.1 entitled Council Website Compliance Update – August 2018.



**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**MINUTES OF THE LGANT EXECUTIVE MEETING  
HELD ON TUESDAY 28 AUGUST 2018 IN THE LGANT OFFICE  
COMMENCING AT 8:00 AM**

**1. PERSONS PRESENT AT THE MEETING OR ON THE TELEPHONE**

Mayor Damien Ryan	President ( <i>Phone</i> )
Mayor Maree Bredhauer	Executive – All Councils ( <i>Phone</i> )
President Peter Clee	Executive – Regional and Shires ( <i>Phone</i> )
Alderman Sherry Cullen	Executive – Municipal ( <i>Phone</i> )
Mayor Steven Edgington	Executive – Regional and Shires ( <i>Phone</i> )
<b>IN ATTENDANCE:</b>	
Tony Tapsell	LGANT CEO ( <i>Phone</i> )
Peter McLinden	LGANT
Elaine McLeod	LGANT – Secretariat ( <i>Phone</i> )

**2. APOLOGIES FROM MEMBERS WHO WERE ABSENT FROM THE MEETING**

Mayor Fay Miller	Executive – Municipal
Councillor Lynette De Santis	Executive – Regional & Shires
Mayor Matthew Ryan	Vice President – Regional and Shires
Alderman Gary Haslett	City of Darwin

**Note:** Alderman Gary Haslett attempted to join the meeting by telephone but was unable to get through.

**RESOLUTION**

That members:

1. accept the acknowledgements from members that they are unable to attend the meeting
2. approve the applications from members for leave of absence from the meeting
3. accept the recording of the meeting and delete the recording on completion of the minutes.

**Moved:** President Clee  
**Seconded:** Mayor Bredhauer  
**Carried**

**3. NOTIFICATION OF CONFLICT(S) OF INTERESTS - Nil**

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING**

**RESOLUTION**

THAT the minutes of the Executive meeting held on Tuesday 17 July 2018 be confirmed as a true and correct record of this meeting.

**Moved:** Mayor Bredhauer  
**Seconded:** Mayor Edgington  
**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:** Alderman Curren  
**Seconded:** President Clee  
**Carried**

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

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

### **6.1 Financial Reports for 30 June 2018**

#### **Discussion**

Members heard that the draft LGANT financial statements have been prepared and an audit has been completed. These will be tabled at the next meeting with the 2017/18 annual report.

#### **RESOLUTION**

THAT the Executive receives and adopts the financial reports for 30 June 2018.

**Moved:** Alderman Cullen  
**Seconded:** Mayor Edgington  
**Carried**

### **6.2 Land Use Planning Reforms**

#### **Discussion**

Members asked that LGANT amend the submission to include the need for:

- development contributions where developers abandon pockets of land that they leave for councils to maintain
- parking contributions from developers where there are shortfalls in the number of parking bays provided.

#### **ACTION:**

1. LGANT to amend submission and circulate to Executive members for endorsement.

### **6.3 Changes to the *Pastoral Land Management Act***

#### **Discussion**

Members agreed that LGANT needs to continue to advocate to allow councils to rate commercial entities on land held under a pastoral lease.

#### **RESOLUTION**

THAT the Executive approves the draft letter on the *Pastoral Land Management Act* being sent to Minister McCarthy.

**Moved:** Mayor Edgington  
**Seconded:** President Clee  
**Carried**

### **6.4 Regional Australia Institute Pathfinder Initiative**

#### **Discussion**

Members were alerted to the website to see what collectives of councils interstate are doing in the regional development space.

#### **RESOLUTION**

THAT the Executive encourage councils to investigate the potential of the Pathfinder Initiative.

**Moved:** Mayor Bredhauer  
**Seconded:** Alderman Cullen  
**Carried**

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

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

### **7.1 Subdivision Development Guidelines**

#### **Future Action**

Await receipt of the final draft and invite the Chairman and Department to attend the CEO Forum in November 2018.

#### **Discussion**

Members were told that the subdivision guidelines will become part of the NT Planning Scheme.

Concerns were raised over the one-size-fits-all approach. Members heard that 20 growth towns will be included in the scheme and the NT government is negotiating with the land councils to have the *Planning Act* apply to those communities.

Members agreed that LGANT advocate for all communities to be included in the scheme to lift the standard.

#### **ACTION:**

2. LGANT to advocate for all communities to be included in the NT Planning Scheme.

### **7.2 Coroner's Report and Recommendations to do with Work Zone Traffic Management**

#### **Future Action**

Continue to attend DIPL meetings and provide progress reports.

### **7.3 Regional Telecommunications Review**

#### **Future Action**

Provide progress reports including notifications of attendance at inquiry meetings.

### **7.4 East Arnhem Region – LGANT Road Network**

#### **Future Action**

LGANT to have discussions with East Arnhem Regional Council regarding the local road network.

#### **Discussion**

Members heard that informal discussions have taken place and this issue will be brought up at the Regional Road Committee meeting in Nhulunbuy in September 2018.

### **7.5 Health, Safety and Security Projects for Regional Councils**

#### **Future Action**

Provide progress reports.

#### **Discussion**

Members were told that the LGANT CEO is meeting with the Department of Housing and Community Development to discuss what will be recommended to the Minister.

## **RESOLUTION**

### **What decision is the Executive being asked to make?**

THAT the Executive receives and notes the reports on actions required to be done from the last meeting.

**Moved:** Mayor Edgington

**Seconded:** President Cleve

**Carried**

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

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

**8.1 RSPCA Cat Management Report**

**Discussion**

Members noted the report.

**RESOLUTION**

**What decision is the Executive being asked to make?**

THAT the Executive receives and notes the RSPCA Cat Management Report.

**Moved:** Alderman Cullen  
**Seconded:** Mayor Bredhauer  
**Carried**

**8.2 Future Cities, Smart Communities Summit 2018**

**Discussion**

Members heard that the Sherlock project is a huge database developed by LGAQ and the possibility is there for NT local government to become part of it through CouncilBIZ.

**RESOLUTION**

**What decision is the Executive being asked to make?**

THAT the Executive receives and notes the report on the Future Cities, Smart Communities Summit 2018.

**Moved:** Mayor Bredhauer  
**Seconded:** President Clee  
**Carried**

**8.3 2018 WALGA Convention**

**Discussion**

Members were alerted to the ALGA campaign to reinstate 1% of Commonwealth revenue going to local government and the importance of councils getting on board.

**RESOLUTION**

**What decision is the Executive being asked to make?**

THAT the Executive receives and notes the WALGA Convention 2018 report.

**Moved:** President Clee  
**Seconded:** Alderman Cullen  
**Carried**

**8.4 Environments and Remote Indigenous Cardiometabolic Health**

**Discussion**

Members noted the report.

**RESOLUTION**

**What decision is the Executive being asked to make?**

THAT the Executive receives and notes the report on Environments and Remote Indigenous Cardiometabolic Health.

**Moved:** Alderman Cullen  
**Seconded:** President Clee  
**Carried**

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**8.5 Nominations to the LGANT Executive****Discussion**

Members noted the nominations to the LGANT Executive.

**RESOLUTION****What decision is the Executive being asked to make?**

THAT the Executive receives and notes the WALGA Convention 2018 report.

**Moved:** President Clee

**Seconded:** Mayor Edgington

**Carried**

**8.6 Guideline 8 – Regional Councils and Local Authorities****Discussion**

Members heard of the difficulty in reaching a quorum at local authority meetings.

**ACTION:**

3. LGANT to write to the Minister to reconsider the quorum situation for local authorities.

**RESOLUTION****What decision is the Executive being asked to make?**

THAT the Executive receives and notes the report on Guideline 8 – Regional Councils and Local Authorities.

THAT LGANT writes to the Minister to reconsider the quorum situation for local authorities, particularly in remote areas.

**Moved:** Mayor Edgington

**Seconded:** President Clee

**Carried**

**9. PRESIDENT'S REPORT****10. BUSINESS FROM PREVIOUS MEETING THAT IS NOT YET FINISHED****10.1 Transfer of Local Roads from the NT Government to Local Government****Future Action**

Report on any progress that might arise as a consequence of meetings of Regional Roads Groups.

**10.2 Cemeteries****Future Action**

Conclude the process in the next month.

**10.3 The Transfer of Barge Landings and Boat Ramps to Local Government****Future Action**

Receive updates from the Regional Road Groups. Advocate to have a standing agenda item on appropriate Groups.

**10.4 Northern Territory Government Remote Housing****Future Action**

Provide progress reports.

**10.5 Roadmap for Renewable Energy****Future Action**

LGANT to continue to monitor and report both at Northern Territory and national levels.

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**10.6 Council Motion – Councils’ Legal Obligation to Manage and Maintain Aboriginal Land Trust Land**

**Future Action**

Seek legal advice.

**10.7 Council Motion – Impact of Substance Misuse on Council Workforces**

**Future Action**

Continue to work with WALGA on the development of policies and procedures.

**10.8 Administration and Legislation Advisory Committee**

**Future Action**

Attend the next meeting when it is called and report.

**10.9 Submission to the Environmental Regulatory Reform Discussion Paper**

**Future Action**

This is an agenda item for the Environment, Transport and Infrastructure Reference Group meeting on 30 August 2018.

**10.10 Independent Commissioner Against Corruption Bill**

**Future Action**

Review legislation and arrange meetings with the new organisation once it is established.

**10.11 NT EPA Draft Guideline for Consultation – Recommended Land Use Separation Distances**

**Future Action**

Do a comparison between what LGANT requested and what has been agreed to after the guidelines are published.

**10.12 Council Motion – Review of Natural Disaster Relief and Recovery Arrangements Conditions and Eligibility**

**Future Action**

Continue to work with the Department of Housing and Community Development and workshop guidelines/reporting processes over the next few months.

**10.13 Council Motion – Improving Voting and Voter Turnout at Council Elections**

**Future Action**

Follow up with the Australian Electoral Commission its proposal for councils to help maintain the Northern Territory electoral roll.

**10.14 Per- and Poly-Fluoroalkyl Substances (PFAS)**

**Future Action**

Monitor developments given it is being handled as a national issue.

**10.15 Federal Black Spot Funding**

**Future Action**

Work with the Division of Local Government and DIPL with regard to implementing a local road digital mapping platform.

**10.16 Building Better Regions Fund – Local Road Mapping**

**Future Action**

Develop business plan and submission to the Division of Local Government with regard to digital mapping.

**10.17 CouncilBIZ Constitution**

**Future Action**

No further action required.



**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**10.18 2017 Member Satisfaction Survey****Future Action**

Review the survey and report next month.

**10.19 LGANT Submission to the Aviation Inquiry****Future Action**

Review the matter following the release of the Senate Committee's report.

**10.20 Submission on Remote Employment and Participation****Future Action**

Follow up with the Department of Prime Minister and Cabinet the status of its consultative work on remote employment and participation.

**10.21 Senate Inquiry into Regional Inequality****Future Action**

Provide a progress report once the Senate releases its report.

**10.22 2016-17 Local Government National Report****Future Action**

Provide a progress report after the report is tabled in the Federal Parliament.

**10.23 Constitutional Recognition of Aboriginal and Torres Strait Islander People****Future Action**

The committee is to present to Parliament its final report on or before 29 November 2018.

**10.24 Local Government Environment Project Officer – Funding Agreement****Future Action**

Recruitment is in progress and an appointment will be made in September 2018.

**10.25 Independent Town Camps Review****Future Action**

Arrange meetings with the Town Camps Implementation team once it is in place.

**10.26 NT Alcohol Policies and Legislation Review****Future Action**

Continue to discuss the reports from the above team.

**10.27 Joint Insurance Scheme and Discretionary Trust****Future Action**

Provide progress reports on the operation of the trust.

**10.28 Public Libraries****Future Action**

No further action is required.

**10.29 Roads to Recovery – Robinson River****Future Action**

No further action is required.

**10.30 Regional Roads Committees****Future Action**

Provide progress reports.

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**10.31 Draft LGANT Policies on language, Literacy and Numeracy****Future Action**

Draft letters to the Commonwealth and Territory governments about the policies.

**10.32 LGANT Submission to the Territory Wide Logistics master Plan – Discussion Paper****Future Action**

Follow up and report on the outcome of the submission once details are known.

**10.33 Inquiry into National Freight and Supply Chain Priorities****Future Action**

No action required as has been overtaken by agenda item 10.32.

**RESOLUTION**

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

**Moved:** President Clee

**Seconded:** Alderman Cullen

**Carried**

**11. BUSINESS NOT YET FINISHED BUT INACTIVE**

11.1	Waste Management Regional Projects
11.2	2015-16 Local Government National Report
11.3	Review of the <i>Local Government Act</i>

**RESOLUTION**

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

**Moved:** Alderman Cullen

**Seconded:** Mayor Bredhauer

**Carried**

**12. MEMBERS QUESTIONS****13. GENERAL BUSINESS****14. COMPLETED BUSINESS**

14.1	Environment, Transport and Infrastructure Reference Group Meeting
14.2	LGANT Procurement and Contract Management Training Workshop
14.3	Street Lighting Arrangements – Towns on Aboriginal Land
14.4	LGANT Representation on Committees
14.5	Highlights from the 2018 National General Assembly of Local Government
14.6	ALGA Board Report – June 2018
14.7	Regional Cooperation and Development Forum Report
14.8	2018 General and Other Meeting Dates
14.9	Nomination to the NT Tobacco Control Action Committee

**RESOLUTION**

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

**Moved:** Mayor Bredhauer

**Seconded:** President Clee

**Carried**

**LOCAL GOVERNMENT ASSOCIATION  
OF THE NORTHERN TERRITORY**

**15. CONFIDENTIAL BUSINESS****16. NEXT MEETING**

The next meeting of the LGANT Executive will be held on Tuesday 18 September 2018 at **8:00am** in the LGANT Boardroom or by teleconference.

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9:11am.**

**17. LIST OF ACTIONS FROM THE MEETING**

<b>ACTIONS</b>	<b>Item No</b>
1. LGANT to amend submission and circulate to Executive members for endorsement.	6.2
2. LGANT to advocate for all communities to be included in the NT Planning Scheme.	7.1
3. LGANT to write to the Minister to reconsider the quorum situation for local authorities.	8.6

**From:** Melinda Dunlop <Melinda.Dunlop@nt.gov.au> **On Behalf Of** LG Compliance  
**Sent:** Thursday, 6 September 2018 1:50 PM  
**To:** Caroline Hocking <Caroline.Hocking@palmerston.nt.gov.au>  
**Subject:** Request for Council to Update Website - City of Palmerston - August 2018

Ref: HCD2018/07221-12

Hi Caroline

A review has recently been conducted on the Council's website pursuant to sections 200 and 200A of the *Local Government Act* and noted that everything appears to be in order.

Regards

**Melinda Dunlop**

Projects Officer  
Sustainability and Compliance Branch  
Local Government and Community Development Division  
**Department of Housing and Community Development**  
Northern Territory Government

Level 1, RCG Centre, 47 Mitchell Street, Darwin  
GPO Box 4621, Darwin, NT 0801

**p ... 08 8999 8575**

**e ... [melinda.dunlop@nt.gov.au](mailto:melinda.dunlop@nt.gov.au)**

**Our Vision:** Creating a public sector that provides the highest quality service to Territorians.

**Our Values:** **Commitment to Service** | **Ethical Practice** | **Respect** | **Accountability** | **Impartiality** | **Diversity**

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**15** REPORT OF DELEGATES

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**16** QUESTIONS BY MEMBERS

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**17** GENERAL BUSINESS

---

**18** NEXT ORDINARY COUNCIL MEETING

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THAT the next Ordinary Meeting of Council be held on Tuesday 2 October 2018 at 5.30pm in the Council Chambers, First Floor, Civic Plaza, 1 Chung Wah Terrace Palmerston.

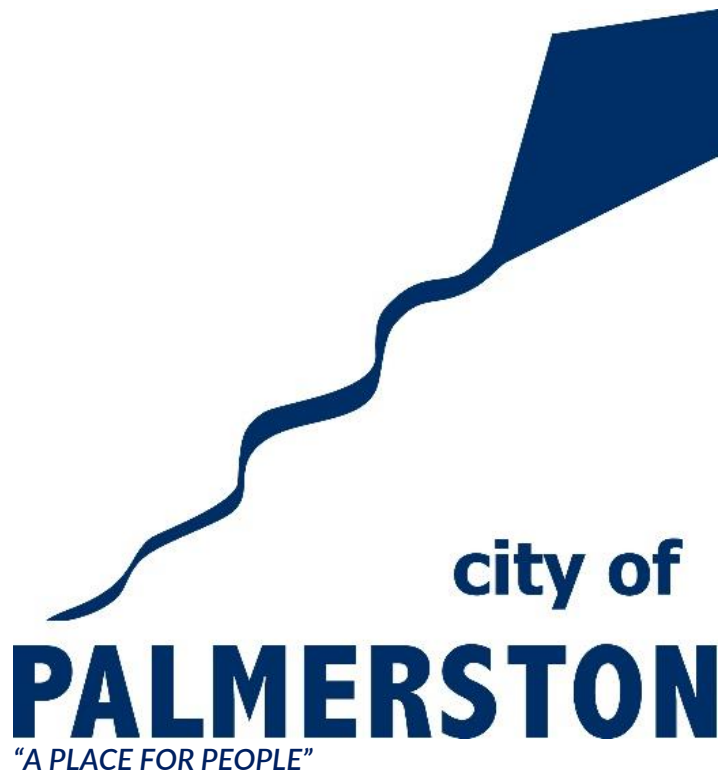
**19** CLOSURE OF MEETING TO PUBLIC

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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 item of the Agenda.

**20** ADJOURNMENT OF MEETING AND MEDIA LIAISON

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**COUNCIL MEETING  
MINUTES  
TUESDAY, 4 SEPTEMBER 2018**



1st Ordinary Council Meeting

## CITY OF PALMERSTON

**Minutes of Council Meeting  
held in Council Chambers  
Civic Plaza, Palmerston  
on Tuesday 4 September 2018 at 5:32pm.**

### ELECTED MEMBERS

Mayor Athina Pascoe-Bell  
Deputy Mayor Damian Hale  
Alderman Amber Garden  
Alderman Benjamin Giesecke  
Alderman Lucy Buhr  
Alderman Mick Spick  
Alderman Sarah Henderson  
Alderman Tom Lewis

### STAFF

Chief Executive Officer, Luccio Cercarelli  
Director Corporate Services, Chris Kelly  
Director Community Services, Jan Peters  
Director City Growth and Operations, Gerard Rosse  
Finance Manager, Shane Nankivell  
Communications Officer, Samantha Abdic

### GALLERY

1 member of the public

## 1 ACKNOWLEDGEMENT OF COUNTRY

*I respectfully acknowledge the traditional owners of the land on which we are meeting - the Larrakia People - and pay my respects to their elders, past, present and future.*

## 2 OPENING OF MEETING

The Mayor declared the meeting open at 5:32pm.

## 3 APOLOGIES AND LEAVE OF ABSENCE

### 3.1 Apologies

Nil.

### 3.2 Leave of Absence

Nil.

Initials: \_\_\_\_\_

## 3.3 Leave of Absence Request

Moved: Alderman Buhr  
Seconded: Alderman Henderson

1. THAT the leave of absence received from Mayor Pascoe-Bell for 1 October to 9 October 2018 inclusive be received and noted.
2. THAT the leave of absence received from Alderman Giesecke for 8 September to 18 September 2018 inclusive be received and noted.

CARRIED 9/0245 - 04/09/2018

## 4 REQUEST FOR TELECONFERENCING

Nil.

## 5 DECLARATION OF INTEREST

### 5.1 Elected Members

Moved: Alderman Garden  
Seconded: Deputy Mayor Hale

THAT the Declaration of Interest received from Alderman Giesecke for Item 6.1 be received and noted.

CARRIED 9/0246 - 04/09/2018

### 5.2 Staff

Nil.

## 6 CONFIRMATION OF MINUTES

Alderman Giesecke left Chambers at 5.35pm due to a Conflict of Interest in Item 6.1.

### 6.1 Confirmation of Minutes

Moved: Alderman Henderson  
Seconded: Alderman Lewis

THAT the minutes of the Council Meeting held Tuesday, 21 August 2018 pages 9530 to 9540, be confirmed.

CARRIED 9/0247 - 04/09/2018

### 6.2 Business Arising from Previous Meeting

Nil

Alderman Giesecke returned to Chambers at 5.36pm.

Initials: \_\_\_\_\_

## 7 MAYORAL REPORT

### 7.1 Mayoral Report M9/004

Moved: Mayor Pascoe-Bell  
Seconded: Alderman Buhr

THAT Report Number M9/004 entitled Mayoral Update Report – August 2018 be received and noted.

CARRIED 9/0248 – 04/09/2018

## 8 DEPUTATIONS AND PRESENTATIONS

### 8.1 Deputations

Nil.

### 8.2 Presentations

Nil.

## 9 PUBLIC QUESTIONS (WRITTEN SUBMISSIONS)

### 9.1 Hiney Smordowski, Rosebery

Moved: Alderman Spick  
Seconded: Alderman Garden

THAT the following public question from Hiney Smordowski and response as tabled regarding Rates be received and noted.

Question: "In the current economic climate and with CPI running below 2% how can you justify a 10.45% rate increase?"

Answer: "By way of clarification, the total increase in rates revenue as part of the 2018/19 Municipal Plan is 2.9%, not 10.45%. In finalising this year's Budget, Council considered many factors, including service and infrastructure levels and the current economic climate, and as a result of the 2.9% rates increase and the reduction in the Waste Service Charge, 64% of property owners will not see any change in their total rates and charges from last year.

Council requires revenue each year to deliver services and infrastructure. Rates revenue is calculated by multiplying the Unimproved Capital Value of a property against a rate in the dollar for properties based on their zoning. The Valuer-General independently sets the valuations for properties every three years and Council sets the differential. The rate in the dollar varies to ensure that there are sufficient funds available, and the change this year resulted in a 2.9% increase in total rates revenue.

Council is establishing a volunteer-based Community Reference Group to assist in the development of a Rating Strategy for the next ten years. If you wish to be involved, nomination forms are available on Council's website."

CARRIED 9/0249 – 01/06/2018

Initials: \_\_\_\_\_

## 10 CONFIDENTIAL ITEMS

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### 10.1 Confidential Items

Nil.

### 10.2 Moving Open Items into Confidential

Nil.

### 10.3 Moving Confidential Items into Open

Nil.

## 11 PETITIONS

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Nil.

## 12 NOTICES OF MOTION

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Nil.

## 13 OFFICERS REPORTS

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### 13.1 Receive and Note Reports

Nil.

### 13.2 Action Reports

#### 13.2.1 LGANT Call for Policy and Action Motions

9/0071

Moved: Alderman Henderson

Seconded: Deputy Mayor Hale

1. THAT Report Number 9/0071 entitled Local Government Association of the Northern Territory Call for Policy and Action Motions be received and noted.
2. THAT Council endorses the following motions to the Local Government Association of the Northern Territory General Meeting on 8 November 2018:
  - Helping our Elected Members represent our community;
  - Future use of glyphosate; and
  - Uniform Northern Territory Animal Management Laws.

being **Attachment A, B and C** to Report Number 9/0071 entitled Local Government Association of the Northern Territory Call for Policy and Action Motions.

CARRIED 9/0250 - 04/09/2018

Initials: \_\_\_\_\_

## 13.2.2 City Centre Parking Review Update

9/0075

Moved: Alderman Lewis  
Seconded: Alderman Garden

1. THAT Report Number 9/0075 entitled City Centre Parking Review Update be received and noted.
2. THAT Council approve urban renewal improvements to the Council owned vacant Lot 12965, known as 14 The Boulevard, Palmerston City which will include the provision of approximately 24 car parking spaces to Zone B (all day parking).
3. THAT Council engage with the Northern Territory Government for the possible use Lot 10027, 20 The Boulevard, Palmerston City as a short-term public car park including urban improvements as outlined in Report Number 9/0075 entitled City Centre Parking Review Update and that a further report be presented to Council on the outcomes.
4. THAT a further report be presented to Council in March 2019 which presents outcomes and recommendations of the City Centre Parking Review and considers Council Policy REG03 *City Centre Parking*.

CARRIED 9/0251 – 04/09/2018

## 13.2.3 Facing North

9/0077

Moved: Mayor Pascoe-Bell  
Seconded: Alderman Buhr

1. THAT Report Number 9/0077 entitled Facing North be received and noted.
2. THAT Council approve the attendance of the Mayor to the Facing North event on 19 September 2018 held in Canberra.
3. THAT the leave of absence for Mayor Athina Pascoe-Bell for period 18 to 20 September 2018 inclusive to attend Council Business be received and noted.
4. THAT in accordance with Section 61(4) of the *Local Government Act* and Decision Number 9/0066, Council note that Mayor Pascoe-Bell requests Teleconferencing Meeting Attendance for the Second Ordinary Meeting of 18 September 2018.

CARRIED 9/0252 – 04/09/2018

## 13.2.4 Regional Capitals Australia Membership 2018/2019

9/0076

Moved: Alderman Buhr  
Seconded: Deputy Mayor Hale

1. THAT Report Number 9/0076 entitled Regional Capitals Australia Membership be received and noted.
2. THAT Council decline the offer of membership of Regional Capitals Australia.

Initials: \_\_\_\_\_

CARRIED 9/0253 – 04/09/2018

13.2.5 Council Policy Review – *FIN02 Financial Management*

9/0078

Moved: Alderman Buhr  
Seconded: Alderman Lewis

1. THAT Report Number 9/0078 entitled Council Policy Review – *FIN02 Financial Management* be received and noted.
2. THAT Council rescind Council Policy *FIN02 Financial Management* at **Attachment A** to Report Number 9/0078 entitled Council Policy Review – *FIN02 Financial Management*.

CARRIED 9/0254 – 04/09/2018

## 14 INFORMATION AND CORRESPONDENCE

14.1 Information

Nil.

14.2 Correspondence

14.2.1 Australian Local Government Association National Election Advocacy

Moved: Deputy Mayor Hale  
Seconded: Alderman Henderson

1. THAT Item 14.2.1 entitled Australian Local Government Association National Election Advocacy as tabled be received and noted.
2. THAT Council confirms its support of the Australian Local Government Association seeking to restore funding of Financial Assistance Grants to at least 1% of Commonwealth taxation revenue.

CARRIED 9/0255 – 04/09/2018

## 15 REPORT OF DELEGATES

15.1 Tourism Top End

Moved: Alderman Henderson  
Seconded: Alderman Spick

THAT the verbal report received from Alderman Henderson regarding Tourism Top End Meeting be received and noted.

CARRIED 9/0256 – 04/09/2018

Initials: \_\_\_\_\_



## 16 QUESTIONS BY MEMBERS

THAT the following Questions by Members be received and noted.

### 16.1 Graffiti Management

Moved: Alderman Lewis

Seconded: Alderman Spick

THAT the question asked by Alderman Lewis seeking an updated Graffiti Management Report, and the response by the Director City Growth and Operations be received and noted.

CARRIED 9/0257 – 04/09/2018

## 17 GENERAL BUSINESS

### 17.1 RSPCA Save the Paws Ball 2018

Moved: Mayor Pascoe-Bell

Seconded: Alderman Garden

THAT Council approve attendance by Alderman Garden and partner to the RSPCA (Darwin Regional Branch) Annual Save the Paws Ball on 13 October 2018 as Council's representative.

CARRIED 9/0258 – 04/09/2018

## 18 NEXT COUNCIL MEETING

Moved: Alderman Garden

Seconded: Alderman Henderson

THAT the next Ordinary Meeting of Council be held on Tuesday 18 September 2018 at 5.30pm in the Council Chambers, First Floor, Civic Plaza, 1 Chung Wah Terrace Palmerston.

CARRIED 9/0259 – 04/09/2018

## 19 CLOSURE OF MEETING TO PUBLIC

Moved: Alderman Lewis

Seconded: Alderman Spick

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 Item of the Agenda.

CARRIED 9/0260 – 04/09/2018

Initials: \_\_\_\_\_

## 20 ADJOURNMENT OF MEETING AND MEDIA LIAISON

Moved: Mayor Pascoe-Bell  
Seconded: Alderman Lewis

THAT the meeting be adjourned for 10 minutes for media liaison.

CARRIED 9/0261 – 04/09/2018

The meeting adjourned at 6:50pm.



Athina Pascoe-Bell  
MAYOR

Date: