

# LITCHFIELD COUNCIL



*Community effort is essential*

## Council Meeting BUSINESS PAPER WEDNESDAY 15/11/2017

Meeting to be held commencing 6:30pm  
In Council Chambers at 7 Bees Creek Road, Freds Pass

**Kaylene Conrick, Chief Executive Officer**

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



## LITCHFIELD COUNCIL MEETING

**Notice of Meeting**  
**to be held in the Council Chambers, Litchfield**  
**on Wednesday, 15 November 2017 at 6:30pm**

Kaylene Conrick  
**Chief Executive Officer**

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# COUNCIL AGENDA

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## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### **1. Open of Meeting**

#### Audio Disclaimer

An Audio recording of this meeting is being made for minute taking purposes as authorised by the Chief Executive Officer.

### **2. Acknowledgement of Traditional Ownership**

Council would like to acknowledge the traditional custodians of this land on which we meet on tonight. We pay our respects to the Elders past, present and future for their continuing custodianship of the land and the children of this land across generations.

### **3. Apologise and Leave of Absence**

### **4. Disclosures of Interest**

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

### **5. Confirmation of Minutes**

THAT the minutes of the Council Meetings held 18 October 2017, 13 pages, be confirmed.

Minutes have been distributed under separate cover and are publicly available on Council's website <http://www.litchfield.nt.gov.au/council/council-meetings/council-minutes> or in hard copy by request.

### **6. Business Arising from the Minutes**

THAT Council receives and notes the Action Sheet



# Council Action Sheet

As at 6 November 2017

Resolution Number	Resolution	Action Officer	Meeting Date	Action	Status
15/0175/02	<b>Meeting Procedures By-Laws</b> THAT Council instruct the Acting Chief Executive Officer to begin negotiating with Parliamentary Counsel on the drafting of Meeting Procedures By-Laws for Litchfield Council.	CEO	19-11-15	Drafting instructions under development by Division of Local Government, Department of Housing & Community Development	Council has received draft <i>Drafting Instructions</i> from the LG Department, currently under review with officers.
16/0203	<b>Signage, Roadside Vans and Events on Council Land</b> THAT Council: <ol style="list-style-type: none"> <li>1. Endorse a position that no approvals will be given for signage, roadside vans or events on council owned land until such time as appropriate policy, procedures and by-laws are developed. This excludes Council Reserves which are run under management by committee or under lease to an incorporated body;</li> <li>2. Develop Council by-laws to cater for the regulation of a permit system for signage within the municipality and roadside vans and events on council owned land;</li> <li>3. Develop policy and procedures to support any Council by-laws which are enacted; and</li> <li>4. To commence work on these by-laws, policy and procedures in 2017/18 financial year.</li> </ol>	DCCS	21-09-16	Commencement of work dependent on capacity of Department of Housing & Community Development	Works will commence once the Meeting Procedure By-laws have been finalised.

# Council Action Sheet

As at 6 November 2017

16/0208	<b>Reconstruction of Finn Road</b> THAT Council: 1. endorse the funding applications for \$4,500,000 to the NT Government Regional Economic Infrastructure Fund for the reconstruction of Finn Road at an estimated total cost of \$4,650,000; and 2. allocate \$250,000 (cash in kind) from its 2016/17 approved budget towards the project should its application be successful comprising:  General Consultancy \$80,000 Project Management (in kind) \$150,000 Infrastructure Reserve \$20,000 <b>TOTAL \$250,000</b>	DIO	21-09-16	Council to proceed with upgrade work in line with the original \$1.5m grant from NTG.	Design work near completed. Proposed works likely to start April 2018, weather permitting.
16/0234	<b>Improvements Berry Springs Waste Transfer Site</b> THAT Council undertakes the following safety works at the Berry Springs waste transfer site to improve public and staff safety at the estimated costs outlined below: Video surveillance \$9,882.40 1km of new fence & gates \$44,297.00 Installation of waste performance boards \$6,000.00 Improved facilities for staff \$10,000.00 <b>TOTAL \$70,179.40</b>	DIO	19-10-16	Works to be undertaken to address audit and Community Reference Group recommendations.	Initial works completed  Further facility improvements at Berry Springs and Howard Springs to be decided at conclusion of Waste Strategy.  All three WTS will undergo WHS audits in coming months.

# Council Action Sheet

As at 6 November 2017

16/0252/01	<b>Rating Strategy</b> THAT Council undertakes a review of Council's rating system.	DCCS	16-11-16	Commence a review of Council's rating system.	A report regarding review of Council's rating system will be provided at Council's January 2018 meeting.
17/0036/4	<b>Litchfield Aquatic Facility Needs Analysis Report</b> THAT Council engages the Northern Territory Government to work together to address the gap in aquatic services in the southern part of the Litchfield municipality, in particular the provision of Learn to Swim facilities	CEO	15-02-17	Council will continue to advocate for funding to undertake a feasibility study in 2018/19  Response received from Minister Moss recommending Council applies for a Department Housing & Community Development Special Purpose Grant	
17/0051/05	<b>Queens Baton Relay</b> THAT Council contact NT Tourism and Culture Minister for special grant funding to cover all costs of the Queens Baton Relay and explore opportunities for lasting community benefit.	DCCS	15-03-17	Ongoing search for grant opportunities	Search for suitable grant funding opportunities continuing.
17/0116/3	<b>Recreational Reserve Tree Audits</b> THAT Council reviews all current lease agreements over Council-owned land regarding tree management responsibilities.	DCCS	21-06-17	Report will be presented to Council in November 2017 meeting	Resolutions from the November 2017 report will be reflected in Draft leases with Recreation Reserve Committees of Management.

# Council Action Sheet

As at 6 November 2017

17/0116/4	<b>Recreational Reserve Tree Audits</b> THAT Council requests that a further report be provided on the financial and risk implications of tree management on Recreational Reserves in 2017.	DCCS	21-06-17	Report will be presented to Council in November 2017 meeting	Included in November 2017 Agenda
1718/008	<b>Dump Point(s) in Litchfield</b> THAT Council receive a report by the November 2017 meeting on the viability of establishing a Dump point in the Litchfield municipality, possibly at the Humpty Doo Waste Transfer Site.	DIO	19-07-17	Staff to investigate the viability of establishing a Caravan Dump Point in Litchfield	Included in November 2017 Agenda

1718/019	<b>Construction of Mobile Workforce Shed, Humpty Doo WTS</b> THAT Council: receive and note the report on the status of the \$225,000 grant from Department of Housing and Community Development to construct a Mobile Work Force Shed at the Humpty Doo Waste Transfer Station; and acknowledges the grant extension received from Department of Housing and Community Development and the revised project timelines.	DIO	19-07-17	<ol style="list-style-type: none"> <li>1. Commission an engineering consultant's report advising preferable location for shed considering traffic, utilities and site-specific issues.</li> <li>2. Development Application submitted</li> <li>3. EOI to construct shed</li> <li>4. Shed constructed</li> </ol>	<p>Final engineering advice being obtained ahead of tender.</p> <p>EOI/Tender to be prepared and advertised in November 2017, with a decision by 8 December 2017.</p> <p>An update report on progress will be provided at January 2018 meeting given the earlier scheduled December meeting.</p> <p>The Development Application is expected to be heard at the 16 March 2018 DCA Meeting with construction is planned to be finished by 30 June 2016.</p>
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## Council Action Sheet

As at 6 November 2017

PF 6.1	<b>William and Carveth Roads</b>	DIO	18-10-17	Letter to be sent to residents including a map of properties to which the special rate 2018/19 will apply. The letter to indicate when works will occur.	Complete. Letter sent 25 October 2017.  Works started 30 October 2017.
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## Council Action Sheet

As at 6 November 2017

PF9.3	<b>Strangways Road – Damaged caused by heavy traffic</b>	DIO	18-10-17	<p>Inspection of the road requested</p> <p>Advise Mr John Kearney of the outcome</p>	<p>Complete.</p> <p>Area between Spencely Road and Hayball Road has works to be finalised as part of the completion of the Humpty Doo Industrial Park. Work will continue on upgrades to this section of road.</p> <p>Council has emailed/advised Mr Kearney.</p>
PF9.3	<b>Spencely Road – Exposed Sewerage Potential</b>	DIO	18-10-17	<p>Contact PowerWater and send a response to Mr John Kearney, Humpty Doo</p>	<p>Complete</p> <p>31 October 2017 PowerWater spoke with Mr Kearney and resolved his concerns.</p>
1718-079	<p><b>2017 Palmerston and Rural Seniors Fortnight Evaluation Report</b></p> <p>THAT Council write to the Palmerston &amp; Rural Seniors Committee Inc to congratulate the Committee on a successful 2017 festival</p>	DCCS	18-10-17	<p>Draft letter for Mayor's signature</p>	<p>Complete – Letter sent 26 October 2017.</p>
1718-080	<p><b>Rates Concessions Policy FIN06</b></p> <p>THAT Council approve FIN06 Rates Concession Policy as attached to report 17/0030.</p>	DCCS	18-10-17	<ol style="list-style-type: none"> <li>1. Provide the CEA with instructions to update Council's website</li> <li>2. Update the Policy register</li> </ol>	<p>Complete – Policy register and website have been updated.</p>

1718-081	<b>Community Representative Appointments to Humpty Doo Rural Activity Centre Area Plan Community Advisory Group</b>	DIO	18-10-17	<div>1. Write to the successful and unsuccessful candidates advising of the success nominations</div> <div>2. Write to the NT Planning Commission advising of the names of the community members endorsed by Council</div>	<div>1. Completed. Letters sent 27 October 2017</div> <div>2. Completed. Letter sent 27 October 2017</div>																		
	THAT Council:																						
	1. endorses the following community members for consideration to the Humpty Doo Rural Activity Centre Area Plan Community Advisory Group:																						
	<table><tr><th>Name</th><th>Address</th></tr><tr><td>Steven Ehrlich</td><td>Humpty Doo</td></tr><tr><td>Darren On</td><td>Humpty Doo</td></tr><tr><td>Pauline Cass</td><td>Humpty Doo</td></tr><tr><td>Aaron Scott</td><td>Humpty Doo</td></tr><tr><td>Fletcher Willis</td><td>Humpty Doo</td></tr><tr><td>Des Bredhauer</td><td>Humpty Doo</td></tr><tr><td>Geoff Baker</td><td>Noonamah</td></tr><tr><td>Seamus May</td><td>Humpty Doo</td></tr></table>					Name	Address	Steven Ehrlich	Humpty Doo	Darren On	Humpty Doo	Pauline Cass	Humpty Doo	Aaron Scott	Humpty Doo	Fletcher Willis	Humpty Doo	Des Bredhauer	Humpty Doo	Geoff Baker	Noonamah	Seamus May	Humpty Doo
	Name					Address																	
	Steven Ehrlich					Humpty Doo																	
	Darren On					Humpty Doo																	
	Pauline Cass					Humpty Doo																	
	Aaron Scott					Humpty Doo																	
	Fletcher Willis					Humpty Doo																	
Des Bredhauer	Humpty Doo																						
Geoff Baker	Noonamah																						
Seamus May	Humpty Doo																						
2. appoints Mayor Bredhauer and Councillor Barden, South Ward Councillor as Council’s representatives to the Humpty Doo Rural Activity Centre Area Plan Community Advisory Group; and																							
3. writes to the Northern Territory Planning Commission with the names of endorsed community members and Council appointed representatives.																							

# Council Action Sheet

As at 6 November 2017

1718-082	<b>Review of Regulatory Services Policies</b>  THAT Council:  1. adopt policy REG01 Disposal of Surrendered and Unclaimed Impounded Dogs; and  2. rescind the following policies: <ul style="list-style-type: none"> <li>• REGPOLICY/DOGID/2011/V001 Dog Identification Devices;</li> <li>• REGPOLICY/DID/2011/V001 Destruction of Impounded Dogs; and</li> <li>• REGPOLICY/WD/2011/V001 Working Dogs.</li> </ul>	DIO	18-10-17	1. Provide the CEA with instructions to update Council's website  2. Update the Policy register	Complete.
1718-083	<b>Place Names – Revised Names for 105 Trippe Road Subdivision</b>  THAT Council provide a letter of comment detailing the above resolution to support the naming of the roads to the developer to provide to the NT Place Names Committee.	DIO	18-10-17	Provide a letter of comment	Complete.  Letter sent 26 October 2017.
1718-084	<b>INF01 Asset Management Policy</b>  THAT Council adopts INF01 Asset Management Policy.	DCCS	18-10-17	1. Provide the CEA with instructions to update Council's website  2. Update the Policy register	Complete.  Policy register and website have been updated.



## Council Action Sheet

As at 6 November 2017

1718-085	<p><b>Waiving of Green Waste Deposit Fees for November 2017-2020</b></p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. waives the standard green waste \$5 per load deposit fee for residents for the month of November each year for the next four years from 2017 to 2020 to encourage pre-cyclone clean up; and</li> <li>2. advises residents of this opportunity via Council's website, Facebook and print media.</li> </ol>	DIO	18-10-17	Provide the CEA with instructions to update Council's social media.	<p>Complete.</p> <p>Instructions provided, social media updated.</p>
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## Council Action Sheet

As at 6 November 2017

1718-087	<p><b>LGANT Nomination of Delegates – Correction to Previous Report</b></p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Rescinds decision 1718/058;</li> <li>2. Appoints Mayor Bredhauer, as Council's principle delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council;</li> <li>3. Appoints Councillor Hunt as the second delegate to attend General Meetings, Special General Meetings and Annual General Meetings of LGANT and vote on behalf of Council; and</li> <li>4. Notifies LGANT of the Council appointments.</li> </ol>	DCCS	18-10-17	2. Notify LGANT of the Council appointments	Complete – LGANT has been informed about the nominations.
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# Council Action Sheet

As at 6 November 2017

1718-088	<p><b>Proposed Upgrade to William and Carveth Road, Berry Springs</b></p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. separates the sealing of Carveth Road and William Road from the adjacent subdivision construction works project;</li> <li>2. Seals Carveth Road and William Road, in accordance with Option 3 service level outlined in this report; excluding drainage and driveway access improvements;</li> <li>3. allocates \$470,000 to undertake the sealing of Carveth Road and William Road in the 2017/18 financial year, utilising identified savings from the 2017/18 road reseals program;</li> <li>4. develops a special rate scheme for the properties that abut Carveth and William Roads to contribute an amount per property of \$4,010 towards the sealing of these roads in 2017/18 financial year. The special rate will be applied in the 2018/19 financial year in line with the 2018/19 Rates Declaration;</li> <li>5. notifies residents of Carveth Road and William Road of this decision and the timing of the works to be undertaken; and</li> <li>6. continues to work with the developer of the Cyrus Road subdivision to ensure that the new road entry to the development ties in effectively with Council's roads.</li> </ol>	DIO	18-10-17	<ol style="list-style-type: none"> <li>1. 2018/19 Budget to include special rate for Carveth &amp; William Roads</li> <li>2. Letter to residents</li> </ol>	Complete - Letter to residents sent 25 October 2017. Will include in 2018/19 budget. Works commenced 30 October 2017.
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# Council Action Sheet

As at 6 November 2017

1718-089	<p><b>FIN09 Risk Management and Audit Committee Policy and Appointment of the Independent Chair</b></p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. adopt revised FIN09 Risk Management and Audit Committee policy, as attached to Report 17/0039;</li> <li>2. appoint Iain Summers as the independent chair of the Risk Management and Audit Committee for a further two years concluding in November 2019;</li> <li>3. adopts as payment for the external chair of the Risk Management and Audit Committee, the daily rate of a C1 under the NT Government Statutory Bodies Classification as at 23 June 2017; and</li> <li>4. writes to Iain Summers informing him of his reappointment and the details of his appointment.</li> </ol>	DCCS	18-10-17	<ol style="list-style-type: none"> <li>1. Provide the CEA with instructions to update Council's social media and update the Policy register</li> <li>2. Write to Mr Iain Summers to notify him of appointment</li> </ol>	<p>Complete.</p> <p>Policy register and website have been updated.</p> <p>Mr. Iain Summers has been informed about his appointment.</p>
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## Council Action Sheet

As at 6 November 2017

1718-090	<p><b>Use of Common Seal for Creation of Water and Power Easements on Section 5020 (225) Strangways Road, Humpty Doo, Hundred of Bagot</b></p> <p>THAT Council approve the use of the Common Seal on Form 51 - Creation of Easement in Gross for a water easement and Form 51 - Creation of Easement in Gross for a power easement on Section 5020 (225) Strangways Road, Humpty Doo, Hundred of Bagot.</p>	DIO	18-10-17	<ol style="list-style-type: none"> <li>1. Apply common seal to documentation and update the Council Common Seal Register</li> </ol>	<p>Complete.</p> <p>Signed and sent to Earl James &amp; Associates.</p>
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# COUNCIL AGENDA

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## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### **7 Presentations**

### **8 Petitions**

### **9 Public Forum**

### **10 Accepting or Declining Late Items**

### **11 Notices of Motion**

### **12 Mayors Report**

#### **12.1 Mayor's Report**



## COUNCIL REPORT

**Agenda Item Number:** 12.1  
**Report Title:** Mayor's Report  
**Report Number:** 17/0043  
**Meeting Date:** 15/11/2017  
**Attachments:** Nil

### Purpose

A summary of the Mayor's attendance at meetings and functions representing Council for the period 18 October 2017 to 14 November 2017.

### Summary

Date	Event	Comment
18/10/17	ABC Grass Roots Program	Regular monthly interview
18/10/17	Tou's Garden Mango Farm Visit	NT Farmers – economic development, issues and collaborations
19/10/17	Neighbourhood Watch	Annual General Meeting
20 & 27/10/17 3 & 10/11/17	Territory FM	Weekly event – radio interview
21/10/17	Acacia Hill Farm	Harvest time visit, economic development – roads, productions and collaboration
22/10/17	8 <sup>th</sup> Indigenous Economic Development Forum	Focus on building engagement with Indigenous Territorians and involvement with the development Northern Australia agenda
26/10/17	NT Children's Week Activities	Humpty Doo Village Green
26/10/17	Thai Community Event	King Rama Funeral Service
27/10/17	You Are Important	Meeting with Mayor & CEO
1/11/17	LGANT Meeting	Mayor & Presidents Forum
2-3/11/17	LGANT Meeting	General Meeting & AGM
3/11/17	Bees Creek Primary School	20 <sup>th</sup> Birthday
7/11/17	Coolalinga Central	Melbourne Cup Judging
8/11/17	Girraween Primary School	On Site Meeting – Traffic Issues

10-12/11/17	Australian Local Government Women's Association (ALGWA)	Conference Melbourne
13/11/17	Cartland Law Office New Branch Opening Coolalinga Shopping Centre	Community Engagement
13/11/17	Coolalinga / Freds Pass Community Advisory Group Workshop	Community Engagement / Planning

### Recommendation

THAT Council receive and note the Mayor's monthly report.





## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### 13 Reports from Council Appointed Representatives

Council appoints Council representatives to external committees. *Council Appointed Representatives* provide a verbal update on activities over the past month relating to the committees to which the Councillor has been formally appointed.

Mayor Bredhauer	-	Howard East Water Advisory Committee
Cr Barden	-	AACo Community Reference Group
	-	Freds Pass Upgrade Reference Group
Cr Salter	-	Howard Springs Reserve Committee
	-	Knuckey Lagoon Reserve Committee
Cr Simpson	-	Freds Pass Sport & Recreation Management Board



# COUNCIL AGENDA

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## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### **14 Finance Report**

#### **14.1 Finance Report October 2017**



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	14.1
<b>Report Title:</b>	Council Finance Report – October 2017
<b>Report Number:</b>	17/0044
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Nil

### Purpose

The purpose of this report is to present the Monthly Finance Report for the period ended 31 October 2017.

### Recommendation

THAT Council receives the Litchfield Council Finance Report for the period ended 31 October 2017.

### Summary

The current financial outlook for the period to date (July to October 2017) is continuing in step with the 2017/18 budget.

The rates and charges have been applied to all properties, the remaining budget for rates & charges relate to future developments and payment of rates in advance. In the area of User Charges, the income at Howard Park Reserve is not as planned, due to low usage and loss of one major user group.

Expenses are occurring in line with budget. Major expenses in this month include supply and install of safety barriers on Leonino Road (\$98k), Sponsorship for the 2018 Freds Pass Rural Show (\$44k) and progress payment for the 2016/17 annual audit (\$17k).

The tender for the Road Re-seal program was awarded with works to commence early November 2017. The savings from these works have now been allocated to the sealing of William and Carveth Road in line with Council's decision.

Overall Council is showing a positive performance in the first four months compared to budget. There is indication that savings can be achieved in certain areas due to a soft market. Yet Council has many new projects and improvements of governance in progress that might require further funding. A budget review will be undertaken in December 2017 and the results will be provided to Council at January 2018 Ordinary meeting.

# Finance Report

## October 2017

**LITCHFIELD  
COUNCIL**



*Community effort is essential*

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## SECTION 1

### CONSOLIDATED FINANCIAL STATEMENTS

The consolidated Financial Statements, including Thorak Regional Cemetery operations, are presented in the same format as the full set of *End of Financial Year Statements*, reported in Litchfield Council's Annual Report, for greater transparency.

The Statements include total revenue, both operational and capital but only operational expenditure. Capital expenditure is capitalised as Infrastructure, Property, Plant & Equipment in the Balance Sheet upon completion of the projects.

### CONSOLIDATED OPERATING STATEMENT

	2017/18 Budget	2017/18 YTD Actual	2017/18 Forecast	Forecast Variance +ve (-ve)	Note
<b>REVENUE</b>					
Rates	9,697,195	9,319,737	9,697,195	0	
Statutory Charges	33,500	18,473	33,500	0	
User Charges	1,217,955	529,395	1,217,955	0	
Grants, subsidies & contributions	5,294,974	814,466	5,294,974	0	
Investment Income	725,000	199,741	725,000	0	
Reimbursements	0	0	0	0	
Other Income	43,000	10,002	43,000	0	
<b>TOTAL REVENUE</b>	<b>17,011,624</b>	<b>10,891,814</b>	<b>17,011,624</b>	<b>0</b>	
<b>EXPENSES</b>					
Employee Costs	5,973,624	1,643,831	5,973,624	0	
Auditor Fees	41,000	18,128	41,000	0	
Bad and doubtful Debts	0	308	308	(308)	1
Elected Member Expenses	245,787	54,786	245,787	0	
Election Expenses	136,710	124,282	136,710	0	
Cemetery Operations	266,500	117,740	266,500	0	
Contractors	4,505,358	941,701	4,505,358	0	
Energy	231,600	47,728	231,600	0	
Insurance	223,599	217,493	223,599	0	
Maintenance	530,628	128,612	530,628	0	
Legal Expenses	173,000	24,631	173,000	0	
Donations and Community Support	136,250	58,793	136,250	0	
Computer / IT Costs	281,290	136,435	281,290	0	
Parts, accessories & consumables	188,000	117,582	188,000	0	
Professional Services	444,070	130,044	444,070	0	
Sundry	384,357	159,279	384,357	0	
<b>TOTAL EXPENSES</b>	<b>13,761,773</b>	<b>3,921,373</b>	<b>13,762,081</b>	<b>(308)</b>	
<b>RESULT</b>	<b>3,249,851</b>	<b>6,970,441</b>	<b>3,249,543</b>	<b>(308)</b>	

Note 1 – Disputed infringement – Approval granted for reversal.

## CONSOLIDATED BALANCE SHEET at 31 October 2017

	30 September 2017	31 October 2017	Movement +ve (-ve)
<b>CURRENT ASSETS</b>			
Cash & Cash Equivalents	1,980,811	1,735,728	(245,083)
Trade and Other Receivables	5,983,794	5,540,402	(443,392)
Other Financial Assets	21,604,834	21,604,834	-
<b>TOTAL CURRENT ASSETS</b>	<b>29,569,439</b>	<b>28,880,964</b>	<b>(688,475)</b>
<b>NON CURRENT ASSETS</b>			
Infrastructure, Property, Plant & Equipment	266,769,133	265,373,326	(1,395,807)
Other Non-Current Assets	3,196,865	3,778,763	581,898
<b>TOTAL NON CURRENT ASSETS</b>	<b>269,965,998</b>	<b>269,152,089</b>	<b>(813,909)</b>
<b>TOTAL ASSETS</b>	<b>299,535,437</b>	<b>298,033,053</b>	<b>(1,502,384)</b>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	835,133	1,378,648	(543,515)
Provisions	625,300	636,151	(10,851)
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,460,433</b>	<b>2,014,799</b>	<b>(554,366)</b>
<b>NON CURRENT LIABILITIES</b>			
Provisions	374,407	374,407	-
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>374,407</b>	<b>374,407</b>	<b>(554,366)</b>
<b>TOTAL LIABILITIES</b>	<b>1,834,840</b>	<b>2,389,206</b>	<b>(554,366)</b>
<b>NET ASSETS</b>	<b>297,700,597</b>	<b>295,643,847</b>	<b>(2,056,750)</b>
<b>EQUITY</b>			
Accumulated Surplus	41,445,933	39,389,183	(2,056,750)
Asset Revaluation Reserve	243,311,730	243,311,730	0
Other Reserves	12,942,934	12,942,934	0
<b>TOTAL EQUITY</b>	<b>297,700,597</b>	<b>295,643,847</b>	<b>(2,056,750)</b>

Cash and cash equivalents have reduced by \$245,083 due to the payment of monthly creditors.

Trade and Other Receivables have reduced by \$443,392 from 30 September 2017 due to the collection of rates and general accounts receivable. The remaining two instalments are due and payable as follows:

- 30 November 2017; and
- 28 February 2018.

Infrastructure, Property, Plant & Equipment has decreased due to depreciation recognised to date.

Other Non-Current Assets represent the projects that remain work in progress as at 30 June 2017 ie. Anzac Parade Infrastructure Upgrade, Freds Pass Reserve Capital Improvements and Freds Pass Road Infrastructure Upgrade as well as the projects commenced in the 2017/18 financial year.

### ***Estimate of Net Cash position and Current ratio***

The current ratio measures the liquidity of an entity. It observes the ability to pay short-term liabilities (debt and payables) with its short-term assets (cash and receivables). If the ratio is less than 1:1 Council is unable to pay its liabilities. Best practice is for the ratio to be between 1.5 and 3.

As identified in Section 5 of this report, Litchfield Council’s liquidity KPI is easily met with 31 October 2017 current ratio equalling 14.33.

Current ratio	=	<u>Current Assets (less: Provision for Doubtful debt)</u>	
		Current Liabilities	
	=	<u>28,880,964</u>	= 14.33
		2,014,799	

Net Cash Position	=	28,880,964 – 2,014,799 =	\$26.9 million
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## SECTION 2

### OPERATING POSITION BY DEPARTMENT

The 2017/18 rates and charges have been applied to properties which is reflected in both Finance and Waste Management year to date revenue totals.

Finance expenses are greater than expected as a result of insurance premiums recognised for the financial year.













Overall Expenses in other departments are occurring in line with budget and a thorough review of the budget will be undertaken in December 2017.

	<b>2017/18 Budget</b>	<b>2017/18 YTD Actual</b>	<b>2017/18 Forecast</b>	<b>Forecast Variance +ve (-ve)</b>
<b>REVENUE</b>				
Finance	8,174,865	7,116,098	8,174,865	0
Information Services	27,500	0	27,500	0
Works	2,467,580	75,727	2,467,580	0
Planning	162,430	3,786	162,430	0
Waste Management	2,986,838	2,845,751	2,986,838	0
Community	79,500	39,078	79,500	0
Regulatory Services	34,000	19,820	34,000	0
<b>TOTAL REVENUE</b>	<b>13,932,713</b>	<b>10,100,260</b>	<b>13,932,713</b>	<b>0</b>
<b>EXPENSES</b>				
Council Leadership	1,071,161	399,974	1,071,161	0
Corporate	466,900	111,379	466,900	0
Information Services	469,156	171,327	469,156	0
Finance	1,522,941	722,551	1,522,941	0
Works	3,112,938	742,540	3,112,938	0
Planning	609,494	209,613	609,494	0
Waste Management	2,828,104	536,540	2,828,104	0
Community	1,285,840	369,925	1,285,840	0
Mobile Workforce	1,226,644	264,211	1,226,644	0
Regulatory Services	376,940	118,012	377,248	(308)
<b>TOTAL EXPENSES</b>	<b>12,970,118</b>	<b>3,646,072</b>	<b>12,970,426</b>	<b>(308)</b>
<b>OPERATING RESULT</b>	<b>962,595</b>	<b>6,454,188</b>	<b>962,287</b>	<b>(308)</b>

Note 1 – Disputed infringement – Approval granted for reversal.

## NEW INITIATIVES

In addition to Council's year-on-year operating expenses Council resolved to undertake the following New Initiatives in 2017/18. The New Initiatives expenditure is included in the operating result above. The table below highlights the expenditure compared to budget to the end of October 2017.

	2017/18 Budget	2017/18 YTD Actuals	2017/18 Forecast	Comments	
Data Backup – Business Continuity	16,000	0	16,000	Yet to commence	
Private Roads Strategy	30,000	15,920	30,000	Plan in progress	
Feral Dog Program	10,000	0	10,000	Yet to commence	
Promoting Responsible Dog Ownership	10,000	0	10,000	De-sexing event to be held in January 2018	
Southport Progress Association Mira Square	5,000	0	5,000	Yet to commence	
Queen's Baton Relay	10,000	0	10,000	Event in planning stage	
Tree Management	30,000	0	30,000	Report provided to Council November meeting ...	
Women's Business Network Meetings	10,000	2,013	10,000	Next meeting to be held 20 November 2017	
Mayoral Robe & Chain	3,000	0	3,000	Project initialised	
Asbestos Audits on Reserve Infrastructure	10,000	0	10,000	Project initialised	
Meters on Council Bores	15,000	0	15,000	Investigation undertaken	
Records Management Improvement	51,000	0	51,000	Project plan developed, quotes sought	
<b>TOTAL</b>	<b>200,000</b>	<b>17,933</b>	<b>200,000</b>		



- On Budget



- Watch Budget



- Outside Budget

Please note, the following three initiatives from 2016/17 have continued into the 2017/18 financial year:

- Developer Contribution Plan Review is still currently in progress, scheduled to be finalised in 2017/18;
- Mobile Work Force Shed Project is in progress, tender to be let in November 2017 and construction is planned to be finished by 30 June 2018
- ICT Improvement Plan is finalised and presented to Council in November Briefing.








## CAPITAL POSITION

The table below compares capital revenue and expenditure to budget to the end of October 2017.

	2017/18 Budget	2017/18 YTD Actuals	2017/18 Forecast	Forecast Variance +ve (-ve)	Note
<b>REVENUE</b>					
Works	1,547,377	425,447	1,547,377	0	
Waste Management	13,000	3,092	13,000	0	
Planning	763,409	1,667	763,409	0	
Mobile Workforce	30,000	2,495	30,000	0	
<b>TOTAL REVENUE</b>	<b>2,353,786</b>	<b>432,701</b>	<b>2,353,786</b>	<b>0</b>	
<b>EXPENSES</b>					
Works	3,486,230	105,437	3,486,230	0	
Waste Mgt	305,000	123,371	305,000	0	
Mobile Workforce	380,000	0	380,000	0	
<b>TOTAL EXPENSES</b>	<b>4,171,230</b>	<b>228,808</b>	<b>4,171,230</b>	<b>0</b>	
<b>CAPITAL RESULT</b>	<b>(1,817,444)</b>	<b>203,893</b>	<b>(1,817,444)</b>	<b>0</b>	

## CAPITAL PROJECTS 2017/18 - WORKS

The table below summarises Council's capital works program for the 2017/18 financial year in accordance with the budget and Municipal Plan. Council is continuing to work towards completing projects from 2016/17 financial year and the 2017/18 works program are awaiting the tender process.

Infrastructure Expenditure	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment
<b>Projects commenced in 2015/16 and 2016/17</b>						
Anzac Parade Upgrade	30/09/2017	<u>2015/16</u> 1,800,000	1,660,532	1,800,000	-	 Stage 2 - Finalisation
Freds Pass Road Upgrade	31/12/2017	<u>2016/17</u> 1,220,500	84,750	1,220,500	-	 Variation on Design in progress
<b>TOTAL</b>		<b>3,020,500</b>	<b>1,745,282</b>	<b>3,020,500</b>	<b>(1,800,000)</b>	
<b>Projects commencing in 2017/18</b>						
Road Reseal Program	30/11/2017	2,649,404	0	2,649,404	-	 To commence in November 2017
Re-sheeting of Roads	30/04/2018	400,000	0	400,000	-	 Yet to commence
Shoulder Widening	31/03/2018	300,000	0	300,000	-	 Yet to commence
Safety Rails – Leonino Road	30/04/2018	100,000	88,938	100,000	-	 In Progress
Finn Road Upgrade	30/06/2018	-	43,108	-	-	

Infrastructure Expenditure	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment
						\$1.5m Road Upgrade Grant from NTG – awaiting signed agreement
<b>TOTAL</b>		<b>3,449,404</b>	<b>132,046</b>	<b>3,449,404</b>	<b>-</b>	



- On Budget



- Watch Budget




- Outside Budget

Furthermore Council has made the decision in its October 2017 meeting to undertake capital works in sealing Carveth and William Road with a budget allocation of \$470,000. This will be reflected in the overall budget through the budget review in December 2017.

### CAPITAL PROJECTS 2017/18 – RECREATION RESERVES

The table below is Council's capital projects for Recreation Reserves still in progress from the 2016/17 financial year in accordance with the Budget and Municipal Plan.

Recreation Reserve Expenditure	Estimated Date of Completion	Budget	YTD Actuals	Forecast	Forecast Variance +ve (-ve)	Comment
<b>Projects commenced in 2016/17</b>						
FPR - Improvements	31/12/2017	3,000,000	1,701,796	3,000,000	-	 In Progress
<b>TOTAL</b>		<b>3,000,000</b>	<b>1,701,796</b>	<b>3,000,000</b>	<b>-</b>	



- On Budget



- Watch Budget



- Outside Budget

## SECTION 3

### CASH ON HAND & INVESTMENTS

The table below represents a summary of the Cash on Hand & Investments held by Council at 31 October 2017 and compares the balance to the balance at 30 September 2017.

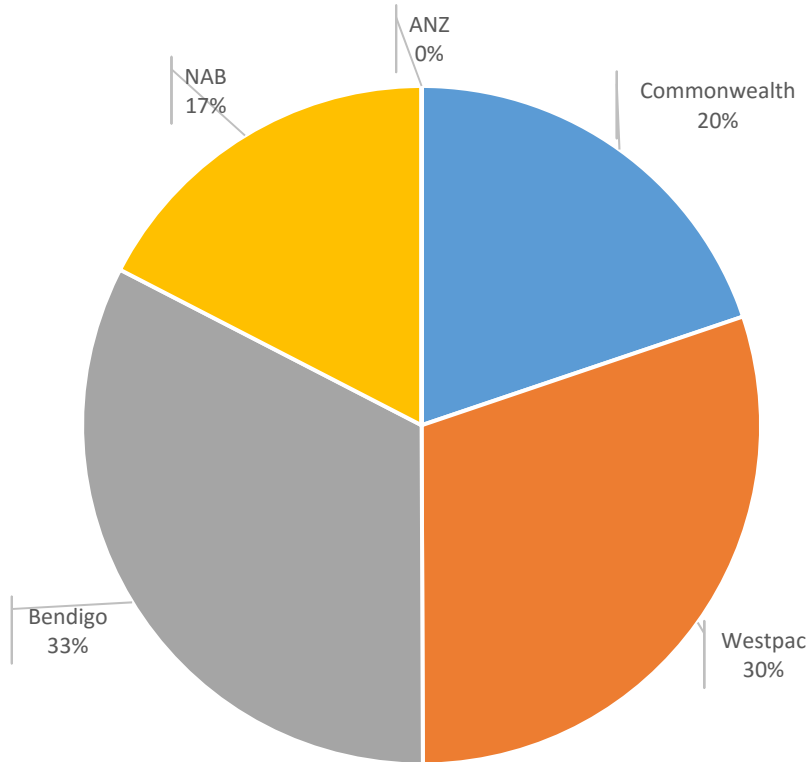
	<b>30 SEPTEMBER 2017</b>	<b>31 OCTOBER 2017</b>	<b>VARIANCE</b>	<b>COMMENT</b>
Investments (Incl. Trust Account)	21,186,802	21,186,802	-	
Business Maxi Account	1,554,120	1,554,878	758	Interest Received
Operating Account	355,186	155,601	(199,585)	Payment of Council Creditors
<b>TOTAL</b>	<b>23,096,108</b>	<b>22,897,281</b>	<b>(198,827)</b>	

#### Investments

Council invests cash from its operational and business maxi accounts to ensure Council is receiving the best return on its cash holdings.

<b>Date Invested</b>	<b>Invested Amount</b>	<b>Days Invested</b>	<b>Invested with</b>	<b>Interest Rate</b>	<b>Due Date</b>	<b>Expected return to Maturity Date</b>
24/02/2017	1,000,000	270	Westpac	2.60%	24/11/2017	19,233
04/12/2016	1,226,128	365	Bendigo	2.75%	04/12/2017	33,719
19/12/2016	1,040,000	365	Bendigo	2.80%	14/12/2017	29,120
26/09/2017	1,000,000	120	NAB	2.53%	24/01/2018	8,318
30/03/2017	1,500,000	365	NAB	2.58%	30/03/2018	38,700
27/03/2017	1,000,000	365	Bendigo	2.65%	27/03/2018	26,500
28/03/2017	1,000,000	365	Bendigo	2.65%	27/03/2018	26,500
16/10/2017	1,522,761	182	NAB	2.55%	16/04/2018	19,362
26/05/2017	1,545,533	365	Bendigo	2.65%	20/05/2018	40,957
16/06/2017	2,500,000	365	Westpac	2.55%	16/06/2018	63,750
16/06/2017	1,500,000	365	Bendigo	2.80%	10/06/2018	42,000
17/06/2017	227,003	365	Bendigo	2.75%	17/06/2018	6,243
16/08/2017	1,550,000	365	Westpac	2.66%	16/08/2018	41,230
26/08/2017	1,030,296	365	CBA	2.60%	26/08/2018	26,788
07/09/2017	1,044,927	365	CBA	2.57%	07/09/2018	26,855
21/09/2017	1,500,000	365	CBA	2.61%	21/09/2018	39,150
28/09/2017	1,000,000	365	CBA	2.62%	28/09/2018	26,200
30/06/2017	1		Bendigo			Minimum balances in savings account to holding investments
30/06/2017	152		ANZ			
<b>TOTAL INVESTMENTS</b>	<b>21,186,802</b>					<b>514,623</b>

### TOTAL FUNDS BY INSTITUTION



### FINANCIAL RESERVES

No movement from 30 June 2017.

	Balance at 1 July 2017	Transfer TO	Transfer FROM	Net Movement	Balance at 30 September 2017
Property Reserve	417,192	-	-	-	417,192
Plant and Equipment Reserve	14,796	-	-	-	14,796
Infrastructure Reserve	1,973,238	-	-	-	1,973,238
Developer Contribution Reserve	781,571	-	-	-	781,571
Waste Management Reserve	3,514,577	-	-	-	3,514,577
Election Reserve	25,044	-	-	-	25,044
Disaster Recovery Reserve	790,388	-	-	-	790,388
Strategic Initiatives Reserve	1,147,009	-	-	-	1,147,009
Unexpended Grants and Contributions	4,279,118	-	-	-	4,279,118
<b>TOTAL</b>	<b>12,942,934</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12,942,934</b>

## SECTION 4

### DEBTORS

#### SUNDRY DEBTORS

Total Sundry Debtors at 31 October 2017 is \$44,200 compared to \$46,144 at 30 September 2017, a reduction of \$1,944.

Category	Current	30 Days	60 Days	90 Days and over	Balance
Waste	\$1,928	\$242	\$0	\$3,117	\$5,287
Infrastructure	\$2,471	\$0	\$0	\$32,782	\$35,253
Recreation Reserves	\$2,040	\$710	\$910	\$0	\$3,660
<b>TOTAL</b>	<b>\$6,439</b>	<b>\$952</b>	<b>\$910</b>	<b>\$35,899</b>	<b>\$44,200</b>
% of total sundry debtors	14.6%	2.2%	2.0%	81.2%	

#### Action summary of 90 Days Debtors:

Company under Administration – further advice regarding payment status to be received from Administrators (Allowance for Doubtful Debts is recognised)	\$5,908
Planning Development – awaiting payment prior to clearance	\$20,821
Debtor sent to Debt Collectors	\$2,301
Debtor on Payment Plan	\$1,992
Debtor on Payment Plan	\$1,740
Statement Re-sent	\$1,655
Company under Administration	\$1,462
Statement Re-sent	\$20
<b>TOTAL</b>	<b>\$35,899</b>

*Please note, Sundry debtors exclude rate debtors and infringements.*

### FINES AND INFRINGEMENTS

At 31 October 2017 Council has 94 infringements outstanding with a balance of \$27,302, a decrease of \$1,974 in outstanding infringements compared to 30 September 2017.

	June 2017	July 2017	August 2017	September 2017	October 2017
Number of Infringements outstanding	99	96	95	97	94
Balance of Infringements outstanding	\$29,775	\$29,170	\$29,314	\$29,276	\$27,302

Eighty-five (85) infringements have been sent to the Fines Recovery Unit (FRU), three (3) infringements have been sent a reminder letter, five (5) infringements have been issued recently and one (1) infringement has been placed on-hold under dispute.

All infringement courtesy letters have been sent in accordance with Council's policy.

## OUTSTANDING RATES

Council's Debt Recovery Policy FIN05 guides the collection of outstanding rates. Recovery of rates continues to be an area of focus with Council's performance in recovering outstanding rates improving each month. Council continues to use the services of Territory Debt Collectors to collect rate assessments in arrears. Rates in arrears have reduced by \$130,823 in the month of October.

The table below illustrates the split of prior years' outstanding rates:

	BEGINNING OF 2017 (30 JUNE 2017)	PRIOR MONTH (SEPT 2017)	CURRENT MONTH (OCT 2017)	MOVEMENT IN OCT 2017
COMMERCIAL	\$33,747	\$27,682	\$24,661	(\$3,021)
MINING	\$50,174	\$50,519	\$50,925	\$406
NON-RATEABLE MINING	\$515	\$546	\$537	(\$9)
NON-RATEABLE WASTE	\$21,898	\$19,476	\$19,327	(\$149)
GENERAL	\$1,961,673	\$1,612,297	\$1,495,904	(\$116,393)
URBAN RESIDENTIAL	\$115,566	\$75,552	\$63,895	(\$11,657)
<b>TOTAL</b>	<b>\$2,183,574</b>	<b>\$1,786,072</b>	<b>\$1,655,249</b>	<b>(\$130,823)</b>

A review of all properties with Statutory Charges was performed in October 2017. The following actions have been undertaken as part of the review:

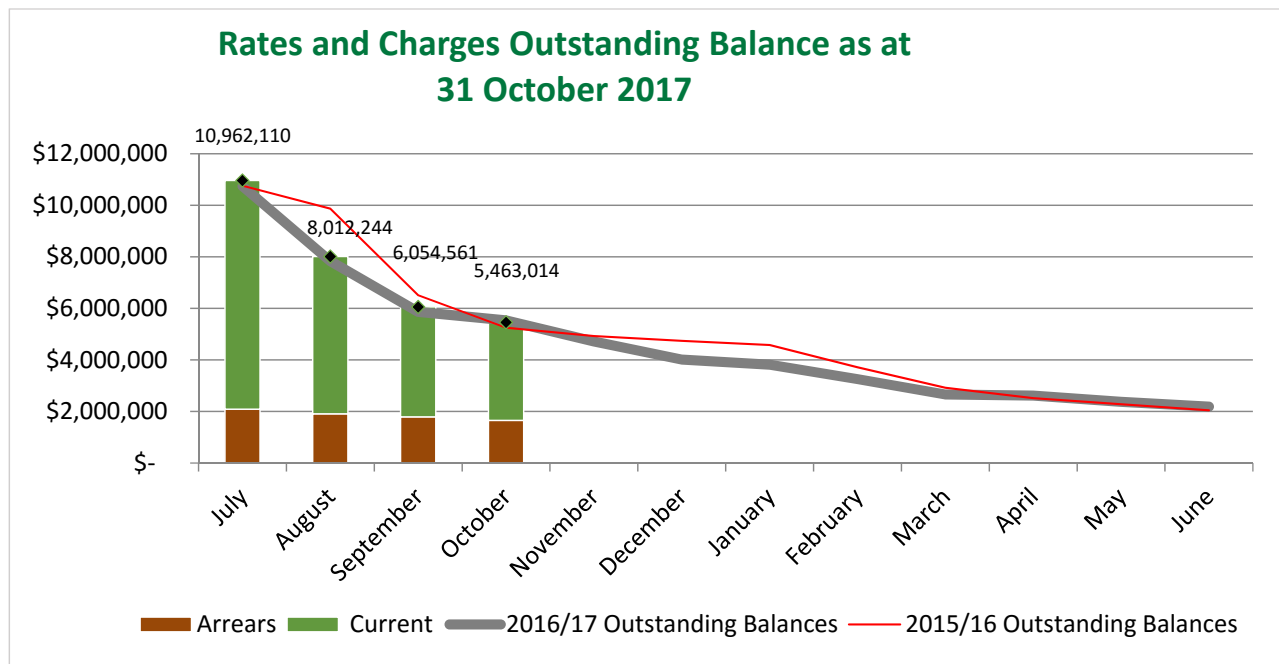
- Debt collectors instructed to follow-up and recommend appropriate further legal actions (3 Assessments);
- Requests to ratepayers to increase payment plans, with current plans proven to be insufficient to clear debt in an appropriate timeframe (9 Assessments);
- Letters sent requesting payment in full or payment plan to pay total debt off by 30 June 2018, otherwise sale of land will be initiated (3 Assessments); and
- Council reports to be drafted to refer to lawyers to arrange property sale (5 Assessments).

The table below illustrates the split of current year outstanding rates:

	PRIOR MONTH (SEPT 2017)	CURRENT MONTH (OCT 2017)	COLLECTED IN OCT 2017
INSTALMENT 1	\$663,583	\$471,795	\$191,788








The graph below tracks the total rates owing for the 2017/18 financial year by month and compares outstanding rates to the same time in the previous two financial years i.e. 2015/16 and 2016/17.






## SECTION 5

### FINANCE KEY PERFORMANCE INDICATORS (KPI)

Council's 2017/18 Municipal Plan includes KPI's for the Finance area to be met; these are listed and reported on in the table below.

Key Performance Indicator	Target	Status	Comment
Compliance with management, statutory and regulatory budgeting and reporting	100%		
Current years rates outstanding as at 30 June 2018	<15%		
Rates coverage ratio – lowering Council's dependency on government grants and other funding sources.	>50%		Council's Original Budget for 2017/18 rates coverage ratio is 57%.
Liquidity ratio	>1:1		Current Ratio equals 14.33
Asset sustainability ratio	90%		

-  KPI met
-  KPI in progress, on track
-  KPI not met

## SECTION 6

### CREDITORS PAID

Creditor accounts paid in October 2017 are listed in below.

Cheque No.	Chq Date	Payee	Description	Amount
Payroll 8	11/10/2017	LC Staff	Payroll Fortnight ending 11 October 2017	131,220.47
Payroll 9	25/10/2017	LC Staff	Payroll Fortnight ending 25 October 2017	136,142.33
811.577-01	19/10/2017	ARJAYS SALE & SERVICE PTY LTD	RFQ 17/156 - Installation of Guard Rails - Leonino	97,831.00
812.280-01	26/10/2017	CITY OF DARWIN	Sep 17 - Shoal Bay Weigh Bridge Charges	46,264.00
808.13-01	5/10/2017	FREDS PASS RURAL COMMUNITY SHOW INC	Sponsorship Freds Pass Show 2018	44,000.00
808.374-01	5/10/2017	AUSTRALIAN TAXATION OFFICE (ATO)	PAYG Withheld - Pay 7 (27/9/17)	43,990.00
811.374-01	19/10/2017	AUSTRALIAN TAXATION OFFICE (ATO)	PAYG Withheld - Pay 8 (11/10/17)	43,912.00
DD041017	5/10/2017	STATEWIDE SUPERANNUATION PTY LTD	Sep 17 - Super for pays 6 & 7	42,259.26
811.87-01	19/10/2017	TOP END LINEMARKERS PTY LTD	Blasting-Graffiti removal / RFT126 - Numerous Line marking	29,120.34
811.514-01	19/10/2017	VEOLIA ENVIRONMENTAL SERVICES	Aug/Sep 17 - Cemetery Rubbish Removal	27,510.83
811.926-01	19/10/2017	JACANA ENERGY	Sep 17 Electricity - Thorak / LC / HDWTS / Streetlights	23,100.35
808.87-01	5/10/2017	TOP END LINEMARKERS PTY LTD	RFT 126 - Road line marking	20,894.58
810.827-01	12/10/2017	LITCHFIELD GREEN WASTE RECYCLERS	Mulch green & wood waste Humpty Doo WTS	19,228.00
812.810-01	26/10/2017	UHY HAINES NORTON	2016/17 Progress billing on audit fees	16,772.80
808.78-01	5/10/2017	POWER & WATER CORPORATION	Streetlight R&M Charges - 1 Apr to 30 Jun 17 / LC Office	13,259.96
811.268-01	19/10/2017	BYRNE CONSULTANTS	Thorngate Road - Detailed Survey	13,156.00
DD301017	31/10/2017	WESTPAC CARDS & DIRECT DEBITS	Oct 17 C/Card Purchases	11,548.88
812.268-01	26/10/2017	BYRNE CONSULTANTS	MWF Shed - LC Depot Driveway Design	11,429.00
812.596-01	26/10/2017	AREA9 IT SOLUTIONS - HARDWARE	Aug/Sep 17 - IT support & assistance / Servers	8,356.70
811.849-01	19/10/2017	WEX AUSTRALIA (PUMA CARD)	Sep 17 - Fuel Account	8,342.37
812.158-01	26/10/2017	NT ELECTRICAL GROUP	RFT150 - Electrical Upgrade Freds Pass Reserve	8,095.01
808.1076-01	5/10/2017	TDC (NT) PTY LTD - T/AS TERRITORY DEBT	10% Commission	7,898.16
808.268-01	5/10/2017	BYRNE CONSULTANTS	Finn Road Drainage Upgrade 20.73% Complete	7,876.00
809.1065-01	9/10/2017	Mrs M H BREDHAUER	Sep 17 - Mayor Allowances	7,747.71
808.409-01	5/10/2017	F & J BITUMEN SERVICES PTY LTD	RFT 127 - Profile out & asphalt at intersection	7,500.00
812.1099-01	26/10/2017	DAVE'S MINI DIGGA HIRE	Clean out drains to rod culverts and around headwalls	7,425.00
811.78-01	19/10/2017	POWER & WATER CORPORATION	Sep 17 - Howard Springs WTS / HPR Water	7,314.07
812.1085-01	26/10/2017	CRESTBARB PTY LTD	Bond Refund - Stage 7 Mala Plains	6,370.36
811.162-01	19/10/2017	CIVICA PTY LTD	Nov 17 - Authority Program, Licence Fee	6,240.64
811.956-01	19/10/2017	IRONWOOD CONSULTING	Sep 17 - Freds Pass Upgrade - Project Mgmt	6,187.50
811.1099-01	19/10/2017	DAVE'S MINI DIGGA HIRE	Clean out drains & remove excess soil	6,105.00
810.1099-01	12/10/2017	DAVE'S MINI DIGGA HIRE	Clean out concrete drains	5,830.00

811.187-01	19/10/2017	NORSIGN	RFT 125 - Various road signs	5,629.71
810.596-01	12/10/2017	AREA9 IT SOLUTIONS - HARDWARE	Office 365 plan annual subscription	5,570.70
811.22-01	19/10/2017	IRON MOUNTAIN AUSTRALIA PTY LTD	Sep 17 - Record Management (Final)	5,352.86
810.1253-01	12/10/2017	Craig Burgdorf	Repair driveline on Hyundai Loader	5,230.73
812.1053-01	26/10/2017	CSG BUSINESS SOLUTIONS PTY LTD	Sep 17 - Rental charges for LC Photocopier	5,078.06
812.414-01	26/10/2017	TOTAL EXCAVATIONS	Clean drains, widen inverts & remove tree growth	5,038.00
808.809-01	5/10/2017	ALLOY & STAINLESS PRODUCTS PTY LTD	Blades & bolt kits for Tractors	4,853.46
812.850-01	26/10/2017	HUMPTY DOO DEVELOPMENTS PTY LTD	Nov 17 - MWF shed lease	4,835.05
808.971-01	5/10/2017	MUGAVIN CONTRACTING PTY LTD	Clear vegetation etc from drainage easement	4,800.00
812.87-01	26/10/2017	TOP END LINEMARKERS PTY LTD	RFT 126 - Road line marking	4,794.84
808.850-01	5/10/2017	HUMPTY DOO DEVELOPMENTS PTY LTD	Oct 17 - MWF shed lease	4,643.84
810.170-01	12/10/2017	NT RECYCLING SOLUTIONS (NTRS)	Sep 17 - Empty LC / HDWTS / HSWTS recycle bins	4,400.00
812.129-01	26/10/2017	VANDERFIELD NORTHWEST PTY LTD	Replace thrust bearing & clutch housing	3,995.85
808.575-01	5/10/2017	CYCLONE MOTORCYCLES	Major Service and Repair of Polaris Rang	3,836.00
812.85-01	26/10/2017	TELSTRA	Oct 17 - LC Phone Account	3,768.86
808.414-01	5/10/2017	TOTAL EXCAVATIONS	Repair road shoulders	3,190.00
811.183-01	19/10/2017	CHRIS'S BACKHOE HIRE PTY LTD	Sep 17 - Grave digging	3,168.00
810.414-01	12/10/2017	TOTAL EXCAVATIONS	Road shoulder repairs	3,126.20
812.867-01	26/10/2017	ALL ASPECTS RECRUITMENT & HR SERVICES	WTS Temp Casual W/E 15/10/17	2,646.01
812.67-01	26/10/2017	JARDINE LLOYD THOMPSON PTY LTD	Risk Management Foundations Project	2,557.50
812.126-01	26/10/2017	WATER DYNAMICS (NT) PTY LTD	Howard Park Reserve - Service pump	2,485.45
813.1088-01	27/10/2017	TALENT PROPELLER	Job Advertising/Shortlist - MWF Casuals	2,316.16
809.1068-01	9/10/2017	Mr D S BARDEN	Sep 17 - Councillor Allowances	2,247.05
812.971-01	26/10/2017	MUGAVIN CONTRACTING PTY LTD	Manufacture & install pipe grate	2,200.00
811.748-01	19/10/2017	AGRICULTURAL MECHANICAL SERVICES	Replace rear main PTO seal on tractor	2,177.06
813.202-01	27/10/2017	Mr I SUMMERS	Present Governance info to Mayor & Council	2,112.00
811.596-01	19/10/2017	AREA9 IT SOLUTIONS - HARDWARE	Aug 17 - IT support & assistance	2,091.36
809.1064-01	9/10/2017	Mrs C M SIMPSON	Sep 17 - Councillors Allowances	1,967.05
811.1076-01	19/10/2017	TDC (NT) PTY LTD - T/AS TERRITORY DEBT	10% Commission	1,958.83
810.187-01	12/10/2017	NORSIGN	RFT 125 - Road signs	1,869.80
812.1076-01	26/10/2017	TDC (NT) PTY LTD - T/AS TERRITORY DEBT	10% Commission	1,810.88
808.806-01	5/10/2017	ZIPPY CLEANING & MAINTENANCE SERVICES	Sep 17 - Cleaning of Litchfield Council	1,789.65
809.1063-01	9/10/2017	Miss K J HUNT	Sep 17 - Deputy Mayor Allowances	1,762.29
811.867-01	19/10/2017	ALL ASPECTS RECRUITMENT & HR SERVICES	WTS Temp Casual W/E 8/10/17	1,583.08
812.296-01	26/10/2017	ALL HOURS PLUMBING	Knuckey Lagoon Reserve - Replace basin	1,531.75
810.1141-01	12/10/2017	Northern Ground Maintenance	Sep 17 - Mowing services Howard Park	1,479.50
810.14-01	12/10/2017	AUSTRALIA POST	Postage - Reminder letters for rates	1,475.53
810.926-01	12/10/2017	JACANA ENERGY	Power, MWF Shed / HSWTS / HPR	1,367.53
810.1290-01	12/10/2017	Matchez Superannuation Fund (M Salter)	Seo 17 - Councillors Allowances	1,340.76

811.731-01	19/10/2017	Vocus Communications (Amcom Pty Ltd)	Nov 17 - Supply of Amcom fibre to Council	1,329.40
809.599-01	9/10/2017	WELDING & MAINTENANCE SERVICES NT	Repairs to damaged compactor bin at HDWT	1,305.00
808.28-01	5/10/2017	RURAL FIRE PROTECTION	Service Fire Equipment at Thorak Cemetery	1,272.70
810.980-01	12/10/2017	PRACTICAL SAFETY AUSTRALIA	24 pair of safety gloves	1,150.71
810.384-01	12/10/2017	Ms C VERNON	Sep 17 - Authority Consulting	1,116.50
812.612-01	26/10/2017	CREMASCO CIVIL PTY LTD	Supply and install Bollard & Barrier	1,102.99
813.1293-01	27/10/2017	Local Government NSW	Registration - National Local Gov't HR	1,070.00
808.1207-01	5/10/2017	Unique Industries (Auto Tech)	40,000km service for Ford Ranger CC45FS	976.00
811.612-01	19/10/2017	CREMASCO CIVIL PTY LTD	Weld together damaged bollard	891.00
811.941-01	19/10/2017	EVERLON BRONZE	Plaque 120 x 150mm	867.90
810.1130-01	12/10/2017	Mair's Only Cleaning	Knuckey Lagoon Reserve Cleaning 2 & 6/10	840.00
B Pay178	5/10/2017	RTM MOTOR VEHICLE REGISTRY - MVR	Registration Ford Ranger - CC45YM	839.85
B_Pay178	5/10/2017	RTM MOTOR VEHICLE REGISTRY - MVR	Registration Ford Ranger - CC45YL	839.85
810.608-01	12/10/2017	HITACHI CONSTRUCTION MACHINERY	Oil & air filters for tractors	838.29
810.126-01	12/10/2017	WATER DYNAMICS (NT) PTY LTD	Irrigation pop ups & fittings	822.61
812.1130-01	26/10/2017	Mair's Only Cleaning	Reimbursement - Toilet paper for reserve	787.00
812.1129-01	26/10/2017	PR Button	Development of Community Engagement Strategy	726.00
810.51-01	12/10/2017	SOUTHERN CROSS PROTECTION	Sep 17 - Security services of Litchfield	720.72
808.599-01	5/10/2017	WELDING & MAINTENANCE SERVICES NT	Repairs to compactor bin trolley	720.00
808.867-01	5/10/2017	ALL ASPECTS RECRUITMENT & HR SERVICES	WTS Temp Casual W/E 24/9/17	704.90
810.111-01	12/10/2017	STICKERS AND STUFF	50 x Business Card Holders	698.50
812.98-01	26/10/2017	ALL RURAL MECHANICAL	40,000km service for Toyota Hilux	697.55
812.97-01	26/10/2017	CLEANAWAY	Sep 17 - Thorak, Bin Clearances & remove	640.97
808.690-01	5/10/2017	TOTAL HYDRAULIC CONNECTIONS (NT) PTY	Hydraulic repairs to Cat backhoe at HSWTS	630.51
811.753-01	19/10/2017	NATIONAL FLAGS	6m Flag Pole & Litchfield Council Flag	580.00
810.690-01	12/10/2017	TOTAL HYDRAULIC CONNECTIONS (NT) PTY	Replace hydraulic seals on tractor	564.30
811.980-01	19/10/2017	PRACTICAL SAFETY AUSTRALIA	2 Pair of safety boots - WTS Staff	532.69
810.522-01	12/10/2017	FARMWORLD NT PTY LTD	Link pins for tractor	507.45
812.1298-01	26/10/2017	Rural Community Carols	Community Initiative Grant 2017/18	500.00
808.1289-01	5/10/2017	Zurich Australian Insurance Ltd	Insurance Excess Claim - Rego # CC51PU	500.00
808.928-01	5/10/2017	RSEA PTY LTD	MWF Protective wear	473.40
808.220-01	5/10/2017	THE BIG MOWER	Supply and fit new motor to brush cutter	449.82
810.1279-01	12/10/2017	Darwin Photography Professionals	Corporate photos of current Councillors	420.00
813.1008-01	27/10/2017	OUTBACK BATTERIES P/L	2 Hand Held UHF CB Radio	413.30
813.1167-01	27/10/2017	Mrs T SALAU	Reimbursement for Gift Vouchers & Cards	412.90
813.508-01	27/10/2017	EASA	Sep 17 - EAP Counselling session	406.56
812.599-01	26/10/2017	WELDING & MAINTENANCE SERVICES NT	Repairs to general waste bins	400.00
811.68-01	19/10/2017	KERRY'S AUTOMOTIVE GROUP	15,000km Service of Holden Colorado	391.85
810.70-01	12/10/2017	LOCAL GOVERNMENT ASSOCIATION NT	Purchase of Keyword for Council licence	387.00
808.1034-01	5/10/2017	ELECTRICAL & FIRE SERVICES PTY LTD	Howard Park Reserve - Fire equipment serviced	386.10
808.1288-01	5/10/2017	Abbott Cleaning Service	Strip & seal vinyl at Knuckey Lagoon Res	385.00
810.834-01	12/10/2017	PALMER STEEL TRADING (AUST) P/L	40mm light gauge pipe	377.30

808.187-01	5/10/2017	NORSIGN	RFT 125 - 50mm brackets & bolts	376.20
813.1278-01	27/10/2017	Seek Limited	Advertising for the Wet Season MWF Casual	363.00
809.1062-01	9/10/2017	Mrs L WRIGHT	Sep 17 - Councillors Allowances	360.58
808.944-01	5/10/2017	DARWIN FREESPIRIT RESORT	Catering - Litchfield Introduces Speed Network	360.00
810.326-01	12/10/2017	EYESIGHT SECURITY P/L	Sep 17 - Security and patrol at Cemetery	357.50
812.220-01	26/10/2017	THE BIG MOWER	Thorak - Repairs to Hustler Mower	352.50
810.825-01	12/10/2017	PRESTIGE AUTOMOTIVE ELECTRICAL	Service aircon on backhoe	343.20
809.941-01	9/10/2017	EVERLON BRONZE	Plaque 215 x 380mm	332.20
809.443-01	9/10/2017	TERRITORY UNIFORMS	Uniforms - Customer Service Officer	331.69
810.1088-01	12/10/2017	TALENT PROPELLER	Recruitment Personality Profile Tests	313.50
808.85-01	5/10/2017	TELSTRA	Sep 17 - Cemetery Phones	311.83
811.367-01	19/10/2017	BUNNINGS GROUP LIMITED	Sep 17 - Powerpass Hardware Account	306.66
00413088	26/10/2017	Litchfield Council Petty Cash	P/Cash	301.25
811.1142-01	19/10/2017	OfficeMax Australia Ltd	Stationery	274.41
810.1186-01	12/10/2017	Advanced Safety Systems Australia Pty Ltd	Oct 17 - ASSA membership WHS subscription	273.90
811.790-01	19/10/2017	BOBTOW TILT TRAY SERVICES	Transport abandoned vehicle	264.00
B-Pay179	12/10/2017	RTM MOTOR VEHICLE REGISTRY - MVR	Registration Kioto Mechron - CB55PP	260.60
811.3-01	19/10/2017	COMM8 (COMBINED COMMUNICATIONS)	Oct 17 - Tracking System Data Access	255.20
808.1283-01	5/10/2017	Local Government Professionals	2017/18 Membership fee	250.00
808.165-01	5/10/2017	THINK WATER	Howard Park Reserve - Irrigation Maintenance	242.00
809.61-01	9/10/2017	GREENTHEMES INDOOR PLANT & HIRE	Sep 17 - Indoor plant hire	233.50
812.581-01	26/10/2017	Food'll Do	Catering - Council Meeting 18/10/17	225.00
812.676-01	26/10/2017	FINAL TOUCH AUSTRALIA	Large urn	214.37
812.187-01	26/10/2017	NORSIGN	RFT 125 - Road signs	211.09
808.560-01	5/10/2017	JOBFIT HEALTH GROUP PTY LTD	Pre-employment Medical Checks	209.00
810.560-01	12/10/2017	JOBFIT HEALTH GROUP PTY LTD	Pre-employment medical checks	209.00
810.944-01	12/10/2017	DARWIN FREESPIRIT RESORT	Speed Networking Function - Drinks	196.00
808.126-01	5/10/2017	WATER DYNAMICS (NT) PTY LTD	Howard Park Reserve - Irrigation maintenance	194.48
810.56-01	12/10/2017	COLEMANS PRINTING PTY LTD	Business Cards	192.50
811.7-01	19/10/2017	ALLTOOLS NT	1 X box (100) 125mm cut off discs	179.00
808.790-01	5/10/2017	BOBTOW TILT TRAY SERVICES	Transport abandoned vehicle	165.00
812.855-01	26/10/2017	TENDERLINK	Public Tender Advertising - Asset Revaluation	165.00
812.790-01	26/10/2017	BOBTOW TILT TRAY SERVICES	Transport abandoned ute	154.00
812.78-01	26/10/2017	POWER & WATER CORPORATION	Humpty Doo WTS Water 7/9 to 4/10/17	153.73
810.874-01	12/10/2017	FIN BINS (VTG Waste & Recycling)	Sep 17 - Clear Howard Park Reserve Bin	151.67
810.1015-01	12/10/2017	NEWSXPRESS HUMPTY DOO	NT Newspaper Supply - 01/07/17 to 01/10/17	150.80
808.671-01	5/10/2017	BURSON AUTOMOTIVE PTY LTD (COOLALINGA)	20l degreaser	145.54
B-Pay178	5/10/2017	SENSIS PTY LTD	Sep 17 - Monthly Sensis Advertisement	145.31
812.512-01	26/10/2017	SELTOR SHAW PLUMBING PTY LTD	Repair leaking toilet cistern	143.95
811.1152-01	19/10/2017	Lane Laser Printers PTY LTD	Plain Face lick and seal envelopes	141.02
811.1291-01	19/10/2017	IPAA NT (Public Administration)	2017/18 IPAA Membership	130.00
812.1143-01	26/10/2017	WorkPro (Risk Solutions Australia)	Sep 17 - Employment police history check	121.00
810.1142-01	12/10/2017	OfficeMax Australia Ltd	Stationery	117.38

811.411-01	19/10/2017	KENNARDS HIRE PTY LTD	One day hire of Rotary Hoe	115.00
810.928-01	12/10/2017	RSEA PTY LTD	MWF Protective wear	114.63
812.400-01	26/10/2017	THE ARK ANIMAL HOSPITAL PTY LTD	Vet costs for 'Buddy'	100.00
808.876-01	5/10/2017	NT ICE	30 bags of ice	99.00
810.807-01	12/10/2017	TOTALWELD SALES & SERVICE P/L	1 roll welding wire	95.00
812.1008-01	26/10/2017	OUTBACK BATTERIES P/L	Thorak - Battery for Polaris ATV	76.50
811.1130-01	19/10/2017	Mair's Only Cleaning	Knuckey Lagoon Reserve Cleaning 16/10	70.00
812.1294-01	26/10/2017	Clean Fun Pty Ltd (Darwin Laundries)	Laundry Service - Table Linen	66.00
811.30-01	19/10/2017	TERRITORY SPRINGWATER PTY LTD	Thorak - 6 x 15 Litre Bottled Water	63.00
811.49-01	19/10/2017	DEPARTMENT OF LANDS PLANNING	Oct 17 - Land Title Searches	54.80
811.573-01	19/10/2017	Mr P A SHEAN	Reimburse - Radiator cap, key & cleaning	54.46
812.300-01	26/10/2017	DARWIN OFFICE TECHNOLOGY P/L	Sep 17 - Photo copier printing charges	53.50
808.1245-01	5/10/2017	Rural Rubbish Removal	Sep 17 - Knuckey Lagoon Reserve Rubbish	52.80
808.30-01	5/10/2017	TERRITORY SPRINGWATER PTY LTD	5 x 15 Litre Water Bottles	52.50
811.126-01	19/10/2017	WATER DYNAMICS (NT) PTY LTD	Irrigation parts	47.74
811.1167-01	19/10/2017	Mrs T SALAU	Reimbursement - New staff induction lunch	43.70
809.565-01	9/10/2017	CURBY'S (NT) PTY LTD	Name Badge - Magnet & Overlay	27.50
<b>TOTAL</b>				<b>1,036,051.03</b>

## CREDIT CARD TRANSACTIONS

Credit card transactions for October 2017 are listed in the table below.

STAFF MEMBER	COST CODE	DETAILS	GROSS	GST
<b>Kaylene Conrick</b> CEO	3121.355.638	Amnet Broadband Internet connection	\$61.02	\$5.55
	3000.310.644	CEO Parking Darwin CBD	\$3.50	\$0.32
	3050.360.405	Hunt & Hunt - HR Advice	\$220.00	\$20.00
<b>Deborah Branson</b> Executive Assistant	W4084.301	Risk IQ Breakfast Seminar - CEO	\$65.30	\$ -
	3700.341.669	Tablecloths, Oct. Business Month Function	\$90.30	\$8.21
	3020.330.620	The House - Incidentals - Chambers	\$39.99	\$3.64
	3000.350.639	AICD - CEO's Membership	\$657.50	\$59.77
	3700.341.669	Oct. Business Month Function - Ribbons	\$20.75	\$1.89
	3400.300.342	PIA Training Course - Manager Planning	\$20.00	\$1.82
	3020.330.620	Milk & water for Chambers	\$8.85	\$ -
	3700.341.669	October Business Month - Gift Bags	\$76.80	\$6.98
	3020.330.620	Catering - Councillors Information Session	\$27.00	\$2.45
	3020.330.620	Catering - Councillors Information Session	\$33.55	\$3.05
	3020.330.620	Catering - Councillors Information Session	\$17.33	\$ -
	3130.350.500	Book - Creating Vibrant Communities	\$92.55	\$8.41
	3700.341.669	October Business Month Function - Boxes	\$20.00	\$1.82
	3020.330.620	Mineral water for Chambers	\$6.00	\$0.55
	3020.330.620	Tea for Chambers	\$3.40	\$ -
	3700.341.669	Oct. Business Month Function - Gift Bags	\$65.84	\$5.99
	3020.330.620	Dry-cleaning	\$40.75	\$3.70
	3700.341.669	Oct. Business Month Function - Incidentals	\$18.00	\$1.64
	3700.350.602	Facebook Advertising	\$47.51	\$4.32

STAFF MEMBER	COST CODE	DETAILS	GROSS	GST
	3020.330.620	Catering - Councillor Briefing	\$25.00	\$ -
	3020.330.620	Catering - Councillor Briefing	\$16.15	\$1.47
	3700.341.669	Oct. Business Month Function - Incidentals	\$6.90	\$0.63
	3700.341.669	Flowers - Host - October Business Month	\$110.00	\$10.00
	3020.330.620	Catering - Councillor Information Session	\$38.36	\$ -
	3020.330.620	Catering - Councillor Information Session	\$45.63	\$4.15
	3020.330.644	Mayors Travel Insurance - LGANT	\$12.00	\$1.09
	3130.350.500	K Mart - Stationery - Directors Office	\$3.00	\$0.27
	3020.330.644	Qantas - Mayor's Airfares - LGANT	\$430.30	\$39.12
	3020.330.500	Vision 6 - Councillor Bulletin	\$9.90	\$0.90
	3020.330.500	Stationery	\$67.30	\$6.12
	3020.330.644	Mayor's Airfares (Reimbursed DD 23/10/17)	\$806.79	\$73.35
	3020.330.644	Travel Insurance (Reimbursed 23/10/17)	\$12.00	\$1.09
<b>Karina Gates</b> Finance Manager	3700.350.515	Snacks - Reserves Committee Meeting	\$43.25	\$ -
	3700.350.515	Snacks - Reserves Committee Meeting	\$8.50	\$0.77
	W4551.126	Registration - Kubota Loader	\$239.00	\$ -
	W4551.126	Rego CTP & Inspection - Kubota Loader	\$220.50	\$20.05
	W4506.131	Rego Stamp Duty - Kubota Loader	\$2,205.00	\$ -
	W4550.126	Registration - Crown Fork Lift	\$239.00	\$ -
	W4550.126	Rego CTP - Crown Fork Lift	\$166.60	\$15.15
	W4473.131	Rego Stamp Duty - Crown Fork Lift	\$1,113.00	\$ -
<b>David Kingston</b> Director of I & O	3400.300.342	NT Major Projects Conference (W Smith)	\$1,290.30	\$117.30
	3400.300.342	Nat. Road Congress Registration (D Kingston)	\$75.00	\$6.82
	3400.300.342	Air Fare - Conference (D Kingston)	\$607.28	\$55.21
	3400.300.342	Air Fare - Conference (D Kingston)	\$717.16	\$65.20
	3400.300.342	Conference Accommodation	\$141.01	\$12.82
	3400.375.527	Asset Manual (IIMM)	\$540.82	\$49.17
<b>Sharon McTaggart</b> Regulatory Services Manager	4040.435.560	Dog food - Biscuits	\$96.00	\$8.73
	4040.435.560	Medicine for dogs	\$72.90	\$6.63
<b>Glen Byrnes</b> Waste Manager	3410.350.515	Staff amenities - Coffee & Sugar	\$26.30	\$ -
	3410.350.515	Staff amenities - Cleaning products	\$13.50	\$1.23
	W4238.30	Hand tools for WTS maintenance	\$169.99	\$15.45
	3410.350.414	2 Platters for Waste Strategy Meeting	\$40.00	\$ -
	3430.622.420	Irrigation pipe & fittings	\$134.41	\$12.23
<b>Justin Dunning</b> MWF Manager	3800.350.560	Trailer 7 pin plug (spare)	\$14.99	\$1.36
	W4178.125	12V Horn for tractor	\$20.99	\$1.91
	W4176.125	12V Horn for tractor	\$20.99	\$1.91
	W4185.125	Trailer 7 pin plug	\$14.99	\$1.36
	3800.350.515	Toilet rolls & hand wash	\$21.00	\$1.91
	3800.595.506	Chlorine & bleach for cleaning	\$29.13	\$2.65
<b>TOTAL</b>			<b>\$11,500.88</b>	<b>\$676.14</b>

### Links with Strategic Plan

An effective and sustainable Council



**Recommending  
Officer:**

**Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



# COUNCIL AGENDA

## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### 15 Officers Reports

- 15.1 Elected Members and Meeting Procedures Policies
- 15.2 Draft Community Engagement Policy, Draft Strategy and Action Plan
- 15.3 Restructure of Council Committees
- 15.4 Tree Audits on Council's Recreational Reserves and Thorak Cemetery
- 15.5 GOV01 Policy Framework
- 15.6 GOV04 Whistleblowing
- 15.7 PA2017/0284 Concurrent Application for Rezoning
- 15.8 November 2017 Summary Report Planning and Mining
- 15.9 PA2017/0341, a Planning Scheme Amendment Application to Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site
- 15.10 Wastewater Dump Point Investigations
- 15.11 Litchfield Council General Election



## COUNCIL REPORT

<b>Agenda Item Number:</b>	15.1
<b>Report Title:</b>	Elected Member and Meeting Procedure Policies
<b>Report Number:</b>	17/0045
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Reviewed EM05 Elected Member Benefits and Support Reviewed EM06 Conflict of Interest Reviewed EM07 Elected Member Gifts and Benefits Reviewed GOV02 Meeting Procedures

### Purpose

This report presents for Council adoption, several policies relating to Elected Members and Council's Meeting Procedures.

### Summary

Following the recent Local Government General Election on 26 August 2017, several policies that currently exist are required to be reviewed and presented to Council for adoption:

1. EM05 Elected Member Benefits and Support
2. EM06 Disclosure of Interest
3. EM07 Elected Member Gifts and Benefits
4. GOV02 Meeting Procedures

#### ***EM05 Elected Member Benefits and Support***

This policy sets out the financial, technical and administrative support provided by the organisation to Elected Members.

The following updates are recommended.

- Remove the \$50 per month credit towards internet. Council has received advice that this could be interpreted as an allowance under the Local Government Act and therefore the allowance provided to Councillors would exceed the total allowances permitted to Elected Members.

To be in line with Legislation, Council would need to establish evidence that the \$50 payment is used for Council purposes. This is difficult.

In the future Councillors will be provided with a internet connection device, as part of Council's telecommunications contract.

- Remove reference to an Elected Members portal, as no such portal currently exists.
- Include the next review date as following the next General Election.
- Policy updated to current Council Policy template

### ***EM06 Conflict of Interest***

This policy sets out a clear definition of 'disclosure of interest' for Elected Members and its bearing on their roles at Litchfield Council.

The policy provides an expanded description drawn from the annotated version of the Local Government Act, a description and separation of pecuniary interests versus non-pecuniary interests and examples of potential areas of conflict.

The policy has been converted to the current policy template.

### ***EM07 Elected Member Gifts and Benefits***

This policy guides Elected Members in relation to the offer and/or receipt of gifts or benefits.

The following updates are recommended and highlighted in the document:

- Updated to current policy template
- Clarity regarding protocol gifts is provided
- Policy review date to follow the next General Election.

### ***GOV02 Meeting Procedures***

This Policy governs meetings of Council and Council Committees, and is intended to ensure the efficient and transparent transaction of Council business. The policy is due for review.

The policy has been converted to the current policy template. It is anticipated that this policy will be rescinded once Litchfield Council Meeting Procedure By-laws are gazetted and in place in 2018.

## **Recommendation**

THAT Council:

1. Adopt the reviewed EM05 Elected Member Benefits and Support policy as attached to report 17/0045;
2. Adopt the renamed EM06 Disclosure of Interest policy as attached to report 17/0045;
3. Adopt the reviewed EM07 Elected Member Gifts and Benefits policy as attached to report 17/0045; and
4. Adopt the reviewed GOV02 Meeting Procedures policy be adopted as attached to report 17/0045.

## **Background**

It is best practice to regularly review Council policies with review dates set at the time of adoption.

In line with GOV01 Policy Framework the policies discussed in this report are classified as Council policies and require Council approval.

## **Links with Strategic Plan**

An effective and sustainable Council.

### **Legislative and Policy Implications**

To comply with legislation Council needs to ensure that its policies are reviewed on schedule. All reviewed policies are in line with current legislation.

### **Risks**

Nil

### **Financial Implications**

The budget for the Elected Members \$50 internet allowance will be allocated to the budget line for telecommunication charges and internet devices issued to Elected Members. It is expected that the current allowance will cover the cost of the internet devices and mobile data sufficiently.

### **Community Engagement**

Nil

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

## Elected Member Benefit and Support Policy **EM05**



Name	EM05 Elected Member Benefit and Support Policy
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	15/03/2017
Review Date	18/03/2020

### 1. Purpose

Litchfield Council is committed to ensuring Elected Members are provided with the support necessary for them to effectively carry out their roles in Council. Pursuant to Section 71 and 72 of the Local Government Act 2008 (as amended) and the Local Government Ministerial Guidelines, this Policy clarifies the Allowances and Expenses to be paid to Elected Member, Professional Development and Council Approved Activities and travel.

### 2. Scope

This policy applies to Litchfield Council Elected Members

### 3. Definitions

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

Allowances	Allowances provided in compensation to Elected Members in consideration of the time and effort spent in their roles on Council.
Elected Member	Individuals elected to Council. For the purposes of this policy, Elected Member refers to Mayor, Deputy Mayor and Councillor.

### 4. Policy Statement

#### 4.1. Elected Member Allowances

4.1.1. A Base Allowance is paid to Elected Members to cover their time spent in the following activities: agenda study and meeting preparation, attendance at regular Council meetings, attendance at social functions as Council representatives, constituency responsibilities, and Council representation outside of the municipality, including delegations interstate and overseas;

4.1.2. An Electoral Allowance is paid to assist members with electoral matters at the discretion of the individual Member;

#### 4.1.3. Professional Development Allowance

4.1.3.1. An allowances payable to council members to attend appropriate and relevant conferences or training courses which sustain a member's professional competence by keeping the member informed of, and able to comply with, development in

professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

- I. This allowance is available to all council members.
  - II. The professional development allowances may be claimed multiple times each year, but the total of those claims must not exceed the amount specified in the Guidelines.
  - III. The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.
  - IV. Claims must be made using approved forms.
  - V. Only approved course/conferences that are in line with council policy attract professional development allowances (payable for each day of attendance).
- 4.1.3.2. Pursuant to Section 2, 6 (e) of the Local Government Act Ministerial Guideline 2, use of the Professional Development Allowance must be approved by the Chief Executive Officer, prior to attendance at a professional development activity
- 4.1.3.3. In accordance with Section 71(5) of the Local Government Act 2008 (as amended), these allowances will not be paid in advance except for course fees, conference registration costs, travel and accommodation which will be paid for by the Council to the provider of the relevant service in advance of attendance at the approved activity
- 4.1.4. Extra Meeting allowance
- 4.1.4.1. For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
  - 4.1.4.2. For other council members this allowance is paid only after an approved claim has been made
  - 4.1.4.3. The amount of the extra meeting allowance is determined by Council resolution, and is subject to the maximum payable amount set by the Minister for Local Government and Community Services.
  - 4.1.4.4. In accordance with Section 2 (1) of the Local Government Act 2008 Ministerial Guideline No. 2, only the following meetings will attract the allowance: -
    - I. Council Committee Meetings;
    - II. Special Meetings of Council;
    - III. Special Meetings of Council Committees;
    - IV. Council Advisory / Reference Group Meetings;
    - V. Council workshops or briefings;
    - VI. Meetings of external agencies or organisations to which Council has formally appointed a council member to represent the Council or a member nominated through or with the Local Government Association of the Northern Territory as a representative;

- 4.1.5. Allowances are set annually by Council as part of budget deliberations.
- 4.1.6. Allowances (apart from Professional Development Allowance) are to be paid from 1 July each year on a monthly basis in arrears by electronic funds transfer to their nominated account.
- 4.1.7. Where an Elected Member is acting as Mayor in the absence of the Mayor for a period of less than 7 days, no compensation will be paid. Where the period is 7 days or longer, the acting Mayor will be paid 100% of the Mayoral Base Allowance instead of their normal base allowance for that period.

#### 4.2. Elected Member Benefits

- 4.2.1. In order to ensure Elected Members are able to have ready access to technology enabling them to perform their roles as efficiently as possible, they are provided with:
  - I. A laptop and printer for home use, a single set of toner cartridges and a single ream of paper. All subsequent toner and paper is at the Member's expense;
  - II. A Litchfield Council email address for official use in their role as Elected Member, together with calendar facility. An Elected Member's calendar shall be available to other Elected Members and staff in order to facilitate the smooth running of Council operations, and as a record of their activities;
  - III. A mobile internet access device to be used with the laptop provided for Council business.
  - IV. ~~An Elected Members Portal with dedicated access to Council business papers~~
  - V. ~~A \$50 per month credit towards their independent provision of (fixed or mobile) internet access.~~
- 4.2.2. All ICT equipment remains the property of Litchfield Council. Elected Members have full private use. Support provided by Council will be on a "return to Council" basis, with Council IT support staff not being responsible to attend private residences.
- 4.2.3. Elected Members shall be provisioned with business cards and name badges for their use.
- 4.2.4. Council will provide postage for official correspondence through its internal mail services. Bulk mailing will not be provided.
- 4.2.5. Use of Council's photocopying facilities for official business is available for Elected Members through prior notice to the Executive Assistant to the Mayor and CEO. Circulars, publications or election material are specifically excluded from this benefit.
- 4.2.6. Elected Members will be reimbursed for attendance at all Council endorsed meetings to a maximum of \$85 to cover child care costs associated with their participation. Reimbursement is subject to receipts being provided and are on a per Member rather than per child basis.
- 4.2.7. For any Elected Member with a disability, Council may resolve to provide reasonable additional facilities and expenses in order to allow that Member to perform their civic duties.
- 4.2.8. Elected members shall not use Council facilities, resources (including staff) for personal reasons including furtherance of their political career.



#### 4.2.9 Miscellaneous

- I. A framed Certificate of Service will be presented in Council meeting for Elected Members achieving 10 years of service, with subsequent certificates presented at five yearly intervals
- II. A history of members elected to office will be appropriately recorded photographically under direction of the CEO.

#### 4.2.10 Mayoral Benefits

In addition to the benefits above, the Mayor is entitled to the following additional benefits to assist them in their civic duties:

- Mobile Phone;
- An office and administrative and secretarial assistance for official use only;
- Reimbursement for costs associated with attendance and participation at official functions where Council is represented;
- A fully maintained Council vehicle with a purchase price of no more than \$45,000 ex GST with limited private use within 300km of Council, and subject to conditions set out in Council's HR08 Motor Vehicle Policy.

4.2.11 Elected Members are not provided with stationary, mobile phones, uniforms or any other materials not provided for within this Policy. These can be purchased at the discretion of Elected Members themselves.

#### 4.3. Elected Member Travel

- 4.3.1. Elected Members wishing to attend a conference, workshop, seminar or relevant training session incurring travel costs at Council's expense shall apply to the CEO for approval.
- 4.3.2. Air travel is to be by the most reasonably economic means available, and shall not include business or first class.
- 4.3.3. Accommodation, meals and associated travel costs are to be covered by prior approval of the CEO.
- 4.3.4. Council will pay in advance any registration fees, accommodation deposits and airline tickets for approved Elected Member travel. Where this is not possible, a reimbursement equivalent to the fees or expenses will be paid subject to the provision of receipts.
- 4.3.5. Elected Members may be accompanied by a spouse or partner subject to Council not incurring any additional expense.

#### 4.4. Insurance

- 4.4.1. Elected Members will receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:
  - I. Personal Injury whilst on Council business, providing specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses. Full details are available from the Director of Corporate Services.
  - II. Professional Indemnity and Public Liability

III. Use of private motor vehicle whilst on Council business

4.5. Legal Assistance

4.5.1. Legal assistance shall be provided to Elected Members in the event of an enquiry, investigation or hearing into the conduct of an Elected Member by:

- I. The office of the Ombudsman
- II. The Police
- III. The Director of Public Prosecutions

4.5.2. Legal assistance will be provided to Elected Members in respect of legal proceedings being taken by or against an Elected Member, arising out of or in connection with the Elected Member's performance of his or her civic duties or exercise of his or her functions as an Elected Member.

4.5.3. Council shall reimburse such Elected Member, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

4.5.4. All legal assistance will be provided subject to the following conditions:

- I. The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Elected Member on any basis;
- II. The enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Elected Member;
- III. The amount of such reimbursement is limited to the equivalent of the fees being charged by Council's solicitors.

4.5.5. Legal Advice

- I. Legal advice shall be made available on Conflict of Interest provisions subject to the following procedure:
- II. On receipt of a written enquiry received in good time before the relevant meeting seeking an interpretation of the Conflict of Interest provisions, the CEO is authorised to seek legal opinion from Council's solicitors as to the nature and extent of interest and the application of the legislative provisions;
- III. Legal advice provided to one Elected Member under this provision is to be made available to all Members;
- IV. The Elected Member initiating the enquiry agrees to be bound by the contents thereof.

4.6. Gifts and Benefits Received by Elected Members

4.6.1. Where gifts and benefits are not provided for under this policy are offered to Elected Members in the course of their roles which are above the value of \$50, Elected Members will immediately inform in writing the Chief Executive Officer with regards to the following:

- I. The nature of the gift or benefit, i.e. concert tickets, bottle of wine, dinner;

- II. The value of the gift or benefit;
- III. How the Elected Member proposes to treat the gift or benefit, i.e. accept and keep, or reject.

4.6.2. The Chief Executive Officer will maintain a register of Elected Members Gifts and Benefits identifying all gifts and benefits offered to Elected Members.

**5. Associated Documents**

Litchfield Council policies

**6. References and Legislation**

Northern Territory Local Government Act, Regulations Ministerial Guidelines and General Instructions

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
14/12/2015	Policy adopted
15/2/2017	Updated with professional development allowance, LC27 rescinded as a duplicate
This review	Remove internet allowance and Elected Member



Name	EM06 Conflict of Interest
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	15/11/2017
Review Date	1/09/2021

### 1. Purpose

Litchfield Council is committed to placing public interests before private interests and avoiding private gain at public expense. This policy details the issue of conflicts of interest and how it is managed.

### 2. Scope

This policy applies to Litchfield Council Elected Members

### 3. Definitions

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

<i>Conflict of Interest</i>	A conflict of interest occurs when there is a clash between a person's private interest and their public duty. It involves a lack of impartiality, however arising, and whether or not financial gain or loss is involved.
<i>Pecuniary Interest</i>	This is an interest that a person has in a matter because of the reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. Associated persons include relatives, partners and employers.
<i>Non-Pecuniary Interest</i>	This is any private interest that does not relate to money e.g. arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity.
<i>Personal Benefit</i>	Use of confidential Council information to gain improper advantage.
<i>Improper Use of Undue Influence</i>	The use of a Council position to improperly influence others.

### 4. Policy Statement

The community has the right to expect that Elected Members perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest or personal gain. Conflicts of interest arise when Elected Members are influenced, or appear to be influenced, by personal interests when doing their jobs. The perception of a conflict of interest can be as damaging as an actual conflict, because it undermines public confidence in the integrity of the organisation involved and its staff.

#### 4.1 Provisions in the Local Government Act

Sections 73 and 74 of the Local Government Act outline the responsibilities and authorities related to Conflict of Interest (footnotes drawn from the Annotated Version of the Local Government Act):

### *73 Conflict of interest<sup>1</sup>*

- (1) *A member<sup>2</sup> has a conflict of interest in a question arising for decision by the council, local board or council local authority, committee if the member or an associate<sup>3</sup> of the member has a personal or financial interest<sup>4</sup> in how the question is decided<sup>5</sup>.*
- (2) *This section does not apply if the interest is:*
  - (a) *an interest in a question about the level of allowances or expenses to be set for members; or*
  - (b) *an interest that the member or associate shares in common with the general public or a substantial section of the public; or*
  - (c) *an interest as an elector or ratepayer that the member or associate shares in common with other electors or ratepayers; or*
  - (d) *an interest that the member or an associate has in a non-profit body or association; or*
  - (e) *an interest of the member or an associate:*
    - (i) *in appointment or nomination for appointment to a body with predominantly charitable objects; or*
    - (ii) *in payment or reimbursement of membership fees, or expenses related to membership, in such a body; or*
  - (f) *an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision<sup>6</sup>.*

### *74 Disclosure of interest*

<sup>1</sup> The determination whether a member is in a conflict of interest situation is relevant to the prompt disclosure requirements and non- participation requirements of the next section. See also item 6 of the Code of Conduct. It may also be relevant in determining whether a member has acted in breach of trust or in breach of fiduciary duty. *The responsibility is on each member to avoid a conflict of interest.*

<sup>2</sup> This includes a member of a local board or committee – see definition in section 3 of the Act.

<sup>3</sup> 'Associate' is defined at section 4 of the Act. The definition includes (but is not limited to) a person in a close family relationship. 'Close family relationship' is defined in section 3 of the Act.

<sup>4</sup> A 'personal interest' includes an interest from which a member may gain an advantage, or avoid a loss.

<sup>5</sup> Conflicts of interest can arise in a variety of ways and need to be determined on a case by case basis, having regard to the Act and the decided cases.

<sup>6</sup> Paragraphs (a) and (f) are alternatives. Any one will provide an exception to a conflict of interest.

- (1) *As soon as practicable after a member becomes aware of a conflict of interest in a question that has arisen or is about to arise before the council, local authority, local board or council committee, the member must disclose<sup>7</sup> the personal or financial interest that gives rise to the conflict (the relevant interest):*
    - (a) *at a meeting of the council, local authority, local board or council committee; and*
    - (b) *to the CEO.*
  - (2) *The CEO must record the disclosure in a register of interests kept for the purpose<sup>8</sup>.*
  - (3) *A member must not<sup>9</sup>, without the Minister's approval:*
    - (a) *be present at a meeting of the council, local authority, local board or council committee while a question in which the member has a conflict of interest is under consideration; or*
    - (b) *participate in any decision on the question.*
  - (4) *The Minister may approve a member's participation in the consideration of, or a decision on, a question in which the member has a conflict of interest on conditions the Minister thinks appropriate.*
  - (5) *A member is guilty of an offence if the member:*
    - (a) *fails to disclose an interest as required under subsection (1); or*
    - (b) *contravenes subsection (3) or a condition of an approval under subsection (4).*
- Fault element:                      Intention.*
- Maximum penalty:                100 penalty units<sup>10</sup> or imprisonment for 6 months.*
- (6) *If the Tribunal finds that a member has participated in the decision of the council, a local authority, a local board or a council committee contrary to this section, the Tribunal may, on application by an elector or ratepayer, declare the decision void<sup>11</sup>.*

<sup>7</sup> This is a mandatory requirement, to be exercised "as soon as is practicable", with a criminal penalty for any breach as well as potential civil liability.

<sup>8</sup> It follows that the CEO must have a register of interests and must enter in that register every disclosure under this section. As to the contents of the register, see regulation 12 of the Local Government (Administration) Regulations.

<sup>9</sup> This is a mandatory prohibition, with a criminal penalty for any breach. The member in a conflict of interest must not be present at a meeting when any consideration or discussion of the relevant issues takes place.

<sup>10</sup> "Penalty unit" means a unit of the prescribed value under the Penalty Units Act (NT). Hence if an offence carries a penalty of a specified number of units, the maximum penalty is that number multiplied by the prescribed value as indexed.

<sup>11</sup> The phrase 'the Tribunal may' means that the Tribunal has judicial discretion about whether to declare the decision void and the Tribunal would take into account all the relevant circumstances in making such a decision.

## 4.2 Elected Members and Conflict of Interest

- 4.2.1 Elected Members must act in the public interest and must not take into account personal interests or any other irrelevant considerations. Conflict of interest means a lack of impartiality, however arising and whether or not financial gain or loss is involved.
- 4.2.2 A conflict of interest arises where an individual has a private or personal interest, perceived or real, which could affect their capacity as an Elected Member to perform their public or professional duties in an impartial manner.
- 4.2.3 Having a public/professional duty and a private/personal interest does not mean there is automatically a conflict of interest. However, if there is a conflict of interest, how it is dealt with is very important and in doing so, the person concerned must not do anything which they could not justify to the public or which suggests reasonable suspicion of improper conduct or preferential treatment.
- 4.2.4 Conflicts of interest can be pecuniary or non-pecuniary.

## 4.3 Pecuniary Interest

- 4.3.1 A “pecuniary interest” means a person has a reasonable expectation of appreciable financial gain or loss for themselves or for another with whom they are associated (see section 73 of the Act).
- 4.3.2 Pecuniary interests must be disclosed.
- 4.3.3 A person will be considered to have a pecuniary interest if:
  - a) They, or a person with whom they are associated has a pecuniary interest.
  - b) Their spouse, defacto partner, relative, partner or employer has a pecuniary interest (relative includes any of the following – parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or an adopted child of the person or the person’s spouse).
  - c) They, a nominee, partner or employer are a member of a company or other body that has a pecuniary interest.
  - d) A person is not taken to have a pecuniary interest if:
    - i. They are unaware of the relevant pecuniary interest of the spouse, defacto partner, relative, partner, employer or company or other body;
    - ii. They are a member of, or employed by, a statutory body or by the Crown;
 or
    - iii. They are a member of or a delegate of Council, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

- e) A person does not have a pecuniary interest in a matter if the interest is so remote that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.

#### 4.4 Non-Pecuniary Interest

- 4.4.1 A "non-pecuniary interest" is any private or personal interest which does not relate to money (e.g. kinship, friendship, executive membership of an association, society or trade union or involvement or interest in an activity).
- 4.4.2 Elected Members who are members of clubs should seriously consider whether their club memberships could give rise to conflicts of interest in Council matters that may affect the clubs. The greater the involvement with the club, the greater the likelihood of a real or perceived conflict of interest.
- 4.4.3 In cases of a non-pecuniary interest, employees should not do anything which they could not justify to the public and should avoid any occasion for reasonable suspicion or the appearance of improper conduct or only partial performance of their public or professional duties.
- 4.4.4 Options for dealing with a non-pecuniary conflict of interest will depend on the circumstances of the matter and an objective assessment of it. Options can include:
  - a) Take no action because the conflict is assessed as minor in nature;
  - b) Remove themselves as the source of conflict;

#### 4.5 Potential Areas of Conflict

Potential conflicts of interest can arise in the following circumstances:

##### 4.5.1 Tendering and Purchasing

Example: Council has tendered for the provision of professional services. An Elected Member is employed by a company which has tendered for the provision of these services. This may affect, or it may reasonably be suspected that it could affect, their ability to make an unbiased decision when the tender is considered by Council.

##### 4.5.2 CEO Recruitment

Example: A member of the selection panel has a close relationship with one of the applicants for the job. This conflict of interest could bias, or could reasonably be expected to bias, the decision of the panel.

##### 4.5.3 Gifts and Benefits

Example: A developer seeking a decision by Council in their favour regarding stormwater approvals offers an Elected Member free tickets to a major sporting event. The Elected



Member's impartiality when dealing with the supplier could be compromised if the offer was accepted.

#### 4.5.4 Information and Opportunities

Elected Members may have business and professional interests in the local government area they represent. Conflicts can arise if their public positions allow them access to information and opportunities that could be used to advance their personal and business interests.

#### 4.6 Disclosing Conflicts of Interest

4.6.1 Elected Members who believe they have an interest in a matter, pecuniary or otherwise, must declare that interest in any meetings or discussions where that matter is considered.

#### 4.7 Disclosures at Meetings

4.7.1 An Elected Member who has a conflict of interest in any matter with which the Council is concerned and who is present at a meeting of the Council at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

4.7.2 The Elected Member who discloses a conflict of interest must not be present at, or in sight of, the meeting of the Council:

a) at any time during which the matter is being considered or discussed by the Council, or

b) at any time during which the Council is voting on any question in relation to the matter.

4.7.3 The attention of Elected Members is drawn to the following criteria to determine the extent of disclosure of the nature of the interest to the meeting necessary to observe statutory requirements of Section 73 of the Act and that some detail of the interest be disclosed and satisfy the requirements of the Act for greater transparency and accountability in the management and operation of the Council:

a) The details are sufficient to enable other Elected Members and the public to appreciate in general terms the connection of the person with the matter under consideration.

b) The disclosure does not reveal sensitive information which is not relevant to the matter before the Council.

c) The disclosure does not reveal information which may be unnecessarily damaging to the reputation of some person(s) with whom the person disclosing the interest is associated.

d) The disclosure will not unnecessarily prejudice a sensitive commercial or legal situation.

4.7.4 Disclosures of interest made at meetings and subsequent actions will be recorded in the minutes of that Council.

#### 4.8 Deciding If You Have a Conflict of Interest

The following questions may help in deciding whether an Elected Member has a conflict of interest or whether their conduct could create the impression that a conflict of interest exists:

- a) *Do I, a relative, friend or associate stand to gain or lose financially from Council's decision or action on this matter?*
- b) *Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action on this matter?*
- c) *Have I contributed in a private capacity in any way to the matter before Council?*
- d) *Have I made any promises or commitments in relation to the matter?*
- e) *Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?*
- f) *Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?*
- g) *Could there be benefits for me in the future that could cast doubt on my objectivity?*
- h) *If I participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?*
- i) *Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?*
- j) *Do I need to seek advice or discuss the matter with an objective party?*
- k) *Am I confident of my ability to act impartially and in the public interest?*
- l) *Do I understand the possible penalties if I go on with the action?*

Note: The references to "before Council", "Council's consideration", etc. also refer to issues to be dealt with under delegated authority by Council officers.

#### 4.9 Responsibility for Making a Disclosure

4.9.1 If an Elected Member is unsure as to whether or not they have a conflict of interest, they should give full written details to the Chief Executive Officer or seek independent legal advice. The objective of notification is to protect both Elected Members and Council.

- 4.9.2 The Chief Executive Officer does not have a responsibility to provide a determination on whether or not you have a conflict of interest in a matter.
- 4.9.3 The responsibility for determining whether an Elected Member has a conflict of interest rests with the individual Elected Member, as per Section 74 of the Local Government Act. In many cases, only the Elected Member will be aware of the potential for a conflict of interest. Elected Members are encouraged to err on the side of caution by declaring their interest and by not participating in discussion or in decision making if there is any doubt as to their interest in the matter.

#### 4.10 Complaints Regarding Failure to Disclose an Interest

Any person may make a complaint that a person has or may have failed to disclose a pecuniary interest. All complaints should be directed to the Chief Executive of the Department of Local Government.

#### 5. Associated Documents

Nil

#### 6. References and Legislation

Northern Territory Local Government Act, Sections 73 & 74

Litchfield Council policies

#### 7. Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)
19 November 2015	Decision 15/0181/02 superseded LC25
This review	Reviewed and adopted by Council with no changes



Name	EM07 Elected Member gifts and benefits
Policy Type	Council
Responsible Officer	Governance and Risk Advisor
Approval Date	15/11/2017
Review Date	30/09/2021

### 1. Purpose

The purpose of this policy is to provide guidance to Elected Members in relation to offers of and the receipt of gifts or benefits; to ensure that in dealing with the offer of gifts or benefits or the receipt of gifts or benefits, Elected Members are not influenced in the performance of their duties and that there is no perception of undue influence.

### 2. Scope

This policy applies to the Elected Members

### 3. Definitions

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

<b>Protocol gift</b>	A gift given to the Council in recognition of its status as a Local Government body, often acknowledging a service provided by the Council or a partnership or other relationship (e.g. Sister City) with the Council. It is given by another body, as opposed to an individual or commercial entity, with no expectation of future benefit from the Council.
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### 4. Policy Statement

From time to time, Elected Members may be offered gifts or benefits. This policy has been developed to provide guidelines for the appropriate, consistent and transparent treatment of offers of or receipt of gifts and benefits by Elected Members.

This policy operates in addition to all other obligations under the NT Local Government Act (the Act) and any other legislation or relevant codes and policies.

An Elected Member must not:

- solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from Litchfield Council
- seek or accept a bribe or other improper inducement
- by virtue of his or her position, acquire a gift or benefit which has a monetary value, other than one of a nominal or token value

An Elected Member must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence an Elected Member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular way
- otherwise deviate from the proper exercise of his or her statutory duties

An Elected Member may accept gifts or benefits of a nominal or token value that:

- do not create a sense of obligation on his or her part and
- that would not be reasonably perceived by an impartial observer to be intended to or likely to influence him or her in carrying out their statutory duty.
- has a nominal or token value less than \$50

An Elected Member must never accept an offer of money, regardless of the amount.

#### ***Elected Members Voluntary Gifts and Benefits Register***

An Elected Members Voluntary Gifts and Benefits Register has been established pursuant to this policy.

Elected Members may make entries on the voluntary Register by completing the Elected Members Gifts and Benefits Disclosure Form (**Attachment A**) and forwarding them to the Governance Manager who is responsible for maintaining the Register.

The Register will contain the following:

- Name of Elected Member receiving the gift or benefit.
- Details of person/organisation giving the gift or benefit.
- Description of the gift or benefit.
- Estimated value.
- Reason for presentation of the gift or benefit.
- Comments in relation to disclosure.
- Date of receipt.
- Signature of the recipient.
- Date of Disclosure

The Elected Members Voluntary Gifts and Benefits Register will be available for public inspection upon request.

#### ***Protocol Gifts***

Where a protocol gift is given to an Elected Member it is treated as a gift to Council. The gift shall be retained by Council and exhibited in a suitable place for a period of time determined by the Chief Executive Officer.

A separate Register for Protocol Gifts which are received will be maintained.

**5. Associated Documents**

EM01 Elected Member Code of Conduct

**6. References and Legislation**

Part 7.4 of the Local Government Act requires Councils to have a Code of Conduct which Elected Members must comply.

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
11/10/2012	PA12/CAM/043 – approved as LC30
This review	Renamed to EM07, updated reference to protocol gifts and formatted to updated policy template



Name	GOV02 Meeting Procedures
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	[Approval Date]
Review Date	15/09/2021

## 1 Purpose

This Policy governs meetings of Council and Council Committees, and is intended to ensure the efficient and transparent transaction of Council business.

## 2 Scope

This policy applies to all Ordinary and Special meetings of Council and Council Committees

## 3 Definitions

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

Clear days	In calculating the number of clear days before the date of a meeting: (a) the day on which a notice is given or an application is made, and the day on which the meeting occurs, are not to be taken into account; and (b) Saturdays, Sundays and public holidays are not to be included.
Chairman	(a) the mayor or other presiding member of the council; or (b) the Chairman of a committee and includes another member of a committee when that member is presiding at a meeting of the committee
Committee	(a) a standing committee of the council; or (b) a committee of the council.
deputation	A person or group of persons who wish to appear personally before the council in order to address the council on a particular matter.
Formal motion	a motion: (a) that the meeting proceed to the next business; (b) that the question be put; (c) that the question lie on the table; (d) that the question be adjourned; or (e) that the meeting be adjourned.
Meeting	a meeting of the council or a committee
Member	a member of the council or a committee
Ordinary meeting	an ordinary, rather than special, meeting of the council or a committee
Point of order	a point made to draw attention to an alleged breach of the Act or this Policy in relation to the proceedings of a meeting
Written notice	Notice given in a manner or form determined by the council

## 4 Policy Statement

Litchfield Council is committed to transparency and efficiency in decision making, and to ensuring the participation of the community in meetings provides the community with an effective voice in the affairs of Council.

#### **4.1 Meetings of council and committees**

##### **4.1.1 Ordinary meetings of the council**

An ordinary meeting of the council must be held on the day and at the time in each month as the council determines by resolution.

##### **4.1.2 Commencement of meetings and quorums**

- (1) A meeting must commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- (3) If 30 minutes after the time specified in the notice of meeting as the time of commencement a quorum is not present, the Chairman or, in the Chairman's absence, the Chief Executive Officer must adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for the want of a quorum, the Chief Executive Officer must record in the minute book:
  - (a) the reason for the adjournment;
  - (b) the names of the members present (if any); and
  - (c) the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the Chief Executive Officer must:
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - (b) give notice of the adjourned meeting to the public by displaying a notice setting out the date, time and place of the meeting at the council office.

##### **4.1.3 Minutes**

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next ordinary meeting.
- (2) No discussion on the minutes may occur before the confirmation except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Chairman must:
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

##### **4.1.4 Order of business**

- (1) Subject to this Policy, the order of business at an ordinary meeting must be as the council or the committee (as the case may be) determines by resolution.
- (2) Despite a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting if the members at that meeting pass a motion to that effect.
- (3) A motion under clause (2) may be moved without notice.

##### **4.1.5 Business paper**



- (1) The Chief Executive Officer must, as soon as practicable before an ordinary meeting or within such other time as the council or the committee (as the case may be) determines by resolution, prepare a business paper for the meeting.
- (2) Copies of the business paper must be made available to the public, at the council office and at the other places the council or the committee (as the case may be) determines by resolution, as soon as practicable before the meeting.
- (3) The business paper prepared under clause (1) may contain any of the following:
  - (a) matters of which notice has been given in accordance with this Policy;
  - (b) questions of which notice has been given in accordance with this Policy;
  - (c) matters referred to the council by a committee or matters referred to the committee by a subcommittee (as the case may be);
  - (d) officers' reports referred to the meeting by the Chief Executive Officer;
  - (e) any other business the council or the committee (as the case may be) determines by resolution is to be contained in the business paper.
- (4) Subject to this Policy, the council or the committee (as the case may be) may set by resolution a time prior to which items for inclusion in the business paper must be received by the Chief Executive Officer.

#### 4.1.6 Chairman's report

After the confirmation of the minutes under clause 4.1.3, the Chairman may make any report to the meeting that he or she believes is necessary or expedient to make at the meeting.

#### 4.1.7 Reports of delegates

At a meeting of the council, following the report (if any) of the Chairman under clause 4.1.6, any member who is a delegate or representative of the council in any other organisation may make a report to the council on any matter affecting that organisation that he or she considers should be brought to the attention of the meeting.

#### 4.1.8 Questions

- (1) Subject to this policy, a member at a meeting may ask a question for reply by another member or the Chief Executive Officer.
- (2) A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (3) If notice of a question is given under clause (2):
  - (a) the Chief Executive Officer must ensure that the question is placed on the business paper for the meeting at which the question is to be asked; and
  - (b) the question and the reply must be entered in the minutes of the meeting at which the reply is given.
- (4) A member may ask a question without notice at a meeting.
- (5) The Chairman may allow the reply to a question without notice to be given at the next meeting.
- (6) A question without notice and the reply may be entered in the minutes of the meeting at which the reply is given but only if the members present at that meeting resolve that the question and the reply should be entered in those minutes.
- (7) The Chairman may rule that a question with or without notice is not required to be answered if the Chairman considers that the question is vague, irrelevant, insulting or improper.
- (8) A question must be asked categorically and without argument and no discussion may occur at the meeting in relation to a reply by the member or Chief Executive Officer or a refusal of a member to reply to the question.

- (9) A member who asks a question is taken as not having spoken to the debate on the motion to which the question relates.

#### 4.1.9 Petitions

- (1) A petition to the council must:
  - (a) be legibly written or typed or printed;
  - (b) be addressed to the council;
  - (c) clearly set out the request or submission of the petitioners; and
  - (d) restate the whole of the petition on each page of the petition.
- (2) If a page of a petition does not comply with clause (1)(d), the signatures on the page are not to be taken into account by the council when considering the petition.
- (3) When a petition is presented to a meeting of the council, a member of the public who is associated with the petition and is present at the meeting may stand and, if recognised by the Chairman, may make a brief statement regarding the petition.
- (4) A person must not append to a petition:
  - (a) a signature purporting to be that of another person; or
  - (b) the name of another person.

#### 4.1.10 Deputations

- (1) A deputation wishing to attend and be heard at a meeting of the council or a standing committee must, not less than 7 clear days before the date of the meeting, apply in writing to the Chief Executive Officer.
- (2) The application must state why the deputation wishes to attend and be heard.
- (3) On receiving an application under clause (1), the Chief Executive Officer must notify the mayor of the application and the mayor must determine whether the deputation may be heard and notify the Chief Executive Officer accordingly.
- (4) If the Chief Executive Officer is notified by the mayor under clause (3), the Chief Executive Officer must:
  - (a) inform the deputation of the mayor's determination; and
  - (b) where the mayor has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the council.
- (5) Only 2 persons in a deputation may address a meeting of the council or a standing committee unless the members at the meeting determine otherwise by resolution.
- (6) A person in a deputation who is addressing a meeting of the council or a standing committee must be temperate in speech and manner and must not use insulting or offensive language.
- (7) The Chairman may terminate an address by a person in a deputation if:
  - (a) the Chairman is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or
  - (b) the person is intemperate in speech or manner or uses insulting or offensive language.

#### 4.1.11 Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the Chief Executive Officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which would, if carried, be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under clause (3) is lost, a motion to the same effect cannot be brought:
  - (a) until after the expiry of 3 months; or

- (b) until after the next general election, whichever is the sooner.
- (5) If a member who has given notice of a motion under clause (1) is absent from the meeting at which the motion is to be considered, the motion may be:
  - (a) moved by another member at the meeting; or
  - (b) deferred to the next ordinary meeting.
- (6) Subject to the Act and this Policy, a member may also bring forward any business by way of a motion without notice.
- (7) A member proposing a motion without notice must put it in writing if required to do so by the Chairman.
- (8) The Chairman must not accept a motion without notice if the effect of the motion would, if carried, be to incur expenditure in excess of \$1 000 unless:
  - (a) the motion relates to the subject matter of a committee's or subcommittee's recommendation (as the case may be), or an officer's report, that is listed for consideration on the business paper; or
  - (b) the matter is urgent.
- (9) The Chairman may refuse to accept a motion or amendment if, in his or her opinion, the subject matter is beyond the power of the council or the committee (as the case may be).
- (10) A motion lapses if it is not seconded at the appropriate time.
- (11) A member may only speak once to a motion and once to an amendment except:
  - (a) to provide an explanation in regard to a material part of his or her speech but not so as to introduce any new matter;
  - (b) with leave of the meeting; or
  - (c) as the mover in reply.
- (12) A member who has not spoken in the debate on a motion or an amendment may move a formal motion.
- (13) A formal motion must be in the form, and has the effect, set out in clause (15).
- (14) A formal motion in any other form, or having any other effect, must not be recognised.
- (15) The effect of a formal motion is (if successful) that:
  - (a) if the motion is that the meeting proceed to the next business:
    - (i) if the debate is on an amendment – the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment; or
    - (ii) if the debate is on a motion – the motion lapses and the meeting proceeds to the next item of business;
  - (b) if the motion is that the question be put – debate is terminated and the question put to the vote by the Chairman without further debate;
  - (c) if the motion is that the question lie on the table – the meeting immediately moves to the next item of business and the question can only be retrieved at a later time by resolution and, if retrieved, debate is resumed at the point of interruption;
  - (d) if the motion is that the question be adjourned – the question is disposed of for the time being but debate can be resumed at the later time at the point of interruption; or
  - (e) if the motion is that the meeting be adjourned – the meeting is brought to an end immediately without the consideration of further business.
- (16) If seconded, a formal motion takes precedence and must be put by the Chairman without discussion unless the motion is for an adjournment, in which case discussion may occur but only on the details for resumption.
- (17) A formal motion does not constitute an amendment to a substantive motion.

- (18) If a formal motion is lost:
  - (a) the meeting must be resumed at the point of interruption; and
  - (b) if the formal motion was put during (not at the end of) debate on a question, a motion to the same effect cannot be put until at least one member has spoken on the question.
- (19) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

#### 4.1.12 Amendments to motions

- (1) A member (other than the mover or seconder of a motion under consideration) may move or second an amendment to the motion.
- (2) An amendment lapses if it is not seconded at the appropriate time.
- (3) If an amendment is lost, only one further amendment may be moved to the original motion.
- (4) If an amendment is carried, only one further amendment may be moved to the original motion.
- (5) An amendment to a motion must be in terms that retain the identity of the original motion and do not negate the motion.
- (6) If a motion is amended by another motion, the original motion must not be put as a subsequent motion to amend the other motion.

#### 4.1.13 Withdrawal of motion or amendment

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to withdraw the motion or amendment.
- (2) The Chairman must immediately put the question for leave to be granted and must not allow debate on that question.

#### 4.1.14 Address by members

- (1) Subject to clause 4.1.17, a member must not speak for longer than 5 minutes at any one time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated unless it is a personal explanation under clause 4.1.23(3).
- (5) The contribution of a member must be relevant to the subject matter of the debate.

#### 4.1.15 Voting

- (1) The Chairman or another member may ask the Chief Executive Officer to read out a motion before a vote is taken.
- (2) In taking a vote, the Chairman:
  - (a) must ask:
    - (i) first for the votes of the members in favour of the question; and
    - (ii) then for the votes of the members against the question, and may do so as often as is necessary to enable him or her to determine the result of the voting; and
  - (b) must then declare the outcome.
- (3) A division must be taken at the request of a member made immediately following the declaration by the Chairman under clause (2) of the outcome of a vote.
- (4) If a division is called for, it must be taken immediately and the previous decision of the Chairman as to whether the motion was carried or lost is set aside.
- (5) The division must be taken as follows:

- (a) the members voting in the affirmative must stand in their places until the vote is recorded;
- (b) the members voting in the negative must sit in their seats until the vote is recorded;
- (c) the Chairman must count the number of votes and then declare the outcome.
- (6) After a division is taken, the Chief Executive Officer must record in the minutes:
  - (a) the result of the vote on the division;
  - (b) the names of the members who voted in the affirmative; and
  - (c) the names of the members who voted in the negative.

#### 4.1.16 Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried:
  - (a) the adjournment may either be to a later hour of the same day, to another day or to another place; and
  - (b) on resumption, the debate must continue from the point at which it was adjourned.
- (2) If debate is interrupted for the want of a quorum and the meeting is then adjourned, on resumption, the debate must continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

#### 4.1.17 Chairman to take precedence

- (1) If at any time during the debate of a matter at a meeting the Chairman indicates he or she intends to speak, a member speaking or proposing to speak to the debate must cease speaking and remain silent, or refrain from speaking, until the Chairman has been heard.
- (2) When a member who ceased speaking in accordance with clause (1) resumes speaking, the member's remaining speaking time is increased by one minute.

#### 4.1.18 Mode of addressing members and officers

A member at a meeting must address and refer to another member or an officer by that member's or officer's official title or designation.

#### 4.1.19 Priority of speaking

If 2 or more members at a meeting rise to speak at the same time, the Chairman must decide which member will be heard first.

#### 4.1.20 Members to stand when speaking

A member at a meeting must stand when speaking to a matter being considered at the meeting unless:

- (a) prevented from doing so by a physical disability; or
- (b) the council or the committee (as the case may be) has determined otherwise by resolution.

#### 4.1.21 Imputation

A member speaking at a meeting must not make a personal reflection on, or impute an improper motive to, another member.

#### 4.1.22 Points of order

- (1) The Chairman may call to order a member at a meeting who is in breach of the Act or this Policy in relation to the proceedings of the meeting.

- (2) A member may raise a point of order and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The Chairman must rule on a point of order immediately.
- (5) If an objection is taken to the ruling of the Chairman, a motion that the ruling not be agreed with must be moved immediately.
- (6) The Chairman is entitled to make a statement in support of the ruling before a motion under clause (5) is put.
- (7) A motion carried under clause (5) binds the meeting and, if the ruling of the Chairman is not agreed with:
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.

#### 4.1.23 Interruption of meeting by members

- (1) A member at a meeting:
  - (a) must not behave in an improper or disorderly manner; or
  - (b) must not cause an interruption or interrupt another member who is speaking.
- (2) Clause (1)(b) does not apply to a member who is:
  - (a) objecting to words used by a member who is speaking;
  - (b) raising a point of order; or
  - (c) calling attention to the want of a quorum.
- (3) If the Chairman considers that a member may have acted in contravention of clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to clause (3), the member alleged to have contravened clause (1) must leave the meeting while the contravention is being considered by the meeting.
- (5) If the remaining members resolve that a contravention of clause (1) has occurred, those members may, by resolution:
  - (a) censure the member

#### 4.1.24 Interruption of meetings by others

- (1) A person (other than a member) at a meeting must not:
  - (a) behave in a disorderly manner; or
  - (b) cause an interruption.

#### 4.1.25 Removal of persons from meetings

- (1) A person (other than a member) who interrupts the orderly conduct of a meeting must, on being requested to do so by the Chairman, immediately leave the place where the meeting is being held.

#### 4.1.26 Public participation at meetings

Subject to this policy and clauses 4.1.9 and 4.1.10, a member of the public must not take part, or attempt to take part, in the proceeding of a meeting of the council except at the invitation of the Chairman.

## 4.2 Other procedures for committee meetings

#### 4.2.1 Calling committee meetings

- (1) The first ordinary meeting of a committee must be held at a time and place appointed by the Chief Executive Officer.
- (2) Other ordinary meetings of a committee must be held at the dates and at the times the council or the committee determines by resolution.

- (3) The Chief Executive Officer must, as soon as practicable before a meeting of the committee or within such other time as the committee determines by resolution, give notice of the meeting.
- (4) Meetings of a committee cannot be held on a Sunday or a public holiday.
- (5) If requested by the Chairman or 3 other members of a committee, the Chief Executive Officer must call a special meeting of the committee.
- (6) Notice of a special meeting of a committee must:
  - (a) be given to all members of the committee at least 4 hours before the scheduled commencement of the meeting; and
  - (b) set out the business to be transacted at the meeting.

#### 4.2.2 Chairman of standing committee

- (1) At the first meeting of a standing committee after the conclusion of a general election, the members of the committee must appoint a Chairman from their number.
- (2) If the office of Chairman of a standing committee becomes vacant, the committee must appoint a new Chairman.

#### 4.2.3 Chairing meetings

- (1) The Chairman of a committee must preside at all meetings of the committee at which he or she is present.
- (2) If the Chairman is absent from a meeting, a member of the committee appointed by a majority of the members present at the meeting must preside.

#### 4.2.4 Committee meetings open except as prescribed

Committee meetings must be open to the public except where a matter classified by regulations under the Act as confidential business for the purposes of meetings of the council is being considered or voted on.

#### 4.2.5 Standing committees may appoint subcommittees

- (1) A standing committee may establish subcommittees of its members.
- (2) A resolution establishing a subcommittee must:
  - (a) specify the purpose for which the subcommittee is established and, if appropriate, specify a time by which a final report or recommendation must be made to the standing committee by the subcommittee; and
  - (b) give any direction that the standing committee considers necessary in relation to the convening and conduct of a meeting of the subcommittee.

#### 4.2.6 Reports to council by committees

- (1) A report to the council by a committee must be presented at a meeting of the council by:
  - (a) the Chairman of the committee; or
  - (b) in the Chairman's absence – another member of the committee as determined by the Chairman of the meeting.
- (2) If more than one recommendation is made by a committee in a report to the council, the decision of the council on each recommendation may be taken separately.

#### 4.2.7 Power to determine procedures

Except as provided by this Policy or as the council determines by resolution, the procedures for meetings of a committee may be determined by the committee by resolution.

**5** Associated Documents

Nil

**6** References and Related Legislation

- 6.1 Northern Territory Local Government Act
- 6.2 Northern Territory Local Government Regulations
- 6.3 Ministerial Guidelines

**1.** Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)
17/09/2015	15/0095/02
This Review	Update to current template





## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.2
<b>Report Title:</b>	Draft Community Engagement Policy, Draft Strategy and Action Plan 2018-2021
<b>Report Number:</b>	17/0046
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	A – Draft Community Engagement Policy B – Draft Community Engagement Strategy and Action Plan 2018 – 2021

### Purpose

This report presents to Council the draft Community Engagement Policy for adoption and the draft Community Engagement Strategy and Action Plan 2018 – 2021 for endorsement to be placed on public exhibition inviting community comment.

### Summary

Council is committed to effectively engaging its community in decisions that impact on their lives. This commitment is articulated in Council's Strategic Plan 2016-2020 with Engage Our Community identified as a key enabler to Council achieving its strategic vision - that *Litchfield is the best place to live in the Top End*.

The draft Community Engagement Policy and draft Community Engagement Strategy and Action Plan 2018-2020 is documented evidence that Council understands and intends to follow best practice when designing and implementing its public engagement activities.

The draft policy outlines Council's engagement processes and roles and responsibilities. The draft policy states that Council's Community engagement processes are guided by the standards developed by the International Association of Public Participation (IAP2).

The draft Community Engagement Strategy and Action Plan 2018-2021 articulates Council's five community engagement objectives and four focus areas; Customer Service, Open and Transparent Engagement, Bolster Staff Capability and Corporate Governance. Each focus area has actions to be undertaken over the life of the Strategy. Finally, annual key performance indicators are listed to measure Council's progress in achieving its community engagement objectives.

The ability to successfully achieve effective community engagement is dependent on the key action of establishing a smart online system. This report recommends that Council takes out a trial subscription for Engagement HQ software, a complete platform for online engagement at a cost of \$10,000.

## Recommendation

THAT Council;

- 1) Adopts COR02 Community Engagement Policy;
- 2) Endorses the draft Community Engagement Strategy and Action Plan 2018 – 2021 to be released for public consultation for 21 days; and
- 3) Takes out a trial licence with Engagement HQ Software at a cost of \$10,000 excluding GST utilising existing operational allocations for various engagement activities.

## Background

Council's Strategic Plan 2016-2020 comprises four priorities and within those, 20 outcomes that Council has committed to work on. This is underpinned by four enablers, identified as important to Council's success in ensuring the Litchfield is *the best place to live in the Top End*:

1. Engage Our Community
2. Good Governance
3. Partnership and Advocacy
4. Modern Service Delivery

This report deals with #1 Engage Our Community presenting a draft Community Engagement Policy and a draft Community Engagement Strategy and Action Plan that outlines Council's objectives, approach and plan of action to ensure that Council engages effectively with its community.

The draft Community Engagement Policy is a statement of commitment and is intended to demonstrate Council's promise to providing genuine and effective community engagement. The Community Engagement Strategy and Action Plan identifies objectives and activities to be undertaken over the next four years to ensure that Council is successful in fulfilling its promise to engaging effectively with the community.

The draft Strategy includes an action plan listing activities to be undertaken, explaining the importance of each action. A key action is the establishment of an online smart system to capture, collate and aggregate community information, improve feedback opportunities, allow targeted communications and register residents for focus groups and other opportunities.

A software system commonly used by councils and other levels of government is Bang the Table – Engagement HQ software, often marketed as Have Your Say or similar.

Council has been investigating the use of Engagement HQ software, which is specialist software for digital engagement and key to engaging our community effectively. Engagement HQ software also includes participatory budgeting which provides for directly involving community members in making decisions about the allocation of public money. The software subscription costs about \$15,000 annually and includes access to engagement research and practice, engagement expertise and advice and software which is proven to get more people engaged in conversations.

Here in the Northern Territory, the NT Government utilises Engagement HQ software for all its community consultation. It is also understood that the City of Darwin is about to take up a subscription. The subscription cost is based on population.

The opportunity exists for Council to subscribe to a project Trial Licence immediately for a cost of \$10,000 to equip Council with the capacity and support for upcoming engagement projects. Engagement HQ Software will also provide a website (reached from Council's website and branded for Litchfield), that would automatically link to Council's social media and includes associated support and advice for unlimited consultation projects, direct support and training up to ten hours and a three and six-month site usage and best practice review.

Council currently develops and deploys its annual community survey with the assistance of external resources, with Engagement HQ Software in place this would be undertaken internally with the capacity to provide sophisticated analytics and reporting year on year.

The Strategy and Action Plan is dependent on Council's having a smart online system like Engagement HQ Software in place. This report recommends that Council take the opportunity to take up the project Trial Licence immediately.

#### **Links with Strategic Plan**

This report concerns the Strategic Plan 2016-2020 Enabler - *Engage Our Community*

#### **Legislative and Policy Implications**

There are no legislative or policy implications relating to adoption of a Community Engagement Policy and the endorsement of a Community Engagement Strategy and Action Plan.

#### **Risks**

Council makes decisions about a diverse range of community needs. To best cater for these needs, transparent and well-managed public engagement helps to better inform Council's policies and their translation into effective strategies, programs and projects.

The real-life experiences of community members can make a valuable contribution to decision-making, and an open and deliberative process can enhance stakeholders' perceptions of the credibility of a decision. Conversely, inadequate public engagement can alienate sections of the community and undermine trust, and could result in poorly informed decisions.

#### **Financial Implications**

The proposed implementation of the Community Engagement Strategy and Action Plan over the four years is estimated to cost \$94,500 plus GST.

An immediate 2017/18 budget allocation of \$10,000 excluding GST, is recommended to proceed with the Engagement HQ project Trial Licence. It is expected that this allocation be made within Council's Budget 2017/18 utilising existing operational allocations for various engagement activities including the annual community survey.

## Community Engagement

The draft Community Engagement Strategy and Action Plan will be placed on public exhibition inviting comment for 21-days.

The consultation period will run from Friday 17 November to Friday 8 December 2017.

During this period, the following will take place:

- The draft Strategy and Action Plan will be placed on the Council website
- Posts on Council Facebook referring to the website and inviting comment (refreshed weekly)
- Hard copies of the draft Strategy and Action Plan will be placed at the Taminmin Library
- Hard copies of the draft Strategy and Action Plan will be placed at Council reception

Feedback will be presented to Council at its January 2018 meeting, with a recommended final version of Council's Community Engagement Strategy and Action Plan 2018-2021.

### **Recommending Officer:**

Kaylene Conrick, Chief Executive Officer

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



Name	COR02 Community Engagement Policy
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	15/11/2017
Review Date	15/11/2020
Document ID	

## 1. Policy Purpose

This Policy outlines the principles and minimum standards of community engagement at Litchfield Council. It demonstrates Council's commitment to providing genuine and effective community engagement processes.

## 2. Policy Scope

This policy applies to Councillors, staff, consultants and contractors responsible for undertaking community engagement for or on behalf of Litchfield Council.

## 3. Policy Definitions

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

'IAP2'	<ul style="list-style-type: none"> <li>International Association of Public Participation</li> </ul>
Executive Team	<ul style="list-style-type: none"> <li>Directors Infrastructure and Operations and Community and Corporate Services</li> </ul>
Leadership Team	<ul style="list-style-type: none"> <li>Managers and Advisors</li> </ul>

## 4. Policy Statement

4.1 This policy provides the framework for Litchfield Council's community engagement

4.1.1 Litchfield Council is committed to effective community engagement, embracing ongoing communications with our community.

4.1.2 Council recognises that effective community engagement is vital to good governance and enables good decision making. Council is dedicated to working with our community to ensure the essence and beauty of Litchfield is retained whilst allowing provision for growth.

4.1.3 Community engagement can be both proactive and responsive. Proactive community engagement can include but is not limited to; how Litchfield Council seeks and uses community input when making a decision, regulatory processes and major projects. Responsive community engagement can occur with Council undertaking services and activities to build and maintain relationships with community members and stakeholders.

4.1.4 Community engagement allows community members to have influence in Council decisions, and see their influence on, the decisions and actions that impact their lives and our community's future.

## 4.2 Community engagement process

4.2.1 Litchfield Council will consider undertaking community engagement in the following situations:

- To enhance a decision or action using the community's input
- To assist with the identification of community needs and aspirations
- Where the community could be impacted by a project, initiative, service or decision
- When required by resolution or legislation

4.2.2 Community engagement processes undertaken by Litchfield Council are guided by the standards developed by the IAP2.

4.2.3 Council staff responsible for planning and delivering community engagement will determine the most appropriate level of community participation required, depending on the nature, sensitivity and complexity of the project/initiative being delivered. Community engagement is also dependent on the level of community impact or interest and additional external requirements. Flexibility is required when making decisions regarding the level of community engagement to provide for individual and unique activities.

4.2.4 Community engagement processes initiated by Litchfield Council will be accessible, inclusive, transparent, accountable and appropriate for the scope of the project. The selection of community engagement tools will be guided by the IAP2 standards and specific advice from the Community Engagement Advisor.

4.2.5 All community engagement activities will be available on Council's website. Other communication channels will be considered and will be selected according to the unique requirements of each project.

4.2.6 The results of community engagement will be provided to the decision makers in a fair, balanced and appropriate way in accordance with privacy and record management requirements.

4.2.7 In the interest of the whole community, Council has the responsibility to consider, where necessary, other sources of information in conjunction with community input, such as legislative requirements, specialist or expert reports and local or national research studies, in the decision-making process.

## 4.3 Roles and responsibilities

4.3.1 Councillors will; advocate the interests of the local community to governments, act as a responsible partner in government by considering the needs of the community and fostering community cohesion and encouraging active participation in community engagement.

4.3.2 The Chief Executive Officer will; lead the organisation to further embed a culture that strives for and supports community engagement processes and outcomes, encourage a positive, proactive attitude towards community engagement and ensure Council is providing adequate ability to implement the Community Engagement Policy.

4.3.3 Executive Team will; lead each division to create a strong community engagement culture that supports success, foster a positive attitude towards community engagement and appropriately resource community engagement projects.

4.3.4 Leadership Team will; assess projects for community engagement requirements and opportunities in the planning stage, liaise with the Community Engagement Advisor as early as possible, provide information to the Community Engagement Advisor about the purpose and objective of any community engagement activity and the opportunity to influence the outcome and ensure feedback is captured, recorded and considered appropriately.

4.3.5 The Community Engagement Advisor will; build capacity within Council to further embed community engagement practice, provide advice and guidance regarding good practice in community engagement, work with teams to plan, develop and evaluate engagement programs and champion, develop and implement engagement tools and platforms that are diverse and inclusive across a variety of demographics.

#### 4.4 Risk implementations

4.4.1 Failure to undertake community engagement poses a risk to Council's reputation and may cause a level of mistrust amongst members of the community which could result in unsuccessful activities or project outcomes.

4.4.2 Decisions that are not made with the appropriate and important community input could result in the perception of Council stating to the community how things will be done rather than seeking feedback and support in decision making.

## **5 Associated Documents**

Community Engagement Strategy 2017-2021  
Community Engagement Action Plan 2017 - 2021

## **6 References and Related Legislation**

IAP2 [Framework](#)

7 Review History	
Date Reviewed	Description of changes (Inc Decision No. if applicable)

DRAFT





DRAFT

# Community Engagement **Strategy and Action Plan 2018-2021**

# Contents

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## **Community Engagement Strategy 2018-2021**

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## Introduction

Litchfield Council is committed to effective community engagement and open and accountable governance. Council is passionate about the future of the municipality; bringing together the needs of the community, our stakeholders and the requirements from government is key to achieving balanced decision-making.

Litchfield Council makes decisions and takes actions that impact upon the community in different ways. Through effective and inclusive community engagement practices, Council looks to capture the vast knowledge, experience and aspirations of our community.

This Strategy will describe how Litchfield Council will engage with the community and acknowledges the desire of Council to share information in keeping with our vision to position Litchfield as the best place to live in the Top End.

Council's Strategic Plan 2016 – 2020 comprises four priorities for our community, and within those, we work on 20 outcomes that we know matter to our communities. This is underpinned by actions taken to ensure an effective and sustainable Council. The Community Engagement Strategy is the key strategy to ensure that we 'Engage Our Community'.

### Priority # 1 Everything you need



Roads



Waste



Water



Public Transport



Cleanliness



Drainage

### Priority # 2 A great place to live



Social Activity



Culture



Community



Recreation



Animal Control



Sense of Place

### Priority # 3 A beautiful natural environment



Protection



Open Space



Weeds



Sustainability



Fire

### Priority # 4 A vibrant economy



Economic Development



Local Employment



Strong Local Business



## Community Engagement Framework

**There are two key Litchfield Council documents that guide community engagement.**



### Community Engagement **Policy**

This is an overarching document that sets the standards of community engagement at Litchfield Council.



### Community Engagement **Strategy and Action Plan 2018 – 2021**

This document sets out where we are now and the key activities to achieve our community engagement objectives.

## Engage Our Community

We aim to ensure that Litchfield Council's community engagement results in an engaged and connected community contributing to our vision "*Litchfield – the best place to live in the Top End.*"

The implementation section of the Strategy is the Action Plan and this will be assessed and reviewed annually to ensure that community engagement remains focussed and relevant to the Litchfield community and stakeholders.

This Strategy and Action Plan provides a framework and key activities to guide Council to achieve our five community engagement objectives:

- To ensure a commitment by Council Members and staff to engage with the community in a meaningful and appropriate way about decisions that affect them
- To provide a best practice approach in all community engagement activities
- To provide a consistent and flexible process to guide staff in the selection of the most appropriate method and level of engagement for projects or decisions
- To develop and foster an environment of trust and confidence between the community, stakeholders and Council
- To utilise online communication and engagement techniques, complementing traditional engagement methods to create an online Litchfield community of interest.

## What is Community Engagement?

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Community engagement, or public participation, is defined by the International Association for Public Participation (IAP2) as:

“any process that involves the public in problem solving or decision making and uses public input to make better decisions.”

Community engagement allows community members to actively contribute to Council decisions and actions by creating an environment in which community feedback is embraced and considered.

Community engagement can be both proactive and responsive. Proactive community engagement can include, but is not limited to; how Litchfield Council seeks and uses community input when making a decision, regulatory processes and major projects.

Effective, proactive and responsive community engagement develops relationships, builds capacity, increases community confidence in Council, informs decision making and produces informed action.

Council recognises the importance of a best practice approach to community engagement and is guided by IAP2 which is internationally recognised as leaders in community engagement practices.

## Levels of Engagement

The following table provides an overview of the IAP2 Public Participation Spectrum, which guides Council in the development of community engagement activities and the required level of engagement.

Increasing influence on the decision

	Inform	Consult	Involve	Collaborate	Empower
<b>Public Participation Goal</b>	Provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	Obtain public feedback on analysis, alternatives and/or decisions	Work directly with the public throughout the process to ensure that public concerns are aspirations and consistently understood and considered	Partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	Place final decision making in the hands of the public.
<b>Council's promise to the public</b>	Keep you informed	Listen and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	Work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	Work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	Implement what you decide.

When planning community engagement activities, Council will determine the most appropriate level of participation required, depending on the nature and complexity of the activity being delivered. These levels may vary for different stages of the activity.

It is important that Council identifies how projects and activities may impact the community and assess if they have a high risk or are required by law, policy or agreement.

The spectrum shows that the level of participation can differ depending on the goals, time frames, resources and community interest.

Council will plan community engagement activities in a timely and effective manner, assessing their target audience and developing the most suitable tools and methods of communication to encourage a high level of participation.

It is important to note that there are some areas where community engagement activities may not occur. These include, but are not limited to: Ministerial exemptions and health, safety and wellbeing of the community in which Council may need to respond quickly, such as an emergency.

Council also must conform to statutory requirements that may define how Council must engage on certain matters.

## We're Listening

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In developing this Strategy members of the community, Elected Members and staff were asked what community engagement success would look like.

### Success for our community participants would include:

- Accessible, targeted and relevant information
- Evidence that their input is being listened to and enacted upon

### Our Elected Members identified success as having a sound process that:

- Actively contributes and adds value to Council's decision making
- Advocates for Council to take action on community priorities
- Is empowered to mobilise community members to make decisions and take action
- Works collaboratively with Council to make shared decisions and implements joint actions
- Is responsive to Council-led projects and initiatives

### Our staff identified successful engagement as:

- Having a clear framework
- Being active in the community
- Bringing the community along from the start of projects

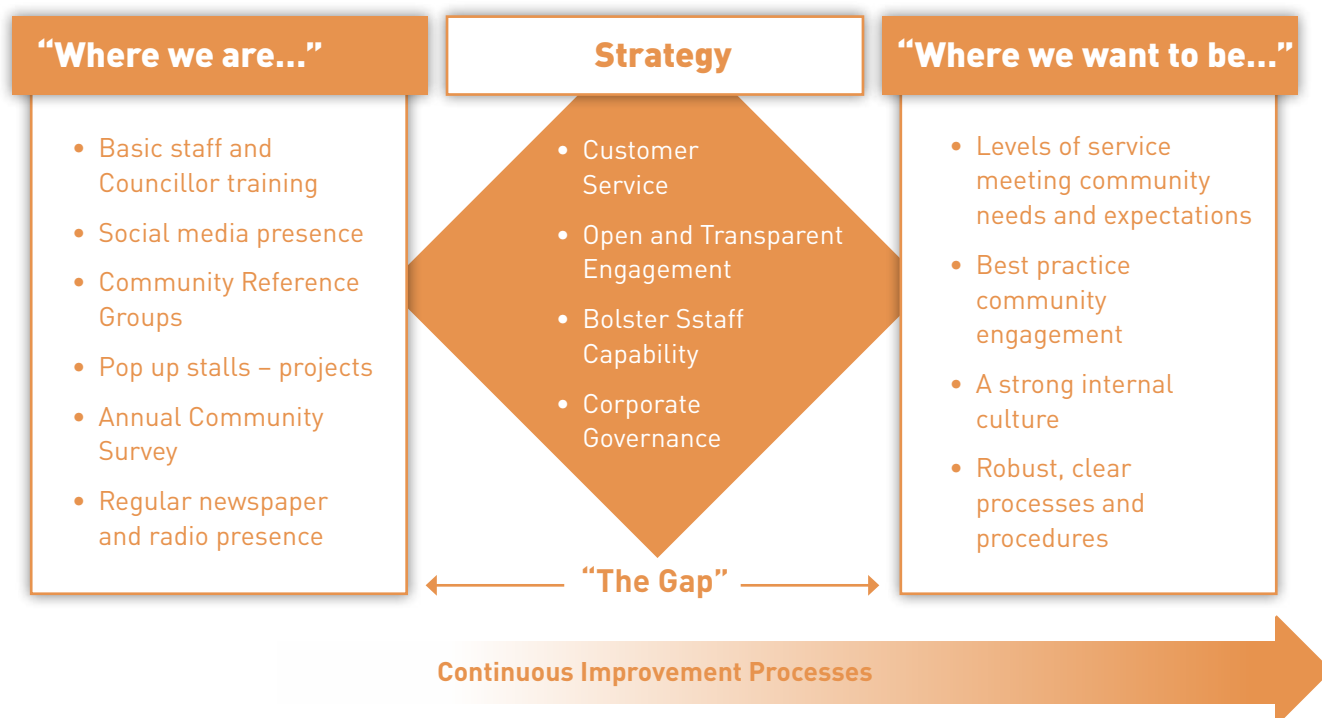
Council understands that to achieve this success we need to have a proactive, positive attitude towards community engagement and provide an open exchange of information between Council and the community.

Feedback to Council also indicated the importance of ensuring robust communication processes to participants on how their feedback is valued, how their input was considered and why the final decision was made.

## Our Plan for Success

This Strategy outlines Council's desire to ensure that community engagement opportunities are both created and embedded into daily Council interactions.

We understand our current community engagement practices and where we want the organisation to be. This has helped us to develop the Strategy and Action Plan to guide us to achieving our goals. The diagram below outlines our path to successful community engagement.





## How Will We Achieve This?

To achieve our five community engagement objectives, we will focus on the following four key areas:



### 1 Customer Service

- We will ensure our customer service is responsive and easy to deal with.
- Our community will see us as a trusted service provider who is listening to their needs, available and willing to take feedback.



### 2 Open and Transparent Engagement

- We will provide access to information so that the community has the opportunity to contribute to and/or understand the decision-making process.
- We value community feedback and will ensure that information is timely and relevant to facilitate sharing ideas and understanding community and stakeholder needs.
- We will show the community how their input has been considered in the outcomes.



### 3 Bolster Staff Capability

- We will have the right training, processes and resources in place to greatly enhance Council's ability to engage effectively.
- We will develop a coordinated approach to internal communication and promote a culture that is proactive.



### 4 Corporate Governance

- We will use a combination of representative and participatory democracy, particularly during the development and review of key strategic plans.
- Our community engagement will be guided by the standards developed by the International Association of Public Participation (IAP2).

## How We Measure Success

To Litchfield Council, successful community engagement results in an engaged, collaborative and informed community.

We acknowledge that every member of the community will have a different view of what successful community engagement looks like.

Council will measure our community engagement success on an annual basis as indicated below:

Annual Community Survey	Participation Rate	Social Media Engagement
<b>&gt;65%</b>	<b>20%</b>	<b>500+</b>
satisfaction with overall community engagement	increase in feedback submissions	unique engagement clicks on Council's Facebook posts



## Community Engagement **Action Plan 2018-2021**

The Community Engagement Action Plan contains key activities to guide Council to achieve our five community engagement objectives.



# 1 Customer Service

- We will ensure our customer service is responsive and easy to deal with.
- Our community will see us as a trusted service provider who is listening to their needs, available and willing to take feedback.

Action	Details	2018	2019	2020	2021
<b>Develop and implement Customer Service Charter and Standards</b>	A Customer Service Charter and Standards will outline Council's commitment to our community in customer service. Budget \$1000		✓		
<b>Develop a consultation brand</b>	A consultation brand will provide a consistent look and feel across all promotional and communication material that invites our community to participate in Council's engagement activities. Budget \$1000	✓			



## 2 Open and Transparent Engagement

- We will provide access to information so that the community has the opportunity to contribute to and/or understand the decision-making process.
- We value community feedback and will ensure that information is timely and relevant to facilitate sharing ideas and understanding community and stakeholder needs.
- We will show the community how their input has been considered in the outcomes.

Action	Details	2018	2019	2020	2021
<b>Establish an online smart system to capture data and knowledge about our community to meet community expectations and address need.</b>	<p>We are a small Council, we need smart systems to support us.</p> <p>Implement an innovative one-stop engagement system integrated with Council's website to provide a range of online engagement tools allowing community and stakeholders to provide feedback and contribute online to Council's decision making processes.</p> <p>This online system will capture, collate and aggregate community information, improve feedback opportunities, allow targeted communications and register our residents for focus groups and other opportunities. This system will increase the transparency of our engagement processes by providing information on the final outcome of each project or decision.</p> <p>Budget \$15 000 + GST per annum</p>	✓	✓		
<b>Improve Council's website</b>	<p>Review and upgrade Council's website to incorporate interactive functionality and improve flexibility.</p> <p>Budget - Review \$20 000</p>		✓	✓	
<b>Improve Council's social media activity</b>	Train staff to contribute to real time social media activity to provide our community with 'on the spot' Council updates in the field	✓			
<b>Develop key messages to guide Council's community information</b>	Develop key messages to improve the accessibility of Council's information and communications to our community. Knowing where things fit in and what connects to what assists residents to contribute and provide valuable input.	✓			
<b>Include community engagement plans in Council reports</b>	Summarise community engagement plans in Council reports			✓	✓
<b>Utilise the opportunity of the Annual Report to provide meaningful reporting to our community</b>	Use the Annual Report opportunity to demonstrate strong accountability and public value for our community with trend data and robust reporting.		✓	✓	✓



### 3 Bolster Staff Capability

- We will have the right training, processes and resources in place to greatly enhance Council's ability to engage effectively.
- We will develop a coordinated approach to internal communication and promote a culture that is proactive.

Action	Details	2018	2019	2020	2021
<b>Train staff to use the International Association of Public Participation (IAP2) framework to engage with our community.</b>	Key staff to complete IAP2 Community Engagement Essentials training  Budget \$7700 + GST (up to 25 participants)	✓			
<b>Provide Ongoing Staff Training</b>	Ongoing training provided to staff to increase knowledge of our engagement process and to build internal capacity to deliver robust engagement activities across Council.	✓	✓	✓	✓
<b>Develop Engagement Champions</b>	Executive and other identified staff to complete the IAP2 Community Engagement Certificate to guide and mentor staff responsible for projects and activities.  Budget \$3300 + GST (per champion)			✓	✓
<b>Develop and implement a Staff Guide</b>	A Staff Guide – How to develop an Engagement Plan will provide guidance and direction to staff in designing, managing and evaluating successful engagement activities.  Budget \$500	✓	✓		
<b>Develop and implement a Community Engagement Toolkit</b>	A Community Engagement Toolkit provides step-by-step practical advice for staff on how to select and use the most appropriate tools in a Litchfield Council engagement.  Budget \$1,000		✓	✓	



## 4 Corporate Governance

- We will use a combination of representative and participatory democracy in the development and review of key strategic plans.
- Our community engagement will be guided by the standards developed by the International Association of Public Participation (IAP2).

Action	Details	2018	2019	2020	2021
<b>Use IAP2 Framework to guide Council's engagement processes</b>	<p>Although Council is ultimately responsible for making final decisions, open and responsible governance is based on a belief that those impacted by a decision have important contributions to make in the decision-making process.</p> <p>The IAP2 framework will guide Council in being clear and transparent about the level of engagement and influence available for different decisions.</p>	✓	✓	✓	✓
<b>Utilise Community Reference Groups to guide the development of key strategic plans</b>	The development of key strategic plans will be supported by the establishment of Community Reference Groups to ensure the inclusion of community perspective.	✓	✓	✓	✓
<b>Use focus groups to improve decision making</b>	Identify opportunities for focus groups to provide valuable community input.	✓	✓	✓	✓
<b>Promote integrated planning</b>	Develop an internal engagement calendar to assist in planning engagement activities to avoid duplication of engagement activities and identify areas where combining community engagements can be carried out to reduce 'community consultation fatigue'.		✓	✓	✓

## Contact Us



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## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.3
<b>Report Title:</b>	Restructuring of Council Committees
<b>Report Number:</b>	17/0060
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	A – Terms of Reference Howard Park Committee B – Terms of Reference Knuckey Lagoon Reserve Committee C – GOV10 Recreational Reserves Committees Policy

### Purpose

This report presents for Council approval the restructure of the Howard Park Reserve and Knuckey Lagoon Recreation Reserve Committee under Section 54 Local Government Act.

### Summary

In late 2015 Council established a council committee under Part 5.2 of the Local Government Act (the Act) to directly manage the Howard Park Reserve and Knuckey Lagoon Recreation Reserve.

A review of the governance structure of these committees has identified that the current structure attracts a higher administrative burden and legislative requirements that are not necessary to the efficient and effective functioning of the committees.

It is therefore proposed that Council change the governance structure by abolishing the council committees under Part 5.2 of the Act and establish the committees as Council Committees with no delegation.

The change in governance structure will not impact on how the committee function or the current membership. Draft Terms of Reference are attached to support each committee, including identifying the purpose of the committees:

- To provide advice on the efficient and effective operations of the Reserve;
- To provide advice to Council concerning strategic or policy issues relating to Reserve; and
- To enhance communication between Council and the community to ensure that the Reserve meets community expectations and need.

In adopting the Terms of Reference for the committees, Council policy GOV10 Recreational Reserves Committee becomes obsolete.

### Recommendation

“THAT Council

1. abolish Howard Park Reserve Committee under Section 54 (5) Local Government Act.;
2. establishes the Howard Park Reserve Committee with the Terms of Reference, as attached to Report Number 17/0060 (Attachment A);
3. appoints Gerard Maley, Gerry Wood, Mary DePalma, Stephen McWilliams and Bronte Way for a term of three years to the Howard Park Reserve Committee;
4. abolish Knuckey Lagoon Reserve Committee under Section 54 (5) Local Government Act.;
5. establishes the Knuckey Lagoon Reserve Committee with the Terms of Reference, as attached to Report Number 17/0060 (Attachment B);
6. appoints Gary Gibson, Shane Walker, Hardy Schimmel, Frances Ricketts, Natalie Bell and Tove Tagell for a term of three years to the Knuckey Lagoon Reserve Committee; and
7. rescind the policy GOV10 Recreational Reserves Committees (Attachment C).

## Background

At Council's ordinary meeting on the 14 December 2015 Council resolved to:

*"..... establish the Howard Park Reserve Committee as a Committee of Council pursuant to Litchfield Council Policy GOV10 Recreational Reserves Committees and Part 5.2 of the Local Government Act."*

And at Council's ordinary meeting on the 13 January 2016 Council resolved to:

*"..... establish the Knuckey Lagoon Reserve Committee as a Committee of Council pursuant to Litchfield Council Policy GOV10 Recreational Reserves Committees and Part 5.2 of the Local Government Act."*

Committees established under this section of the Act attract similar requires to that of a Council meeting, in terms of agenda notice, minutes and other legislative requirements. A review of the governance structure of these committees has identified that the additional administrative burden and legislative requirements are not necessarily to the function and efficiency of these committees.

Generally, this section of the Act would be used to establish council committees where delegation is central to the functioning of the committee. The two Reserve Committees do not have delegated authority.

In line with Section 54 (5) Local Government Act the abolishment of a Council Committee requires a Council resolution.

The establishment of a Council Committee that is not established under Part 5.2 of the Act enables the Committees to be more flexible, especially regarding meeting procedures and layout of agendas.

## Links with Strategic Plan

*Priority # 2 – A great place to live*



## Legislative and Policy Implications

Abolishment of Council Committees under Part 5.2 of the Act require a Council resolution in line with Section 54 (5) of the Act.

The policy GOV10 Recreational Reserves Committees has become obsolete with Terms of reference being developed.

## Risks

There is no risk identified with changing the governance structure of the Recreational Reserves Committees.

## Financial Implications

NIL

## Community Engagement

The two reserve committee members have been informed, prior to this report's presentation to Council, of the intent to change the status of each committee. From these discussions, no opposition was received.

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



# TERMS OF REFERENCE

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## Howard Park Reserve Committee

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### Introduction

Litchfield Council recognises the important role played by Committees in the efficient operation and management of Council facilities and the benefits this provides to the community.

These Terms of Reference set out the operating framework for the Howard Park Reserve Committee.

Howard Park Reserve is conveniently located in the hub of Howard Springs and sits on more than 8 hectares of land. Howard Park encompasses grassy picnic areas, a children's playground and wide-open spaces.

### Purpose

The purpose of the Committee is to:

- provide advice on the efficient and effective operations of the Reserve;
- provide advice to Council concerning strategic or policy issues relating to Reserve; and
- Enhance communication between Council and the community to ensure that the Reserve meets community expectations and need.

### Definitions

For the purpose of these Terms of Reference:

- "Member" means a member of the Committee
- "Council" means the Litchfield Council.
- "User Group" means a group using the facilities of the Recreation Reserve on a regular basis.
- "Reserve" means Howard Park Reserve.

### Status

This Committee is not a council committee under Section 54 Local Government Act. It is a Committee appointment by Council for the purpose set out above.

## **Delegations**

The Committee has no delegated authority and cannot incur expenditure or bind Council.

The Committee may make recommendations to the Council. Recommendations of the Committee will be presented to the Council in written form accompanied by a report from the Secretary.

Committee recommendations determined as 'operational', will be dealt with and actioned by the Director Community and Corporate Services with any action or lack thereof reported to the Committee on a regular basis.

## **Membership**

The Advisory Committee shall comprise a minimum of seven members in total made up of:

- One Elected Member - Litchfield Council East Ward Councillor;
- At least four and up to six community members;
- One community representative (not representing a user group); and
- Council's Community Development Officer.

If a community member is also a member of a user group at Howard Park, there is to be a maximum of one member per user group.

In addition to the club representatives, the Committee will include at least one community representative who can represent users who utilise the reserve for informal recreational purposes.

The Director Community and Corporate Services may from time to time nominate additional staff to attend the Advisory Committee. Council staff invited to attend will not have any voting rights.

## **Term of Appointment**

The Elected Member (Ward Councillor) shall serve on the Committee for the term of Council unless Council decides otherwise.

Committee Members will be appointed for a term of three years.

## **Selection of Committee Members**

Community members will be appointed by Council following a public advertisement process.

Selection will be based on the identified criteria as well as the individual merit. Selection criteria will include community members who:

- Are residents in the Litchfield municipality;
- Have community connections in the Litchfield municipality; and
- Can ensure availability for the Committee meetings.

Council will advertise for expressions of interest in the local media, on Council's website, social media, and other appropriate avenues.

### **Roles and Responsibilities of members**

- To provide advice and make recommendations to Council on the future direction and development of Howard Park.
- To oversee the operational management of the Reserve.
- To inform and involve all key stakeholders to promote partnerships addressing community need.
- To comply with all relevant Council policies relating to the care, protection and management of Howard Park.
- To promote effective co-operation and communication with all user groups.
- To prioritise and submit recommendations for Council's annual capital works program and grant opportunities.

### **Vacancies**

A vacancy on a Committee will be filled through a public advertisement process if there is more than twelve (12) months of the Committee's term remaining.

If the remaining Committee term is less than twelve (12) months, the Committee may nominate a community member to fill the vacancy. The candidate who fills the vacancy is appointed only for the remaining period of the original member's term. The candidate must be formally appointed by Council.

All Committee members are required to be formally appointed by Council.

### **Meetings**

The Committee shall meet once in every two calendar months and at least six times within a financial year. A schedule of Committee meetings shall be developed and agreed to by the members at the first meeting after appointment to the Committee.

### **Chairperson**

The Chairperson shall be the Council appointed Ward Councillor, unless otherwise determined by council resolution.

If the Chairperson is unable to attend a meeting, the Committee shall nominate an acting chair for that meeting.

The Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Committee.

Responsibilities of the Chairperson include:

- Guiding the meeting according to the agenda and time available;
- Ensuring all discussion items end with a decision, action or definite outcome; and
- Review the draft agenda and minutes before distribution.

### **Attendance at Meetings**

Committee members are expected to attend all meetings, but illness, family matters or other good reasons may result in absences. The Secretary should be contacted to tender apologies, which will be recorded in the Minutes.

### **Quorum**

A quorum shall consist of half of the members, plus one. If a quorum is not present within 20 minutes of the time appointed for the commencement of the meeting, the meetings shall lapse.

### **Secretariat Support**

The secretary for meetings will be Council's Community Development Officer or delegate appointed by the Director Community and Corporate Services.

The Community Development Officer will provide secretariat support including the preparation and distribution of agenda and minutes and including the recording of any decisions made by the Committee.

### **Agenda Papers**

Prior to Committee meetings, an agenda is prepared. The agenda will set out the business to be dealt with at the meeting.

The Secretary, in consultation with the Chairperson, will prepare the agenda, however, all Committee members can nominate items of business to be included on the meeting agenda. A call for agenda items will be issued one week prior to the agenda distribution.

The agenda and other documentation necessary for conducting a meeting will be made available to Committee members at least five days before each meeting.

## **Meeting Protocol**

The Committee shall adhere to normal meeting protocols.

## **Voting**

Each member of the Committee is entitled to vote. The method for voting is a show of hands.

## **Conflict of Interest**

A 'conflict of interest' is when a person has to make a decision on an issue in which they have, or are perceived to have, a personal interest or benefit in a specific outcome. The conflicts can often be based around financial matters (pecuniary interest) such as contracts or the terms and conditions of a rental.

Any committee members with a conflict of interest or perceived conflict of interest must declare the interest prior to discussion of the item.

'Disclosures of Interest' will be a standing item on the agenda.

## **Reporting**

The Committee will report formally to Council on a quarterly basis via the Director Community and Corporate Services.

The Secretary will be responsible for developing the quarterly report which will include any recommendations from the Committee to Council. Council is not bound to accept a recommendation of the Committee.

## **Amendment**

These Terms of Reference may be amended, varied or modified in writing by Council.



# TERMS OF REFERENCE

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## Knuckey Lagoon Recreation Reserve Committee

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### Introduction

Litchfield Council recognises the important role played by Committees in the efficient operation and management of Council facilities and the benefits this provides to the community.

These Terms of Reference set out the operating framework for the Knuckey Lagoon Reserve Committee.

Knuckey Lagoon is situated in 19 hectares of woodland and wetlands, and features nature walks, picnic areas and a World War II heritage site.

### Purpose

The purpose of the Committee is to:

- provide advice on the efficient and effective operations of the Reserve; and
- provide advice to Council concerning strategic or policy issues relating to Reserve.
- Enhance communication between Council and the community to ensure that the Reserve meets community expectations and need.

### Definitions

For the purpose of these Terms of Reference:

- “Member” means a member of the Committee
- “Council” means the Litchfield Council.
- “User Group” means a group using the facilities of the Recreation Reserve on a regular basis.
- “Reserve” means Knuckey Lagoon Recreation Reserve.

### Status

This Committee is not a council committee under Section 54 Local Government Act. It is a Committee appointment by Council for the purpose set out above.

## **Delegations**

The Committee has no delegated authority and cannot incur expenditure or bind Council.

The Committee may make recommendations to the Council. Recommendations of the Committee will be presented to the Council in written form accompanied by a report from the Secretary.

Committee recommendations determined as 'operational', will be dealt with and actioned by the Director Community and Corporate Services with any action or lack thereof reported to the Committee on a regular basis.

## **Membership**

The Advisory Committee shall comprise a minimum of seven members in total made up of:

- One Elected Member - Litchfield Council East Ward Councillor
- At least four and up to six community members.
- One community representative (not representing a user group)
- Council's Community Development Officer

If a community member is also a member of a user group at Knuckey Lagoon, there is to be a maximum of one member per user group.

In addition to the club representatives, the Committee will include at least one community representative who can represent users who utilise the reserve for informal recreational purposes.

The Director Community and Corporate Services may from time to time nominate additional staff to attend the Advisory Committee. Council staff invited to attend will not have any voting rights.

## **Term of Appointment**

The Elected Member (Ward Councillor) shall serve on the Committee for the term of Council unless Council decides otherwise.

Committee Members will be appointed for a term of three years.

## **Selection of Committee Members**

Community members will be appointed by Council following a public advertisement process.



Selection will be based on the identified criteria as well as the individual merit. Selection criteria will include community members who:

- Are residents in the Litchfield municipality
- Have community connections in the Litchfield municipality
- Can ensure availability for the Committee meetings

Council will advertise for expressions of interest in the local media, on Council's website, social media, and other appropriate avenues.

### **Roles and Responsibilities of members**

- To provide advice and make recommendations to Council on the future direction and development of Knuckey Lagoon.
- To oversee the operational management of the Reserve.
- To inform and involve all key stakeholders to promote partnerships addressing community need.
- To comply with all relevant Council policies relating to the care, protection and management of Knuckey Lagoon.
- To promote effective co-operation and communication with all user groups.
- To prioritise and submit recommendations for Council's annual capital works program and grant opportunities.

### **Vacancies**

A vacancy on a Committee will be filled through a public advertisement process if there is more than 12 months of the Committee's term remaining.

If the remaining Committee term is less than 12 months, the Committee may nominate a community member to fill the vacancy. The candidate who fills the vacancy is appointed only for the remaining period of the original member's term. The candidate must be formally appointed by Council.

All Committee members are required to be formally appointed by Council.

### **Meetings**

The Committee shall meet once in every two calendar months and at least six times within a financial year.

A schedule of Committee meetings shall be developed and agreed to by the members at the first meeting after appointment to the Committee.

### **Chairperson**

The Chairperson shall be the Council appointed Ward Councillor, unless otherwise determined by council resolution.

If the Chairperson is unable to attend a meeting, the Committee shall nominate an acting chair for that meeting.

The Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Committee.

Responsibilities of the Chairperson include:

- Guiding the meeting according to the agenda and time available;
- Ensuring all discussion items end with a decision, action or definite outcome; and
- Review the draft agenda and minutes before distribution.

## **Attendance at Meetings**

Committee members are expected to attend all meetings, but illness, family matters or other good reasons may result in absences.

The Secretary should be contacted to tender apologies, which will be recorded in the Minutes.

## **Quorum**

A quorum shall consist of half of the members, plus one. If a quorum is not present within 20 minutes of the time appointed for the commencement of the meeting, the meetings shall lapse.

## **Secretariat Support**

The secretary for meetings will be Council's Community Development Officer or delegate appointed by the Director Community and Corporate Services.

The Community Development Officer will provide secretariat support including the preparation and distribution of agenda and minutes and including the recording of any decisions made by the Committee.

## **Agenda Papers**

Prior to Committee meetings, an agenda is prepared. The agenda will set out the business to be dealt with at the meeting.

The Secretary, in consultation with the Chairperson, will prepare the agenda, however all Committee members can nominate items of business to be included on the meeting agenda. A call for agenda items will be issued one week prior to the agenda distribution.

Agenda and other documentation necessary for conducting a meeting will be made available to Committee members at least five days before each meeting.

## **Meeting Protocol**

The Committee shall adhere to normal meeting protocols.

## **Voting**

Each member of the Committee is entitled to vote. The method for voting is a show of hands.

## **Conflict of Interest**

A 'conflict of interest' is when a person has to make a decision on an issue in which they have, or are perceived to have, a personal interest or benefit in a specific outcome. The conflicts can often be based around financial matters (pecuniary interest) such as contracts or the terms and conditions of a rental.

Any committee members with a conflict of interest or perceived conflict of interest must declare the interest prior to discussion of the item.

'Disclosures of Interest' will be a standing item on the agenda.

## **Reporting**

The Committee will report formally to Council on a quarterly basis via the Director Community and Corporate Services.

The Secretary will be responsible for developing the quarterly report which will include any recommendations from the Committee to Council. Council is not bound to accept a recommendation of the Committee.

## **Amendment**

These Terms of Reference may be amended, varied or modified in writing by Council.



Name	GOV10 Recreational Reserves Committees
Policy Type	Council Policy
Responsible Officer	Chief Executive Officer
Approval Date	19/11/2015
Review Date	19/11/2016
Document ID	LITCHFIELD-454211611-99

## 1 Purpose

This Policy provides the structure and terms of reference for Recreational Reserves Committees of Council, their portfolios, membership and meeting procedures.

## 2 Principles

Litchfield Council is committed to ensuring good governance and transparent decision making in determining the strategies, projects and services carried out by Council on behalf of and for the benefit of the community.

## 3 Definitions

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

Term	Definition
Committee	A Committee of Council as defined under Part 5.2 of the Local Government Act
Member	Member of the Committee

## 4 Policy Statement

### 4.1 Establishment of Recreational Reserve Committees

- 4.1.1 Recreational Reserve Committees are established through resolution of Council as required from time to time.
- 4.1.2 Each Committee shall receive reports of officers, deliberate on issues within the portfolio assigned to it by Council, and in each instance report to Council its recommendations.
- 4.1.3 The Councillor for the applicable Ward shall act as Chair of the Committee, unless otherwise determined by Council resolution. The Chair must be a Councillor.
- 4.1.4 Membership shall consist of community members, the number of which shall be determined by Council resolution for each Committee established. Appointment to the Committee shall be via Council resolution.
- 4.1.5 The Mayor shall be an ex-officio voting member of each Committee.
- 4.1.6 Quorum shall consist of 50% of the members plus one.

### 4.2 Pursuant to Section 55(2) of the Local Government Act, Recreation Reserve Committees are advisory in nature, with no executive authority.

- 4.2.1 Committees do not have the power to incur expenditure.
- 4.2.2 Committees do not have the power to bind Council.
- 4.2.3 Committees make decisions which are then provided to Council as recommendations.

- 4.2.4 Committee decisions which are determined by the Chief Executive Officer purely operational and are within the delegations of officers will be dealt with and any action taken reported to the Committee.

#### 4.3 Meetings

- 4.3.1 Committees shall meet at least once in every two calendar months.
- 4.3.2 Pursuant to Section 63(2) of the Local Government Act, the CEO may, at the request of the Committee Chair, convene a meeting of the Committee.
- 4.3.3 If the CEO, in consultation with the Chair of the Committee, determines that there is no business to be put to a scheduled meeting of the Committee, no meeting will be as long as 4.3.1 is complied with above.
- 4.3.4 Committees shall determine their own meeting procedures according to best practice.

#### 4.4 Terms of Reference for Recreation Reserve Committees

Council assigns the following functions to each Committee with respect to the Recreation Reserve for which they have been established:

- Ensure the Reserve is managed in line with Council's Municipal Plan and applicable strategies;
- Develop and maintain a 10 Year Plan for the Reserve, and report to Council on its implementation and progress;
- Promote the use of the Reserve by community members and attract user groups, and advise Council on initiatives to make the use of the Reserve more effective in meeting their needs;
- Provide timely advice to Council on repairs and maintenance;
- Provide timely advice to Council regarding financial management of the Reserve, including the proposal of a budget and the setting of user fees where appropriate;

#### 4.5 Council Policies and Code of Conduct

Committees shall be bound by the Code of Conduct for Elected Members, and compliance with Litchfield Council policies.

#### 4.6 Confidentiality and Privacy

- 4.6.1 Committee Members may have contact from time to time with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information unless the Member is authorised by the Chief Executive Officer to do so.
- 4.6.2 Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information by Council. Adherence to this legislation is also the responsibility of Committee Members.

### 5 Associated Documents

Litchfield Council Policies

### 6 References and Related Legislation

Local Government Act and associated Regulations, Ministerial Guidelines and General Instructions.



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.4
<b>Report Title:</b>	Tree Inspections on Council's Recreational Reserves and Thorak Cemetery
<b>Report Number:</b>	17/0049
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	NIL

### Purpose

This report presents for Council's consideration the proposed tree inspection program for Council's recreation reserves and Thorak Regional Cemetery.

### Summary

Council was provided with a report regarding tree audits on Recreational Reserves at its Ordinary June 2017 meeting and resolved to undertake a review of lease agreements in relation to tree management responsibilities, with a report to be presented at a future meeting of Council on the financial and risk implications of tree management on Recreation reserves.

A review of recreation reserve leases in overholding and current leases has now occurred.

This report proposes a way forward regarding the management of trees on Council's recreation reserves and Thorak Regional Cemetery which is two-fold; engaging a qualified arborist to undertake immediate tree risk assessments on all seven reserves and Thorak Regional Cemetery and to develop a Tree Risk Management Plan. The former will provide Council with confidence that all recreation reserves have been appropriately inspected and required tree treatment works identified. The later; the Plan, will provide Council with a proactive and systematic plan for managing the risks associated with trees on Council's recreation reserves and Cemetery.

It is proposed that Council maintain the responsibility for the cost of undertaking tree inspections and associated works. The recreation reserves are Council properties and the responsibility of Council. Council's leases with recreation reserve committees of management do not include the responsibility of tree management.

### Recommendation

"THAT Council:

1. receives and notes the report on Tree Inspections on Council's Recreation Reserves and Thorak Regional Cemetery;
2. endorses the proposed Tree Management Program comprising qualified tree risk assessments and works and the development of a Tree Risk Management Plan;

3. approves the allocation of up to \$70,000 from Council's Financial Infrastructure Reserve in the 2017/18 financial year to undertake immediate tree risk assessments on all recreational reserves and Thorak Regional Cemetery;
4. allocates the costs of undertaking a tree risk assessment for Thorak Regional Cemetery to Thorak Regional Cemetery;
5. refers to future budget development processes, the allocation of appropriate funds for tree risk assessments and works on all recreational reserves and Thorak Regional Cemetery;
6. refers the development of a Tree Risk Management Plan to the 2018/19 Budget development process as a new initiative;
7. endorses the inclusion in recreation reserve agreements of clear roles and responsibilities regarding tree management and tree risk assessments.

## **Background**

At its June 2017 Council received a report on Recreation Reserve Tree Audits and resolved to allocate fund to conduct a quantified tree risk assessment on Freds Pass Reserve in the financial year 2017/18, review current lease agreements regarding tree management responsibilities and receive a report at a future Council meeting on the financial and risk implications of tree management on Council's recreation reserves.

The matter of managing the risks associated with trees was highlighted with the death of a golfer on the Gardens Park Golf Links, Darwin in 2014. The Gardens Park Golf Links is City of Darwin owned land leased to Golf Links Golf Club.

In 2016 Coroner Greg Cavanagh provided a report on the inquest into the death; and made recommendations relating to the City of Darwin's maintenance and management of trees in public open spaces (see Appendix 1). In this report Coroner Cavanagh refers to the death as the second he has reported on involving a branch falling from an African Mahogany Tree.

Of relevance to Litchfield Council are the three clear recommendations made by Coroner Cavanagh:

1. Compulsory inspection of all trees on property owned by City of Darwin at least every six months;
2. Inspections to be conducted by qualified arborists;
3. Leases to include reference to #1 and #2 and clearly outline the party responsible for the cost of carrying out the inspections and any works required as a result of the tree inspections.

During the 2016 and 2017 calendar year, health and condition inspections on trees were undertaken on all Council's recreational reserves, except Livingston Reserve. Works identified for immediate attention, as a result of these inspections, have been completed.

However, Health and condition inspections of trees do not follow the risk assessment in line with the International Society of Arborists. Although the reports are an assessment of tree condition by a qualified arborist, the difference lies in the condition assessment not factoring in the risk associated with the species of tree, the location, traffic and inherent risk of the amenity.

Council has seven recreation reserves with five managed by independent incorporated community associations. Two recreation reserves are under Council direct management. Council supports the community committees of management to manage the recreation reserves by providing operational funding on an annual basis. Each recreation reserve receives operational funding which is historically based and varies between recreational reserves.

Of the five recreation reserves managed by community committees of management, four have lease agreements in overholding. Council's lease agreement with Freds Pass Sport and Recreation Reserve, is current. Council is in the process of renegotiating leases with the four recreation reserves with leases in overholding; Livingston, Berry Springs, Humpty Doo Village Green and McMinns Reserve.

Coroner Cavanagh recommended that City of Darwin undertake 6 monthly tree inspections. In discussing this with qualified arborists and insurance experts, there is a view that the context of the case; the high traffic nature of the Garden's Golf Club and the specific species of tree are central to the Coroner's recommendations.

Of importance to Council is that it establishes an appropriate tree inspection regime for its recreation reserves and Thorak Regional Cemetery, being public places in the Municipality.

City of Palmerston engaged a consultant in 2015 to develop a tree risk management plan. The Plan has identified five zones with Zone 1 Very High Target Value to Zone 5 Very low Target Value. Categorisation of each zone was primarily based on pedestrian and vehicle usage. Areas used by children such as schools and playgrounds were given an elevated target zone category. Target zoning is used to determine tree inspection type (from drive-by inspections through to diagnostic tests) and frequency of inspection. City of Palmerston's Plan sets out inspection regimes from annual to 5 years with all zones to be inspected with a drive-by assessment after severe storms/ or tropical cyclones.

Council intends to engage a qualified arborist to undertake detailed tree inspections of all seven recreation reserves and Thorak Regional Cemetery to:

- fully understand what trees exist on which Recreation reserves and the Cemetery;
- record how many, and the location of, African Mahogany Trees on Recreation reserves and the Cemetery;
- identify any immediate works that should be undertaken; and
- develop an annual tree maintenance program for each Recreation Reserve and the Cemetery;

### **Proposed Tree Management Program**

#### **1. Tree Risk Assessment. Estimated to cost \$100,000**

- Council will immediately commission an Arborist to undertake a full tree risk assessment for all seven Recreational Reserves and Thorak Regional Cemetery.
- ✓ The assessment will be undertaken by a qualified arborist (qualification above Level 5). The assessment will be in line with standards set by the International Society of Arborists.



- ✓ The assessment will include a Level 1 assessment (visual inspection) of all trees in areas of public traffic and a Level 2 assessment (risk assessment) for trees with substantial failures or faults.
- ✓ Each of the surveyed trees will be labelled and mapped using GPS details.
- A copy of the Tree Risk report and management plan detailing individual tree data, maps, defects and hazards associated with trees, implications for management of trees, recommended tree works and replacement strategies will be provided to the Reserve management boards.
- Council will commission the works to be undertaken.
- Council will bear the full expense for those tree risk assessments.
- Until Council has information recommending a different tree assessment regime, this activity will occur every year.

## **2. Tree Risk Management Plan (TRMP). Estimated to cost \$30,000**

- Council will engage a consulting company to develop a TRMP.
- A TRMP provides a proactive and systematic approach to the allocation of resources required to inspect trees.
- A TRMP generally has the following objectives:
  - ✓ include an implementation program of proactive tree assessments to reduce the risk of harm;
  - ✓ use a target based risk assessment methodology to prioritise resource allocation for tree inspections;
  - ✓ implement an auditing process to monitor the quality of tree inspections and ensure consistency between tree assessors; and
  - ✓ implement a feedback process to continually improve risk zone classifications.

### **Tree Management Responsibility**

Council has examined the status of tree audits and management on Recreation reserves and found that whilst tree maintenance has taken place to reduce risks, no appropriate mention is made in any of the existing leases (overholding and current) with the recreation reserve committees of management.

Council's lease with Freds Pass Sport and Recreation Management Board Inc s7.1 (b) (ii) states that the Lessee must:

*"Not remove or relocate trees or shrubs now or at any time during the Term situation and growing upon the Land."*

As part of the current review of lease agreements, Council has initiated conversations with the reserve management boards regarding the matter of tree inspections in the future. It is proposed that Council be the responsible party for the cost of undertaking tree inspections and associated works. The recreation reserves are Council properties and the responsibility of Council. Lease agreements provide for community committees of management to manage the reserves. Additional burdens placed on committees are expected to trigger increased funding expectations. It is unclear at this point, what the cost of tree inspections and associated works will be, especially in the early stages of this program. In the future Council may wish to include this responsibility in lease agreements but unlike the case involving City of Darwin and Gardens Park Golf Links, Council leases with the recreation reserves are not commercial agreements.

In the meantime, Council taking responsibility for trees on reserves will also provide certainty for Council and a consistent approach to addressing the risks that trees pose to recreation users.

### **Links with Strategic Plan**

Priority # 2 – A great place to live

### **Legislative and Policy Implications**

Council currently has no policy or tree management plan for trees on Council owned or controlled land.

### **Risks**

The matter of tree management is high-risk for Council from a social and financial perspective.

Council's approach will be two-fold; to engage a qualified arborist to undertake immediate tree risk assessments on all seven reserves and Thorak Regional Cemetery and to develop a Tree Risk Management Plan. The former will provide Council with confidence that all recreation reserves have been appropriately inspected with identified works. The latter; the Plan will provide Council with a proactive and systematic plan for managing the risks associated with trees on Council's recreation reserves and Cemetery.

### **Financial Implications**

Over the 2016 and 2017 calendar year, Council engaged arborists at an approximate cost of \$80,000 to undertake health and condition inspections on trees and various works on all recreational reserves, except Livingston Reserve. It is unclear as to why Livingston Recreation Reserve has not had a tree inspection or works undertaken over this period.

Council has sought quotations from qualified Level 6 Arborists to undertake tree risk inspections. This has proven to be challenging with only one quote received to date. Although Council has contracted four local arborists over the past two years, not all are appropriately qualified to undertake tree inspections. Arborists are rated with working arborists (up to Level 5) who are trade qualified to care for trees, and are generally hired to provide basic care, including pruning and/or removal. Consulting Arborists (Level 5 and above) are qualified to provide expert assessments on the health and condition of trees.

Council has been provided with one quote for a tree risk assessment on Freds Pass Reserve for approximately \$24,000 (excluding GST). It has been estimated that to undertake an annual tree inspection of all seven reserves and Thorak Regional Cemetery that up to \$100,000 may be required.

Council has allocated \$30,000 in its 2017/18 Budget. Up to a further \$70,000 will be required to undertake tree inspections over the next few months.

Council is currently not in a position to quantify the impact of the recommended tree maintenance work on the operational budget. This will depend on the assessments.

### **Community Engagement**

Council will work with the Recreation Reserve Committees on Council's approach to tree management on Council's recreation reserves.

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

## APPENDIX 1

Extract from *Inquest into the death of William Bernard Brown* 2016 [NTMC] 004

Findings Mr Greg Cavanagh SM

### RECOMMENDATIONS

90. That there be compulsory inspection of all trees on property owned by City of Darwin at least every six (6) months.
91. That such compulsory inspection is conducted by qualified arborists.
92. That the City of Darwin conduct an audit of all current leases and ensure inclusion within their terms for:
  - 92.1 the compulsory inspection of all trees on such property/ies at least every six (6) months;
  - 92.2 such compulsory inspections to be conducted by a qualified arborist;
  - 92.3 specific provision as to who bears responsibility for the costs of such inspections and/or any works recommended to be carried out as a result of the same.
93. That the City of Darwin ensure all future leases include within their terms:
  - 93.1 the compulsory inspection of all trees on such property/ies at least every six (6) months;
  - 93.2 such compulsory inspections to be conducted by a qualified arborist;
  - 93.3 specific provision as to who bears responsibility for the costs of such inspections and/or any works recommended to be carried out as a result of the same.

Dated this 21st day of April 2016



## COUNCIL REPORT

<b>Agenda Item Number:</b>	15.5
<b>Report Title:</b>	GOV01 Policy Framework
<b>Report Number:</b>	17/0051
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	DRAFT GOV01 Policy Framework

### Purpose

This report presents for Council adoption GOV01 Policy Framework.

### Summary

GOV01 Policy Framework has been reviewed with the following recommendations.

- Include reference to Thorak Regional Cemetery
- Update and refine the definition of Administrative policies
- Update the process for policy reviews, and
- Account for minor changes that can be authorised by the CEO that do not alter content.

The attached draft policy has changes proposed as highlighted.

### Recommendation

THAT Council adopts the updated GOV01 Policy Framework.

### Background

Council is required by the *Local Government Act* to maintain a comprehensive register of policies and procedures which guide the business. Development of policy and procedures requires a framework to ensure they are developed within a holistic and hierarchical policy and procedural framework which logically accommodates all of Council's policies and underlying procedures to guide effective decision-making and service delivery.

### Links with Strategic Plan

A robust policy framework underpins all Council decisions and is relevant to all Strategic Plan priorities:

Priority # 1 – Everything you need

Priority # 2 – A great place to live

Priority # 3 – A beautiful natural environment

Priority # 4 – A vibrant economy

## Legislative and Policy Implications

Updating this policy supports Councils responsibility to maintain a comprehensive register of policies and procedures.

## Risks

Nil

## Financial Implications

Nil

## Community Engagement

Not applicable.

**Recommending Officer:** Silke Maynard, Director Community and Corporate Services

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



Name	GOV01 Policy Framework
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	[Approval Date]
Review Date	18/11/2020

### 1. Purpose

This policy provides the framework under which policies are created and maintained at Litchfield Council. It contributes to the consistency, clarity, transparency and accountability of Councils decision making processes and service delivery.

### 2. Scope

This policy applies to all Council and Administrative Policies and Procedures developed and reviewed, which in turn relate to all Litchfield Council councillors and employees.

### 3. Definitions

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

Council Policy	<p>A policy requiring adoption by Council which;</p> <ul style="list-style-type: none"> <li>• is mandatory by legislation</li> <li>• impacts external stakeholders to Council</li> <li>• impacts finances of Council</li> <li>• impact Elected Members themselves, or</li> <li>• provides strategic guidance or direction consistent with councils Strategic and Municipal plans.</li> </ul>
Administrative Policy	<p>A policy adopted by the Chief Executive Officer which governs the conduct of Council Officers in the various internal operations of the organisation including but not limited to;</p> <ul style="list-style-type: none"> <li>• human resources</li> <li>• information technology</li> <li>• <del>procurement</del></li> <li>• records management</li> <li>• <del>asset management</del></li> <li>• <del>administrative/financial</del>, or</li> <li>• workplace health and safety.</li> </ul>

Procedure	<p>A procedure defines the actions required to apply or implement a policy. It outlines who will do what, the steps they need to take and the forms or documents they need to use.</p> <p>A procedure may just be a few bullet points or instructions. Sometimes they can be forms, checklists or flowcharts.</p>
Guidelines	<p>Guidelines are advisory in nature and provide additional information beyond a policy or procedure that are specific to staff operating in a special circumstance, situation or location.</p> <p>Guidelines are appropriate where a degree of flexibility is required to ensure the efficient and effective operation of a particular work area.</p>
Intranet / Document Management System	<p>The technological system used at any one time for retaining current and archived documents for use by staff and Elected Members.</p>

#### 4. Policy Statement

4.1. Litchfield Council is committed to delivering good governance and transparency in Council operations. Policies developed under this framework are done according to the following principles:

- 4.1.1. Policies are developed within a holistic and hierarchical policy and procedural framework which logically accommodates all of Council's policies and underlying procedures to guide effective decision-making and service delivery.
- 4.1.2. A policy framework will create a common, consistent and timely process for the development and endorsement of policy and procedures which promotes alignment with the Council's values.
- 4.1.3. A policy framework will establish a common standard for the development of policy and procedure including the collection of adequate information to support implementation and review.
- 4.1.4. A policy framework will establish controls for the management and retention of the Council's policies within the Council's electronic document management system.
- 4.1.5. A policy framework will establish a common standard for policy documents to ensure adequate information is collected to assist implementation and review through the Council's electronic document management system (EDMS).

4.2. The Role of Policies



- 4.2.1. Policies are set by those in authority to approve them, and govern the conduct of those who are subject to this authority.
- 4.2.2. Policies adopted by Council govern the conduct of Council Officers, including the Chief Executive Officer, in the operations of Council. As Council is the authority, Council is able to by resolution vary its own policy. Such policies may not override legislation, and will not have effect where Council does not have authority provided under the Local Government Act.
- 4.2.3. Policies adopted by the Chief Executive Officer govern the conduct and operations of Council Officers, and do not have authority to bind Elected Members. Such policies may not override legislation, and will not have effect where the Chief Executive Officer does not have authority provided either directly or under delegation from Council pursuant to the Local Government Act or other relevant legislation.
- 4.2.4. Policies **empower** or **prohibit**. Where the **process** of an organisational activity is to be specified, this can be documented in subsidiary guidelines and process documents which assist with compliance to the policy, and can be altered from time to time as the Chief Executive officer or their delegate determines.

#### 4.3. Policy Areas

- 4.3.1. Council Policies are approved by Council resolution adopting the policy.
- 4.3.2. Administrative Policy are approved by the Chief Executive Officer.
- 4.3.3. It is acknowledged that some policies whilst administrative in nature also fall within the ambit of Council. In these cases, Council adoption will prevail.

#### 4.4. Policy Development and Adoption

- 4.4.1. The Chief Executive Officer is responsible for implementing an appropriate method for the numbering and classification of policies under this framework. Where minor adjustments to the administrative classification of policies is necessary and there are no material changes to the policy itself, the Chief Executive Officer is delegated the authority to make these adjustments.
- 4.4.2. All Council Policies developed under this framework are to be made available to the public via Council's website and in Council offices.
- 4.4.3. All policies are to be developed using the policy template located in the Document Management System and written in plain, concise English.
- 4.4.4. All technical terms used in the policy are to be defined in the Definitions section of the policy.
- 4.4.5. All new and amended policies are to be classified as either a Council Policy or an Administrative Policy.
- 4.4.6. When developing policy, staff are expected to engage appropriately with relevant stakeholders.
- 4.4.7. All new or amended Council Policies are to go before Council for adoption. If required by legislation, or if a policy will have a significant and direct impact on the community, the adoption process will include a public exhibition phase. This phase will include placing an

advertisement in the local paper; making the draft Council Policy available on Council's website and at Council's office; collating and reporting to Council on any public submissions made, and, final adoption by resolution of Council.

**4.4.8.** All new or amended Administrative Policies are to be endorsed by the relevant Committee and / or Executive Management Team prior to being approved by the Chief Executive Officer.

**4.4.8-4.4.9.** The CEO shall sign and date all new and reviewed Administrative policies and forward to the Governance and Risk Advisor for inclusion in the policy register. Once signed this becomes the current version of the policy.

#### 4.5. Policy Review

4.5.1. As a minimum, policies are to be reviewed every three years to ensure they remain relevant.

4.5.2. If there is a change in legislation that then requires an amendment to the relevant policy, this must be undertaken as soon as possible.

**4.5.3.** At the beginning of each year, notification will be sent to managers advising of what policies need to be reviewed in that year. This is to be undertaken by 30 June in that same year. The Governance and Risk Advisor will coordinate the annual policy review timetable and contact appropriate officers.

4.5.4. At times, minor amendments to policies may be required due to changes to formatting or organisational structure changes. This does not include changes to content. These can be authorised by the Executive Management Team for Council policies.

#### Approval and Review Summary

Policy Type	Description	Consultation	Approval	Review
Council	Relates to Council's intent regarding a service, functions or activities that have an external / community focus	Key external stakeholders  Public exhibition where required	Recommended by the Executive Management Team  Approved by Council	Term of the Council, unless otherwise stated
Administrative	Relates to an operational issue, focusing on internal functions and activities and intended for use within the organisation	Relevant staff	Endorsed by the Executive Management Team  Approved by the Chief Executive Officer	Every 3 years unless prompted by a legislative change  or new compliance requirement

**4.6. Rescinding Policies**

- 4.6.1. A Council Policy can only be rescinded by resolution of Council.
- 4.6.2. An Administrative Policy can only be rescinded by the Chief Executive Officer.
- 4.6.3. If a policy is to be rescinded, a report must be presented to the Executive Management Team outlining the reasons for this recommendation.
- 4.6.4. Once approved, the policy must be removed from where it may be publicly or internally viewed and the Policy Register updated.

**4.7. Responsibilities**

Governance and Risk Advisor	<ul style="list-style-type: none"> <li>• Maintain a current Council Policies Library on Council's website.</li> <li>• Maintain a current Administrative Policies Library on Council's intranet / document management system.</li> <li>• Maintain an accurate and up-to-date Policy Register.</li> <li>• Notify responsible officers of policies requiring review.</li> <li>• Maintain an archive of all previous versions and rescinded policies.</li> </ul>
Managers	<ul style="list-style-type: none"> <li>• Develop, maintain and review relevant policies as required.</li> <li>• Prepare Council Reports relating to adopting or rescinding a Council Policy.</li> <li>• Organise consulting the public and the public exhibition of policies where required.</li> <li>• Ensure the policy is implemented.</li> <li>• Ensure relevant staff are aware of the policy. Where required, retain signatory evidence that the policy has been read and understood.</li> </ul>

**4.8. Classifying Policies**

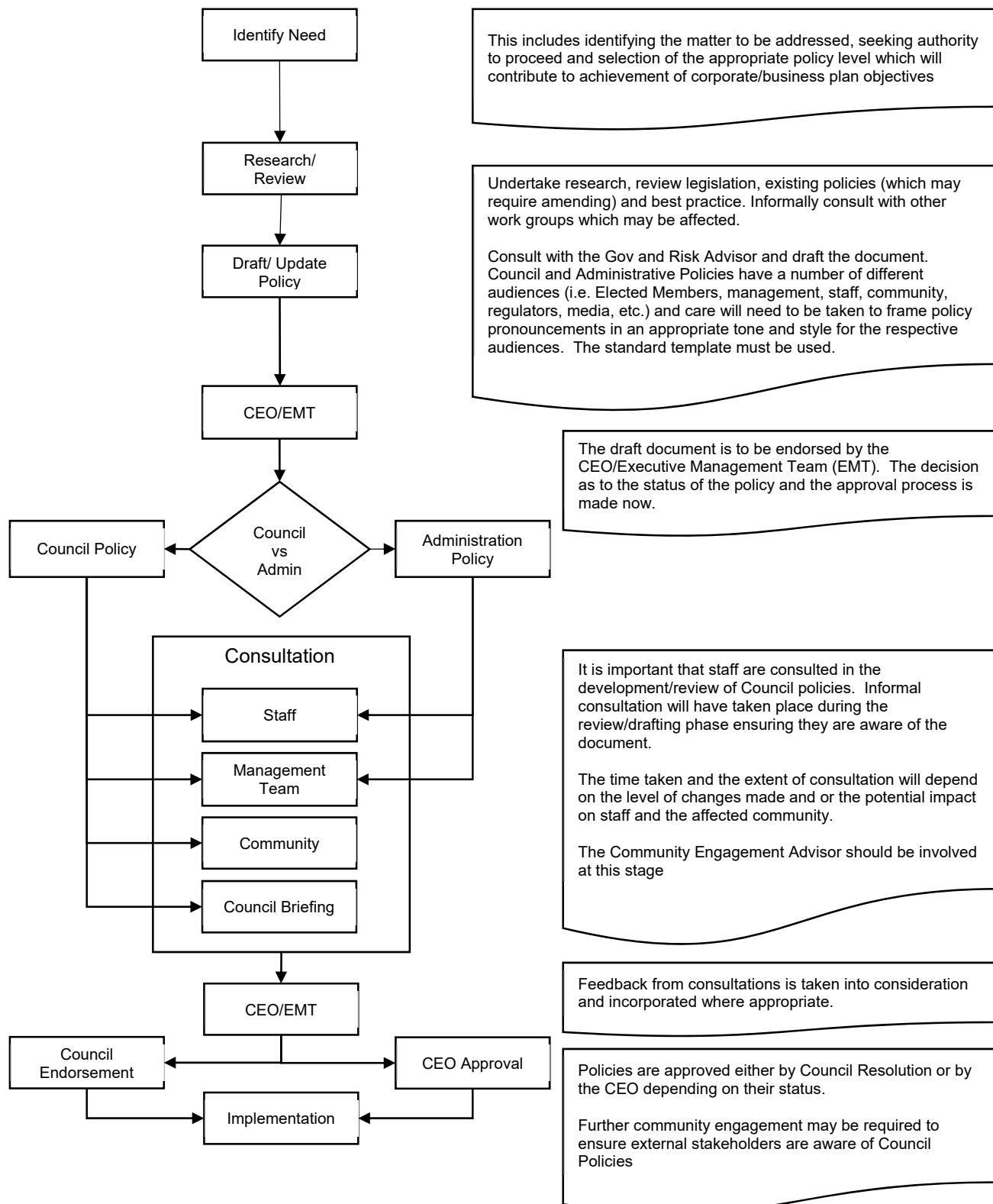
In order to make managing policies, procedures and guidelines in the Policy Register, documents will be given a classifying code and number. The number or next available number to be given to your document, and further advice regarding classifying a document is to be obtained from the Governance and Risk Advisor.

The following table is provided for guidance:

Type of Document	Work Area	Classifier
<b>Policy</b>	Community	COM
	Corporate	COR
	Finance	FIN

	Governance	GOV
	Human Resources	HR
	Infrastructure	INF
	Planning	PLN
	Regulatory	REG
	<u>Thorak Regional Cemetery</u>	<u>CEM</u>
	Work, Health & Safety	WHS
<b>Procedures/Guidelines</b>	Asset Management	AMp
	Community	COMp
	Environment	ENVp
	Finance	FINp
	Governance	GOVp
	Human Resources	HRp
	Infrastructure	<u>INFp</u>
	Mobile Work Force	MWFp
	Planning	PLNp
	Regulatory	REGp
	<u>Thorak Regional Cemetery</u>	<u>CEMp</u>
	Waste Management	WMp
	Work, Health & Safety	WHSp

## Policy Development, Review and Adoption Flowchart



**5. Associated Documents**

Litchfield Council Policies

Policy Template

Procedure Template

**6. References and Legislation**

Northern Territory Local Government Act

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
25/06/2008	LC01 Amended policy – Decision PA08/AP/002
01/10/2009	LC01 Amended Policy – Decision PA09/PR/001
11/10/2012	LC01 Amended Policy – Decision PA12/PR/003
15/10/2015	GOV01 Amended Policy – Change of name
16/11/2016	GOV01 amended policy – Decision 16/0249
	<a href="#">Amended policy – Decision XXXXXX</a>



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.6
<b>Report Title:</b>	GOV04 Whistleblowing
<b>Report Number:</b>	17/0052
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	DRAFT GOV04 Whistleblowing

### Purpose

To present GOV04 Whistleblowing policy for Council adoption.

### Summary

The Draft GOV04 Whistleblowing policy has been prepared to:

- encourage and facilitate disclosures of maladministration, corrupt or illegal conduct occurring in the Council so that internal controls and procedures can be strengthened to ensure that the Council's resources are applied efficiently and effectively
- provide assurance to the community that Council is committed to good governance and ethical behaviour, and
- provide an environment where people are supported in the reporting of corrupt and illegal practices and that such persons are not victimised for reporting these matters.

The Policy has undergone a period of staff consultation with feedback used to refine the document to its current state.

### Recommendation

THAT Council adopts the GOV04 Whistleblowing policy as attached to Report Number 17/0052.

### Background

The development of this policy is in response to a recommendation from the confidential KPMG Project Anthe report following the suspension of Council in 2015. The policy supports Council's Fraud Protection Plan and has been developed to be consistent with the *Public Interest Disclosure Act* and associated regulations and guidelines.

### Links with Strategic Plan

An effective and sustainable Council

### Legislative and Policy Implications

This policy is consistent with the *Public Interest Disclosure Act*.

## Risks

Having a Whistleblowing Policy reduces the risk of non-reporting of fraudulent activities.

## Financial Implications

Nil

## Community Engagement

Nil

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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





Name	GOV04 Whistleblowing
Policy Type	Council
Responsible Officer	Director Community and Corporate Services
Approval Date	15/11/2017
Review Date	15/11/2020

### 1. Purpose

To encourage and facilitate disclosures of maladministration, corrupt or illegal conduct occurring in the Council so that internal controls and procedures can be strengthened to ensure that the Council's resources are applied efficiently and effectively.

To provide assurance to the community that Council is committed to good governance and ethical behaviour.

To provide an environment where people are supported in the reporting of corrupt and illegal practices and that such persons are not victimised for reporting these matters.

### 2. Scope

This policy applies to all Litchfield Council employees, regardless of the status of their employment, and members of the public who elect to make a disclosure of alleged improper conduct and seeks protection under the *Public Interest Disclosure Act (the Act)*.

Comprehensive information regarding disclosure, the role and powers of the Information Commissioner, as well as links to *the Act* and the associated regulations and guidelines, are available on the Public Interest Disclosure website [www.blowthewhistle.nt.gov.au](http://www.blowthewhistle.nt.gov.au)

### 3. Definitions

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

Code of Conduct	means the approved Litchfield Council Codes of Conduct as they apply to employees and the Elected Members
Delegate	means the person delegated by the Chief Executive Officer to receive reports of alleged improper conduct
Employee	means any person employed by or working for Litchfield Council, either as a salaried officer, wages recipient, volunteer, temporary or employment agency staff or Elected Member
Commissioner	means the Commissioner for Public Interest Disclosure
The Act	The Public Interest Disclosure Act

Improper Conduct (as defined in Section 5 of the Public Interest Disclosure Act)	<p>a. if the conduct involves one or more of the following and constitutes a criminal offence or, if engaged in by a public officer (as per definition in The Act), constitutes reasonable grounds for terminating the services of the public officer:</p> <ul style="list-style-type: none"> <li>(i) seeking or accepting a bribe or other improper inducement;</li> <li>(ii) any other form of dishonesty;</li> <li>(iii) inappropriate bias;</li> <li>(iv) a breach of public trust;</li> <li>(v) misuse of confidential information; or</li> </ul> <p>b. the conduct involves one or more of the following (whether or not the conduct constitutes a criminal offence or, if engaged in by a public officer, reasonable grounds for terminating the services of the public officer):</p> <ul style="list-style-type: none"> <li>(i) substantial misuse or mismanagement of public resources;</li> <li>(ii) substantial risk to public health or safety;</li> <li>(iii) substantial risk to the environment; or</li> <li>(iv) substantial maladministration that specifically, substantially and adversely affects someone's interests.</li> </ul> <p>The following acts also constitute improper conduct:</p> <ul style="list-style-type: none"> <li>(i) unauthorised removal of Council assets, both tangible and intangible;</li> <li>(ii) altering mandated tender processes to ensure a contract is awarded to a favoured applicant;</li> <li>(iii) inappropriate use of position to obtain goods or services;</li> <li>(iv) an act of reprisal; or</li> <li>(v) a conspiracy or attempt to engage in improper conduct that constitutes a criminal offence.</li> </ul>
Whistleblower	<p>any person who identifies that they wish to access the protection of <i>the Act</i> and this Policy to disclose information in the public interest concerning:</p> <ul style="list-style-type: none"> <li>• Illegal activity or corruption within Litchfield Council;</li> <li>• Maladministration, including impropriety, negligence or waste within Litchfield Council.</li> </ul>

#### 4. Policy Statement

##### 4.1. Council Commitment

4.1.1. Litchfield Council is committed to the objectives of *the Act* and to ensure that its responsibilities under *the Act* are properly fulfilled. Disclosures which are made in good

faith will be taken seriously and prompt action will be taken to address any alleged improper conduct.

4.1.2. Litchfield Council is committed to the principles of natural justice and procedural fairness, namely:

- The premise that a person is innocent until proven otherwise;
- The right to be heard, which means the right to have a fair hearing, with the opportunity to present one's case;
- The right to have a decision made by an unbiased decision-maker;
- The right to have the decision based on evidence;
- Clear communication of policies, procedures and instructions.

4.1.3. This Policy is designed to complement normal communication channels between Litchfield Council management, staff and the public. Employees are encouraged to continue to raise matters at any time with their managers/team leaders. Additionally, people may make a formal disclosure of improper conduct or detrimental action under *the Act* in accordance with this policy and associated regulations and guidelines.

4.1.4. Litchfield Council will adhere to *the Act's* regulations and guidelines to allow employees or members of the public to provide information in accordance with *the Act*.

4.1.5. Litchfield Council is committed to investigating all information supplied in a confidential manner and taking appropriate action.

4.1.6. Serious and proven fraud and corruption will be referred to the Northern Territory Police.

#### 4.2. Whistleblower Protection

4.2.1. Litchfield Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt or illegal conduct involving substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment.

4.2.2. Litchfield Council does not tolerate improper conduct by its employees, nor the taking of reprisals against those who come forward to disclose such conduct.

4.2.3. Litchfield Council will take every care to keep the identity of any person making a disclosure confidential, subject to any legal requirements that are imposed on Council to disclose information. The identity of a Whistleblower will be maintained as confidential in accordance with *the Act*. Confidentiality will remain in all circumstances, unless the Whistleblower consents to his/her identity being disclosed or disclosure is otherwise required so that the matter may be properly investigated.

4.2.4. Harassment, intimidation or other reprisal action against a person who discloses alleged improper conduct will not be tolerated and action will be taken in accordance with *the*

Act and with Council's Code of Conduct against persons who indulge in harassment, intimidation or reprisal action.

#### 4.3. Employees who are the Subject of Disclosures

- 4.3.1. Litchfield Council will afford natural justice to the person who is the subject of the disclosure.
- 4.3.2. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.
- 4.3.3. Litchfield Council will give its full support to a person who is the subject of a disclosure where the allegations contained in the disclosure are clearly wrong or unsubstantiated.
- 4.3.4. If the matter has been publicly disclosed, the Chief Executive Officer will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.
- 4.3.5. Litchfield Council will follow the strategies outlined in the The Act and associated regulations and guidelines to ensure that Whistleblower protections are in place.

#### 4.4. Making a disclosure

- 4.4.1. Disclosures can be made verbally, in writing, by telephone or by email.
- 4.4.2. Disclosures can be made anonymously.
- 4.4.3. Disclosures can be submitted to;
  - the Chief Executive Officer of the Litchfield Council or
  - any delegate of the Chief Executive Officer or
  - the Commissioner for Public Interest Disclosures.
- 4.4.4. Reporting alleged improper conduct to persons other than the above named, including the media, **will not be** protected under *the Act*.

### 5. Associated Documents

Litchfield Council – Codes of Conduct (EM02 & HR01)

Litchfield Council – Fraud Policy (FIN10)

Litchfield Council – Delegation Manual

### 6. References and Legislation

Public Interest Disclosure Act 2008 (NT)

Public Interest Disclosure Regulations

Public Interest Disclosure Guidelines

**7.** Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)

DRAFT



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.7
<b>Report Title:</b>	PA2017/0284, a Concurrent Application for a rezoning from Zone R (Rural) to Zone RL (Rural Living) and a subdivision to create 3 lots at Lot 9 (35) Finn Road, Berry Springs, Hundred of Ayers
<b>Report Number:</b>	17/0053
<b>Meeting Date:</b>	15 November 2017
<b>Attachments:</b>	Attachment A: Development Application PA2017/0285. Attachment B: Council's letter of comment for PA2017/0285, a Concurrent Application for a rezoning from Zone R (Rural) to Zone RL (Rural Living) and a subdivision to create 3 lots at Lot 9 (35) Finn Road, Berry Springs, Hundred of Ayers.

### Purpose

The purpose of this report is to provide a summary and assessment to Council of PA2017/0285, a Concurrent Application for a rezoning from Zone R (Rural) to Zone RL (Rural Living) and a subdivision to create 3 lots at Lot 9 (35) Finn Road, Berry Springs, Hundred of Ayers, included as Attachment A.

### Summary

The proposal is for rezoning and subdivision, which requires an application.

The report also presents to Council a draft the Letter of Comment on PA2017/0285, included as Attachment B.

This report concludes that Council does not support the application due to two of the three lots not meeting the minimum lot size requirement and with the provision of no special circumstances to support the variation in proposed lot sizes; however, it is recommended that Council note it would support the subdivision if the boundaries were realigned so that the minimum lot sizes were met. Council can support the rezoning of the site as it is consistent with other recent rezoning approvals in the surrounding area and there are not expected to be impacts on Council infrastructure as a result of the rezoning.

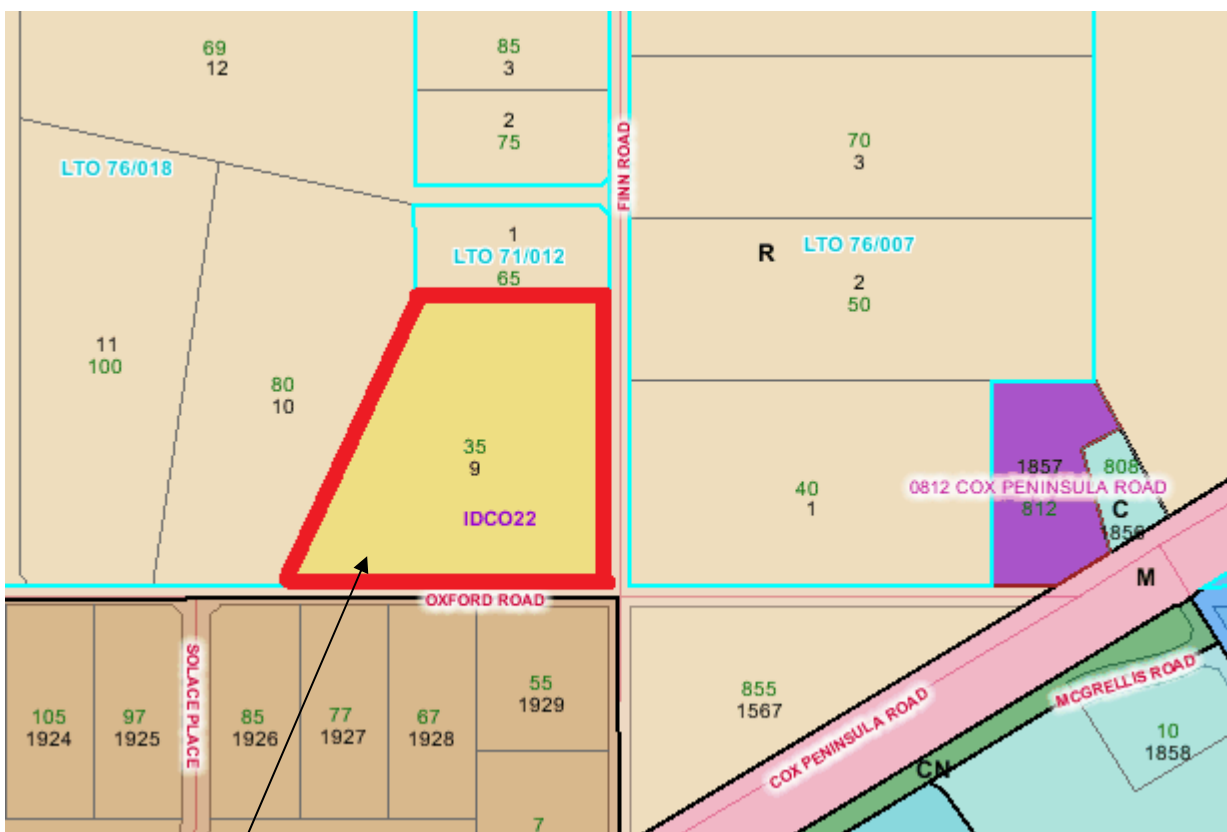
### Recommendation

THAT Council endorse Attachment B, Council's Letter of Comment for PA2017/0285, a Concurrent Application for a proposal at Lot 9 (35) Finn Road, Berry Springs, Hundred of Ayers, the assessment of which is summarised above and reviewed in detail within the body of this report.

## Background

### Site and Surrounds

The subject site is 35 Finn Road, which is an 8.08Ha parcel in Zone R (Rural). The parcels adjacent to this site are all zoned R (Rural); however, the subject site is situated across the road from the recently subdivided lots that are all zoned RL (Rural Living). The site is nicely landscaped with two existing residential dwellings, one being situated on proposed Lot A and the other on proposed Lot C. There is an existing fence line between the two dwellings.



Source: NT Atlas and Spatial Directory

**Subject Site**

### Site Development History

No planning history or past applications have been lodged for this site.

### Current Proposal

The application is proposing 35 Finn Road, Berry Springs be rezoned from Zone R (Rural) to Zone RL (Rural Living) to facilitate the creation of 3 lots on the subject site. In this submission, two of the three proposed lots are undersized. The application is seeking a waiver to the 2Ha minimum



lot size requirement of the NT Planning Scheme. Lot B is proposed to be 1.82Ha and Lot C is proposed to be 1.98Ha, making the total shortfall 2,000 sqm (0.2Ha).

**Source: PA2017/0285**

Council can support the rezoning of the site from Zone R (Rural) to Zone RL (Rural Living) as the site is approximately 650m from the centre of the Berry Springs Rural Activity Centre and other lots across the road from the subject site, on Oxford Road, have recently been rezoned to RL. No additional impacts are expected upon Council infrastructure as a result of this proposal.



There are no particular stormwater drainage concerns for the subject site based on the information submitted, though a more detailed stormwater drainage plan for the subdivision would be required should the subdivision be approved.

### Conclusion

It is recommended that Council does not support the application due to two of the three lots not meeting the minimum lot size requirement and with the provision of no special circumstances to support the variation in proposed lot sizes; however it is recommended that Council note it would support the subdivision if the boundaries were realigned so that the minimum lot sizes were met. Council can support the rezoning of the site as it is consistent with other recent rezoning approvals in the surrounding area and there are not expected to be impacts on Council infrastructure as a result of the rezoning.

### **Links with Strategic Plan**

Priority # 2 – A great place to live

### **Legislative and Policy Implications**

Not applicable to this report.

### **Risks**

Not applicable to this report.

### **Financial Implications**

Not applicable to this report.

### **Community Engagement**

Not applicable to this report.

**Recommending Officer:** **Wendy Smith, Acting Director of Infrastructure and Operations**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

# NORTHERN TERRITORY OF AUSTRALIA

## Planning Act

### Concurrent Application - section 30C

#### 1. LAND INFORMATION

<b>LOCATION OF PROPOSAL</b>	
<p>Town/<del>Hundred</del>/Locality: <b>Ayers</b></p> <p>Parcel Number(s) and/or Unit number: <b>Lot 9</b></p> <p>LTO Plan: <b>LTO76/018</b></p> <p>Number and Street Name: <b>35 Finn Road, Berry Springs</b></p> <p>Current Zone: <b>R</b></p>	
<b>LAND OWNER INFORMATION</b>	<b>NOTE:</b>
Is the applicant the land owner? <span style="float: right;"><del>YES</del> / NO</span>	<b>IF APPLICANT IS NOT THE LAND OWNER, AUTHORISATION MUST BE ATTACHED TO THIS APPLICATION</b>
Owner's name(s): <b>Fiona and Peter Gorman</b>	
Postal address: <b>c/o GPO Box 884, Darwin NT 0801</b>	<b>ATTACHMENT A</b>

#### 2. APPLICANT INFORMATION

<b>APPLICANT</b>	
<p>ILIS Customer no. (if known):</p> <p>Company name (if applicable): <b>Earl James and Associates</b></p> <p>ABN or ACN (if applicable): <b>ABN 30 112 988 625</b></p> <p>Title: Mr Mrs Miss Ms Dr Other:</p> <p>Family name(s):</p> <p>Given name(s):</p> <p>Preferred name(s):</p> <p>Postal address: <b>GPO Box 884</b> <b>Darwin NT 0801</b></p> <p>Telephone no. (business hours): <b>08 89812494</b></p> <p>Facsimile no.: <b>08 89815205</b></p> <p>E-mail address: <b>kdodd@eja.com.au</b></p>	
<b>CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE')</b>	
<p>ILIS Customer no. (if known):</p> <p>Company name (if applicable): <b>As above</b></p> <p>ABN or ACN (if applicable):</p> <p>Title: Mr Mrs Miss Ms Dr Other:</p> <p>Family name(s):</p> <p>Given name(s):</p> <p>Preferred name(s):</p> <p>Postal address:</p> <p>Telephone no. (business hours):</p> <p>Mobile no.:</p> <p>Facsimile no.:</p> <p>Email address:</p>	
<b>NOTE:</b> <b>ALL CORRESPONDENCE WILL GO TO THE PERSON AND ADDRESS INDICATED HERE.</b>	

### 3. EXISTING LAND USE

Rural living

### 4. PRE-APPLICATION MEETING WITH PLANNING ADVISER

Date of Pre-application meeting: **16/5/2017**

Planning adviser's name (if known): **Chris Humphries, Dawn Parkes**

**NOTE:**

**A PRE-APPLICATION MEETING  
WITH A PLANNING ADVISER IS  
MANDATORY.**

### 5. BRIEF DESCRIPTION OF THE DEVELOPMENT PROPOSAL

**SUBDIVISION TO CREATE 3 LOTS**

### 6. BRIEF DESCRIPTION OF THE AMENDMENT PROPOSAL

**REZONE FROM R TO RL**

### 7. STATEMENT – REASON FOR CONCURRENT APPLICATION

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

**ATTACHMENT B**



### 8. STATEMENT OF STRATEGIC INTENT

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

**ATTACHMENT C**



### 9. ASSESSMENT - COMPLIANCE WITH PLANNING SCHEME IF AMENDED

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

**ATTACHMENT D**



### 10. STATEMENT OF EFFECT

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

**ATTACHMENT E**



### 11. DIMENSIONED PLANS

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

**ATTACHMENT F**

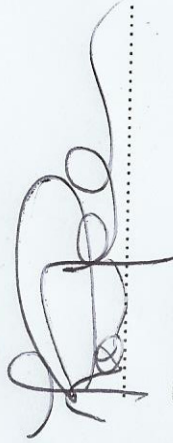


The Chairman  
Development Consent Authority  
GPO Box 1680  
Darwin NT 0801

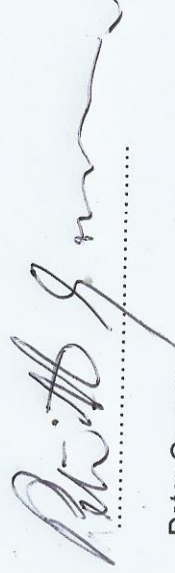
Dear Sir,

We hereby authorise Earl James and Associates to lodge a Development Application  
over Lot 9, LTO76/018, Hundred of Ayers

Regards,

A handwritten signature in dark ink, appearing to read 'Fiona Gorman', written over a horizontal dotted line.

Fiona Gorman

A handwritten signature in dark ink, appearing to read 'Peter Gorman', written over a horizontal dotted line.

Peter Gorman

## **Concurrent Application**

### **Lot 9, LTO76/018, Hundred of Ayers**

#### **Attachment B – Reason for Concurrent Application**

Lot 9 is located on the corner of Finn Road and Oxford Road and is currently zoned R (Rural) under the NT Planning Scheme.

The suitability of this locality for smaller, 2 hectare allotments has previously been recognised by the Department of Infrastructure, Planning and Environment (DIPL), and the Minister, and consequently land in the immediate area has been rezoned to RL (Rural Living) to facilitate the creation of the smaller lots.

In order to arrange for the subdivision of Lot 9, the NT Planning Scheme will need to be amended to change the zone of the subject land to RL in order for the Development Consent Authority to grant approval for a subdivision under the Planning Act.

The concurrent application process is being utilised as it will allow for a single application, a single exhibition period for the Planning Scheme amendment and development application components of the application and also allow for a single submission/comment from authorities and members of the community.

## Concurrent Application

### Lot 9, LTO76/018, Hundred of Ayers

#### Attachment C – Statement of Strategic Intent

The subject land is currently zoned R (Rural) under the NT Planning Scheme (NTPS)

The Darwin Regional Land Use Plan (DRLUP) was developed to *identify the essential characteristics and needs that will shape future development in the region and establish an overarching framework for that development.*

The DRLUP identifies areas where rural lifestyle should be retained but it also identifies areas where other development could take place in order to provide increased housing choice.

The DRLUP makes the following reference to 'rural activity centres' such as Berry Springs:

*Rural activity centres will create the opportunity to provide housing choice outside the urban area while minimising the impacts of smaller lots on established rural lifestyle areas. These centres will also assist in establishing the economic viability of the infrastructure required to support such development and encourage increased local employment and development of local community facilities and services, including public transport.*

Rural activity centres (district centres) such as Berry Springs will be the focus of smaller lot development in the rural areas and the rural living allotments, such as those being proposed by the current application, will provide a transition to the larger rural allotments.

The rural living lots that have recently been developed on Oxford Road, and the lots that may eventuate from the current proposal (albeit only two additional lots) will complement the activities identified for the Activity Centre

This is also consistent with the DLRUP which *endorses the development of rural lifestyle lots within the Litchfield Municipality.*

The Litchfield Subregional Land Use Plan 2016 superseded the Litchfield Planning Concepts and Land Use Objectives 2002 and provides more detailed planning for the region, following on from the DRLUP. The Subregional Plan seeks to *preserve the existing amenity of the rural area, identified as Rural Lifestyle in the DRLUP.*

The Subregional Plan also recognises that *there is opportunity to investigate the rezoning of land from Zone R (Rural) to Zone RL (Rural Living) to cater for the growing demand for rural living.*

Areas in the vicinity of the subject land have been rezoned to RL in recent times and this has facilitated the development of rural living lots with minimum areas of 2 hectares.

The current proposal, to rezone to RL and subdivide to create 2 additional rural living lots, is consistent with the Litchfield Subregional Land Use Plan 2016.

## Concurrent Application

### Lot 9, LTO76/018, Hundred of Ayers

#### Attachment D – Compliance with Planning Scheme

The minimum lot size requirements for subdivisions are set out in Clause 11.1.1 of the NT Planning Scheme (NTPS).

If the Minister agrees to the rezoning of Lot 9 to RL, then the prescribed minimum lot size is 2 hectares. Proposed Lot C on plan 17/10134/1 is slightly less than 2 hectares however the reason is that it makes sense to adopt the existing fence-line for the southern boundary of Lot C.

The positioning of the proposed eastern boundary of Lot B is dictated by the existing shed that will be comprised within proposed Lot A. In order to comply with the NT Planning Scheme (NTPS) the boundary has been positioned 10 metres from the shed and perpendicular to the Oxford Road boundary. This results in Lot B having an area of 1.86 hectares which is only 7% less than the minimum area suggested in the NTPS.

An area of 2 hectares could be achieved by angling the eastern boundary of Lot C however this would result in an irregular shaped lot. This is unnecessary given that proposed Lot C is definitely suitable for the intended purpose (rural living) even though its area is slightly less than the prescribed minimum.

Consequently, a waiver of the minimum lot size is reasonable because the lot layout utilises existing improvements and the resulting lots are suitable for rural living.

Clause 11.4.1 deals with site characteristics in rural subdivisions.

The contours shown on the design plan have been obtained from mapping provided by the Department of Infrastructure, Planning and Logistics (DIPL) and indicate that the land slopes steadily downward from the south eastern corner towards the north west.

Land unit mapping obtained from the Department of Environment and Natural Resources (DENR) indicates that the vast majority of the subject land is made up of land unit 3c

Land unit 3c is defined as: flat to gently undulating upland surface with grades ranging from 1-3%; site drainage is moderately rapid; soils are shallow to moderately deep gravelly yellow massive earths, minor lateritic lithosols; Eucalypt woodland to open forest.

The soils across the subject land are suitable for the effective operation of standard septic tank effluent disposal systems (evidenced by the existing system) and the proposed subdivision, under an RL zoning, would be able to comply with the requirements of the Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent.

Reticulated water is not available in this locality so the potable water supply for the residents of the two additional lots will come from ground water, complemented by harvested rainwater.

DENR has advised that Lot 9 overlies a groundwater resource in the rock formation referred to as 'South Alligator Group, Berry Springs'. DENR has also advised that the estimated usage of future bores on proposed Lots B and C would be within sustainable yield of the underlying groundwater resource.

Clause 11.4.2 deals with infrastructure in rural subdivisions and lists the following factors that design should take into account:

- a) *Minimise disturbance through earthworks associated with the provision of infrastructure*

The only earthworks associated with the proposed subdivision will be accesses off Oxford and Finn Roads.

The design and construction of these works will be carried out in accordance with Litchfield Council requirements.

*Provide for connection to reticulated services where possible*

There is existing, reticulated power in both Finn and Oxford Roads and this will be utilised for Lots B and C

Reticulated sewerage and water are not available in this locality.

- a) *Where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular to ground and surface waters.*

It has previously been mentioned that the site conditions are suitable for the use of standard septic system for waste water treatment.

- b) *Where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes*

Previously addressed.

Clause 11.4.3 of the NTPS deals with lot size and configuration in rural subdivisions.

The purpose of this clause is to ensure that lots are of a size and configuration suited for the intended purpose. All of the proposed lots are certainly suitable for rural living.

The design plan, 17/10134/1 identifies the existing and notional location of bores and effluent disposal systems and demonstrates that there will be sufficient area to provide for the minimum 100 metres separation.



## Concurrent Application

### Lot 9, LTO76/018, Hundred of Ayers

#### Attachment E – Statement of Effect

The development component of this concurrent application is seeking to create a single parcel, Section 7438.

#### 30C(4)(a) – Compliance with an Interim Development Control Order

The subject land falls within the area that is subject to IDCO22. This IDCO advises that development of land may only occur with consent and subject to confirmation from the Department of Land Resource Management (now DENR) that the proposal does not rely on groundwater sourced from the Berry Springs Dolostone Aquifer or will not impact on the sustainability of the groundwater resources.

This confirmation is included with this application.

#### 30C(4)(b) – Public Environmental Report or Environment Impact Statement

There is no requirement for a report or statement under the Environmental Assessment Act.

#### 30C(4)(c) – Merits of the proposed development

The subject land is suitable for rural living and the subdivision now being proposed will provide new living options that will complement the Berry Springs rural activity centre and will provide a buffer between the centre and the larger, rural allotments.

#### 30C(4)(d) – The physical characteristics of the land

The contours shown on the design plan have been obtained from mapping provided by the Department of Infrastructure, Planning and Logistics (DIPL) and indicate that the land slopes steadily downward from the south eastern corner towards the north west.

Land unit mapping obtained from the Department of Environment and Natural Resources (DENR) indicates that the vast majority of the subject land is made up of land unit 3c

Land unit 3c is defined as: flat to gently undulating upland surface with grades ranging from 1-3%; site drainage is moderately rapid; soils are shallow to moderately deep gravelly yellow massive earths, minor lateritic lithosols; Eucalypt woodland to open forest.

The soils across the subject land are suitable for the effective operation of standard septic tank effluent disposal systems (evidenced by the existing system) and the proposed subdivision, under an RL zoning, would be able to comply with the requirements of the Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent.

Reticulated water is not available in this locality so the potable water supply for the residents of the two additional lots will come from ground water, complemented by harvested rainwater.

DENR has advised that Lot 9 overlies a groundwater resource in the rock formation referred to as 'South Alligator Group, Berry Springs'. DENR has also advised that the estimated usage of future

bores on proposed Lots B and C would be within sustainable yield of the underlying groundwater resource.

**30C(4)(e) – Public facilities or open space**

The proposal does not create a demand for any additional public facilities or open space and the new residents will be able to utilise the existing facilities in the locality.

**30C(4)(f) – Public utilities and infrastructure**

The existing power reticulation has previously been discussed and all lots will be accessed from public roads that are connected to an established road network.

**30C(4)(g) – Potential impact on the existing and future amenity of the area**

One of the reasons given by the Minister for the change in zoning from R to RL of the land immediately opposite on Oxford Road was that an RL subdivision would not be expected to unreasonably intrude or compromise the privacy of the adjoining locality.

Whilst domestic traffic movements will increase minimally from the proposed subdivision of Lot 9, the impact of the traffic on the residents in Oxford Road will be minimal as there will only be one additional lot in this street. One new lot will access onto Finn Road but the impact will be negligible to residents on Finn Road as this road is now used by traffic from various other areas as an access through to Channel Island Road and on to Palmerston and Darwin.

**30C(4)(h) – Assessment of the benefit or detriment to the public interest of the development**

There will be no detriment to the public interest however the proposal will create two, additional, living options and will better utilise our limited land resource.

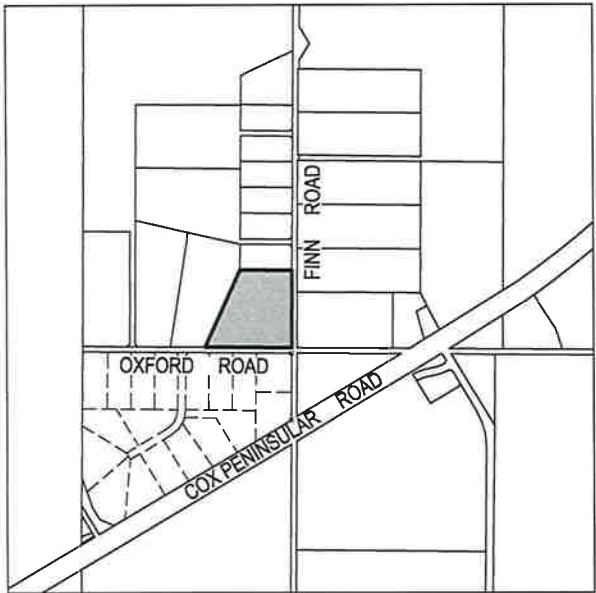
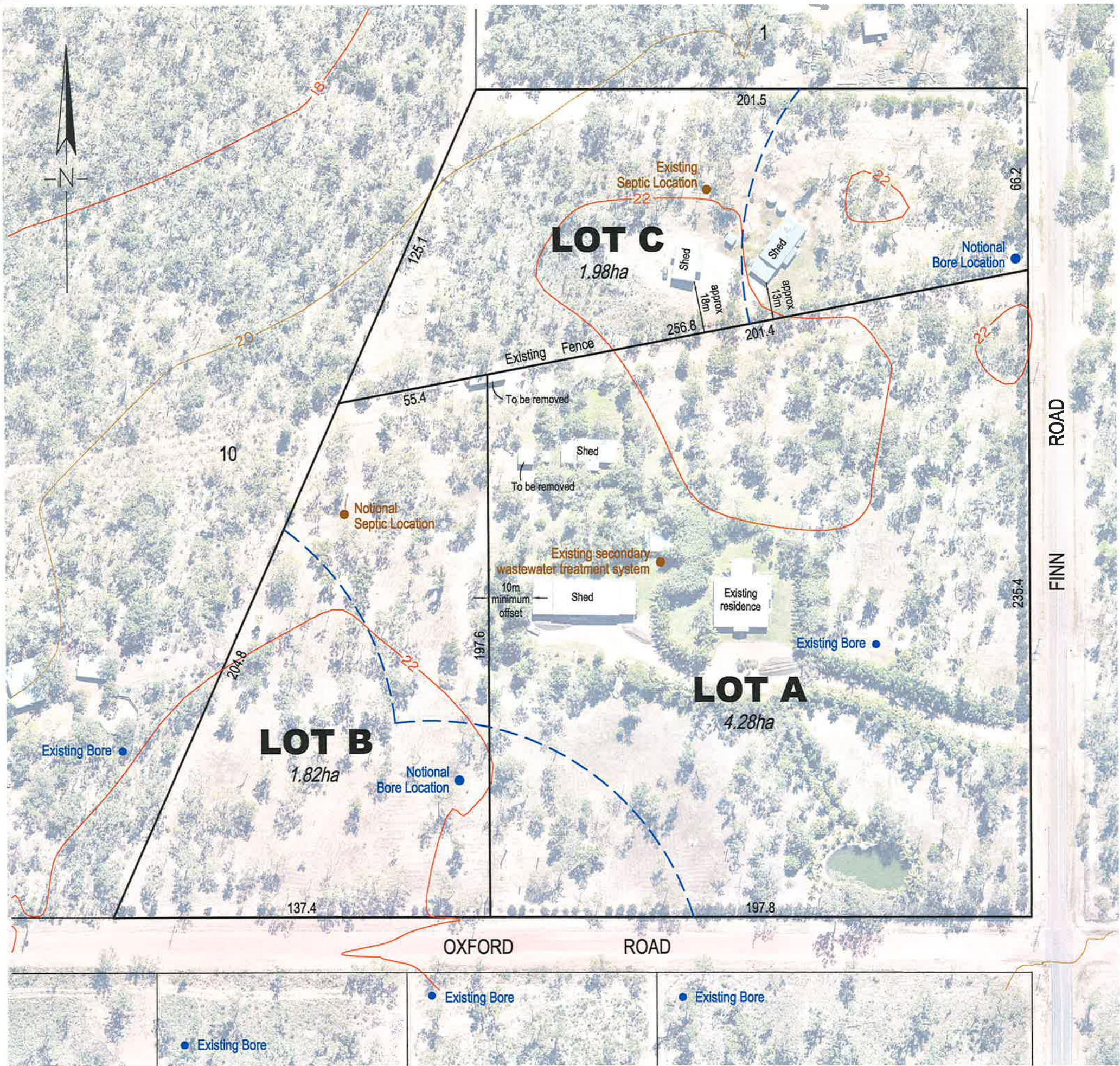
**30C(4)(i) – Building regulations**

Boundaries have been positioned to ensure that all existing building are a minimum of 10 metres from all proposed boundaries and therefore the proposal complies with the NT Panning Scheme and building regulations in relation to setbacks from boundaries.

**30C(4)(j) – Unit Titles Act**

Not applicable





LOCATION PLAN  
Not to Scale

Note  
All areas and dimensions are subject to survey  
Contour interval = 2 metres  
Contours obtained from DIPL  
Aerial image obtained from Nearmap  
--- denotes 100 m radius from bore





earl james & associates

SURVEY & PLANNING  
CONSULTANTS  
10 HARVEY STREET  
DARWIN NT 0801  
PH. (08) 89812494  
FAX. (08) 89815205  
darwin@eja.com.au

**LOT 9 (LTO76/018)**  
**HUNDRED OF AYERS**  
**SUBDIVISION CONCEPT**

Client: **FIONA GORMAN**

Scale: 1:1500 (A3)	
Licensed Surveyor:	Datum: AHD
Date:	
Drawn by: SJH	
Date: 13.01.17	Drawing No:
Cad File: 10134-1.DWG	<b>17/10134/1</b>



Ref: 10134

**Concurrent Application**

**Lot 9, LTO76/018, Hundred of Ayers**

**Compliance with building regulations**

This application is seeking approval to subdivide the above property in order to create 3 lots for rural living.

The proposed boundaries have been positioned to ensure that existing buildings are in excess of 10 metres from boundaries. Consequently there will be no conflict with building regulations in relation to the offset of buildings from a boundary

Ref: 10134

## **Concurrent Application**

### **Lot 9, LTO76/018, Hundred of Ayers**

#### **Land Suitability Assessment**

This application is seeking approval to subdivide the above property in order to create 3 lots for rural living.

Following is an assessment of the land in accordance with the Northern Territory Land Suitability Guidelines.

#### *Drainage*

The proposed dividing boundaries do not impact on any natural drainage paths.

#### *On-site Wastewater Management*

The land unit data published by DLRM confirms that each of the proposed lots will comprise soils that are suitable for the effective operation of standard septic tank effluent disposal systems and this is confirmed by the effective operation of the existing effluent disposal systems on proposed Lots A and C

The design plan indicates that all the requirements of the Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent can be achieved on all of the proposed lots, including the requirement for 100 metre separation between bores and septic tanks.

#### *Erosion Risk*

The proposed boundary lines traverse stable soils and grades similar to the existing boundaries and the risk of erosion associated with the proposed boundaries is minimal.

#### *Soil Salinity*

Due to the location of the subject land there are no soil salinity issues.

#### *Acid Sulphate Soils*

These types of soils are associated with coastal areas and consequently are not an issue for the current proposal.

#### *Storm Tide Flooding*

The subject land is not affected by storm tide flooding due to its location.

#### *Riverine Flooding*

The subject land is not subject to riverine flooding.

Ref: 10134

**Concurrent Application**

**Lot 9, LTO76/018, Hundred of Ayers**

**Stormwater Management**

This application is seeking approval to subdivide the above property in order to create 3 lots for rural living.

No new roads are proposed as part of the subdivision and no new drainage works will be required. Consequently there will be no impact on the adjoining parcels and no impact on upstream and downstream flows.

## Kevin Dodd

---

**From:** Maria Wauchope <Maria.Wauchope@nt.gov.au>  
**Sent:** Monday, 20 March 2017 8:25 AM  
**To:** Kevin Dodd  
**Cc:** Des Yinfoo  
**Subject:** FW: Lot 9, 35 Finn Road, Berry Springs

Hi Kevin,  
Please find below the response from Des Yinfoo of Water Resources.  
Kind regards,  
Maria

**Maria Wauchope** | A/ Director Land Development Coordination  
Rangelands  
Department of Environment and Natural Resources

Level 3, Goyder Building, 25 Chung Wah Tce, Palmerston  
PO Box 496, Palmerston, NT 0831  
P: 8999 3692 | M: 0477 725 970 | F: 8999 4403  
E: [maria.wauchope@nt.gov.au](mailto:maria.wauchope@nt.gov.au)  
W: [www.denr.nt.gov.au](http://www.denr.nt.gov.au)

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**From:** Des Yinfoo  
**Sent:** Friday, 17 March 2017 5:23 PM  
**To:** Maria Wauchope  
**Cc:** Luis Da Rocha; Ian Smith; Melissa Woltmann  
**Subject:** FW: Lot 9, 35 Finn Road, Berry Springs

Maria,  
Apologies for the delay.

### Target Aquifer

Lot 9, 35 Finn Road, Berry Springs overlies a groundwater resource in the rock formation "South Alligator Group, Berry Springs" (however yet to be officially named).

Any bore drilled for water supply would need to target only this groundwater resource. Bores drilled through this rock formation may intersect an aquifer in the Berry Springs Dolostone.

The Berry Springs Dolostone aquifer is currently fully allocated (refer Berry Springs Water Allocation Plan, 2016)

Therefore, any bore drilled for water supply to the proposed new subdivision must **NOT** source groundwater from the underlying Berry Springs Dolostone aquifer.

This would appear as a condition specified on a Bore Construction Permit should one be applied for.

### Sustainable Yield

We have determined the groundwater resource in the South Alligator Group aquifer beneath Lot 9, 35 Finn Road, Berry Springs, has an average annual recharge estimated to be 12370 ML.

In accordance with the NT Water Allocation Framework, 20% of this recharge amount defines the sustainable yield – ie. **2474 ML/y is available for consumptive use.**

The estimated current commitments in this groundwater resource comprise horticultural use (1140 ML/y), stock and domestic use (591.5 ML/y) and the potential use by landowners who may elect to install a bore in the future (241.5 ML/y) totalling 1973 ML/y.

The proposed subdivision would result in the addition of two bores equating to 7 ML/y extraction, and a **total annual commitment of 1980 ML/y.**

The estimated usage would be **within the sustainable yield** of the groundwater resource.

### Other Issues

Water Assessment would raise no other groundwater issues.

Please see me if any queries.

Regards,  
Des

Des Yin Foo | Senior Manager Water Assessment  
P: 8999 3615 | M: 0407020964

---

**From:** Des Yinfoo  
**Sent:** Thursday, 16 March 2017 4:49 PM  
**To:** 'Kevin Dodd'  
**Cc:** Luis Da Rocha; Maria Wauchope  
**Subject:** RE: Lot 9, 35 Finn Road, Berry Springs

Hi Kevin,  
I will provide the information back through our Land Development Coordination area tomorrow.

Regards,  
Des

Des Yin Foo | Senior Manager Water Assessment  
P: 8999 3615 | M: 0407020964

---

**From:** Kevin Dodd [<mailto:kdodd@eja.com.au>]  
**Sent:** Thursday, 16 March 2017 2:34 PM  
**To:** Des Yinfoo  
**Cc:** Luis Da Rocha  
**Subject:** Lot 9, 35 Finn Road, Berry Springs

Des/Luis,  
Have you had a chance to look at the inquiry below?  
Should I direct my inquiry to Ian Smith?  
Kevin.

### Our Ref: 10134

Des,

I think the lady who owns the above property (Fiona Gorman), on the corner of Finn and Oxford Roads, has already contacted you about the aquifer.



She is proposing to subdivide her property as shown on the attached plan

IDCP 22 requires that we seek confirmation from DLRM in relation to water before any development will be considered by the DCA.

Are you able to advise whether the proposed lots would source water from the Berry Springs Dolostone Aquifer and whether the 2, additional proposed lots would impact on the sustainability of groundwater resources.

Your advice would be much appreciated.

Kevin.

Kevin Dodd  
Earl James and Associates  
GPO Box 884  
Darwin NT  
0801

Ph: 08 89812494  
Fax: 08 89815205  
Mob: 0409 269 815



Web: <http://eja.com.au/>



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6 November 2017

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Concurrent Application**

**PA2017/0285  
Lot 9 (35) Finn Road, Berry Springs, Hundred of Ayers  
Rezone from R (Rural) to RL (Rural Living) and subdivision to create three lots**

Thank you for the Concurrent Application referred to this office on 09/10/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council does not support the granting of a Development Permit for the following reasons:**

- a) The proposed rezoning is consistent with other recent rezoning approvals in the surrounding area of the subject site. There are no environmental features that would preclude the rezoning of this site for further subdivision and development and appropriate services can be provided for the subject site. There is not expected to be any impact upon Council's infrastructure as a result of the rezoning proposal. As such, the rezoning of the site can be supported.
- a) Two of the three proposed lots are under the required minimum lot size and there are no special circumstances to support the variation or restrict the developer from redesigning to be compliant.

Council may support the application if the applicant can reconfigure the design so that the lots are compliant with the NT Planning Scheme minimum lot size requirements.

**Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:**

- a) The crossover and driveway shall meet Litchfield Council's requirements, and the following changes to the proposed plans are required:
  - i. Council requires a sealed driveway crossover to be 4m in width to access Finn Road.

- ii. Council requires unsealed driveway crossovers 4m in width to access Oxford Road, as that road is currently unsealed. However, should Oxford Road be sealed prior to the clearance of this Development Permit the driveway accesses will need to be sealed and 4m in width as per Litchfield Council's Development and Subdivision Standards.
- b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).
  - i. The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
  - ii. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road reserve. All stormwater is to be channelled, piped or dispersed via sheet flow to the road reserve.
  - iii. The plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
  - iv. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) **A monetary contribution is required to be paid to Litchfield Council in accordance with its development contribution plan for the upgrade of roads and drainage infrastructure as a result of this development.** The contribution payable is in accordance with that for Catchment Area 12B, in which the site falls within the Council's *Developer Contributions Plan for Roads and Drainage*.
  - b) Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense.
- Note:** Design drawings should be approved by Litchfield Council prior to construction of the works.
- c) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  - d) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.gov.nt.au](http://www.litchfield.gov.nt.au).
- b) *A Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Kaylene Conrick  
Chief Executive Officer



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.8
<b>Report Title:</b>	November 2017 Summary Planning and Mining Report
<b>Report Number:</b>	17/0054
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Attachment A: Letters of support for Development Applications, subject to normal Council conditions. Attachment B: Letters of support for Development Applications, subject to specific issues being adequately addressed. Attachment C: Letters of non-support or objection to Development Applications for reasons related to areas of Council authority. Attachment D: Letters of objection to Development Applications for reasons related to other issues. Attachment E: Letters of Comment for Mining Applications

### Purpose

The purpose of this report is to provide to Council a summary of development and mining applications received, and comments provided for the period of 30 September 2017 to 03 November 2017.

### Summary

For the noted period, Council provided comments on 5 development applications, 1 of which is provided full reports in this Council agenda. Of the remaining applications, 3 were supported subject to normal Council conditions and 2 were objected to for reasons related to other issues.

For the noted period, Council provided comments on 9 mining applications, 1 of which was an EMEL application and 8 of which were EMP applications.

All letters of comment are provided for information in Attachments A, B, C, D, and E.

### Recommendation

THAT Council

1. Receive the November 2017 Summary Planning and Mining Report.
2. Notes for information the responses provided to Development Assessment Services within Attachments A, B, C, and D to this report.
3. Notes for information the responses provided to the Department of Primary Industries and Resources within Attachment E to this report.

## Background and Discussion

### **DEVELOPMENT APPLICATIONS**

The following is a summary of all Development Applications received and comments provided for the period of 30 September 2017 to 03 November 2017.

<b>Council Outcome on Development Applications</b>	<b>No. Applications</b>
Development applications supported, subject to normal Council conditions	3
Development applications supported, subject to specific issues being adequately addressed	0
Development applications not supported/objected to for reasons related to Council issues	0
Development applications objected to for reasons not directly related to Council issues	2

Of the above applications, 1 is provided with a separate report within this Council agenda. Additional detail is provided below on all other applications.

For all development applications, should the applications be approved by the consent authority, the applications may be subject to Council's normal Development Permit conditions in regards to areas of Council authority, including, but not necessarily limited to, access and stormwater drainage.

### **Development Applications supported, subject to normal Council conditions**

The table below describes the Development Applications that are supported by Council.

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

<b>Application Number and Address</b>	<b>Purpose and Summary</b>
PA2017/0453  Section 674 (645) Parkin Road, Fly Creek, Hundred of Cavenagh	<p>Subdivision to create one lot for the purpose of a lease in excess of 12 years</p> <p>The application proposes to subdivide of a 2ha parcel from a larger 130ha parcel of Crown land. The purpose of the subdivision is for a lease in excess of 12 years, to be provided to the Labasheeda Park Volunteer Bushfire Brigade.</p> <p>While the road reserve extends along the entire western boundary of the site, the formed gravel road ends just before the site. As such, Council will require the road adjacent to the site to be upgraded to the same level of Council's standard as the remainder of the road prior to finalisation of the subdivision. Additionally, Council's road reserve in this area is 20m, whereas Council's standard road reserve width is</p>

	<p>30m. As such, Crown land is willing to allow Council to open a road reserve over a 5m strip along the western side of the parcel to create additional road reserve for future use.</p>
<p>PA2017/0445</p> <p>Lot 17 (85) Blyth Road, Livingstone, Hundred of Cavenagh</p>	<p>Independent unit in excess of 80m<sup>2</sup> with an independent effluent disposal system</p> <p>The proposed independent unit is an existing elevated home that will be transferred to the site. The structure is 18.5m<sup>2</sup> over the minimum area permitted without a Development Permit.</p> <p>The proposed additional unit is an existing structure, whose amenity can be considered to preserve historical tropical design. However, the structure is of such a nature as for it to be impossible to reduce the size to be under the maximum 80m<sup>2</sup> area standard.</p> <p>Given the overall size of the site at 17.8ha and the proposed location of the structure within the site at 80m to the site boundary at its closest point, it is unlikely that the additional size will result in a negative impact on the amenity of the surrounding area.</p> <p>There is not expected to be any effect upon Council's infrastructure as a result of the proposal.</p>
<p>PA2017/0498</p> <p>Section 3856 (255) Middle Arm Road, Weddell, Hundred of Strangways</p>	<p>The purpose of this application is to develop a single dwelling on a 10.98Ha parcel that is in Zone FD (Future Development).</p> <p>The proposal is consistent with the uses in that locality, as there are other parcels utilised for the purpose of single dwellings located on Middle Arm Road, the proposal appears to be compliant with relevant NT Planning Scheme clauses, and there are not expected to be any impacts on Council infrastructure as a result of the proposal.</p>

**Development Applications supported, subject to specific issues being adequately addressed**

There were no development applications in this time period supported subject to specific issues being adequately addressed.

### **Development Applications not supported/objected to for reasons related to Council issues**

There were no development applications in this time period not supported or objected to solely for reasons related to Council issues.

### **Development Applications objected to for reasons not directly related to Council issues**

The table below describes the Development Applications that are objected to by Council for reasons not directly related to areas of Council authority. Typically, these are reasons related to preservation of amenity of the surrounding neighbourhood and compliance with the NT Planning Scheme.

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

<b>Application Number and Address</b>	<b>Purpose and Summary</b>	<b>Reasons for objection</b>
PA2017/0489  Lot 5 (35) Langton Road, Howard Springs, Hundred of Bagot.	<p>This application proposes a shed, garage and carport with a reduced side and rear setback.</p> <p>The subject site is a 1.61Ha lot in Zone RL (Rural Living) and that has multiple structures existing on the site.</p> <p>The plans for the site do not any driveway crossover and stormwater details.</p>	<p>This application has provided no special circumstances for Council to consider for the proposed variation to two setbacks, and it is unclear why the shed could not be located on site to meet the NT Planning Scheme requirements.</p> <p>Council also has concern with over development of this lot due to the reduced setbacks requested and the negative impact it has on the rural amenity.</p>

### **MINING APPLICATIONS**

For all mining applications, Council's standard comments have been provided, with areas of access and stormwater drainage addressed where required.

The table below describes the Mining Applications to which Council has recently responded.

<b>Application Number and Address</b>	<b>Type of Application and Proposed Mined Material</b>	<b>Comments Provided</b>
EMP31669  NT Portions 4477 (1230) Goode Road, Wak Wak.	<p>EMP</p> <p>To extract sand and gravel. Proposed activity not specified in this application.</p>	<p>Council supports the granting of this EMP provided some issues are adequately addressed.</p>



EMP31670  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31671  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31672  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31673  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31674  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31675  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMP31676  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMP  To extract sand and gravel. Proposed activity not specified in this application.	Council supports the granting of this EMP provided some issues are adequately addressed.
EMEL31727  NT Portions 4477 (1230) Goode Road, Wak Wak.	EMEL  To extract sand and gravel. Proposed activity is to explore for gravel and sand, the sand will be used for general fill, engineered fill and screened sand for concrete manufacturers.	Council has no comments in relation to the proposed EMEL.

#### Links with Strategic Plan

Priority # 2 – A great place to live

### Legislative and Policy Implications

Not applicable to this report

### Risks

Not applicable to this report

### Financial Implications

Not applicable to this report

### Community Engagement

Not applicable to this report

### Recommending Officer:

**Wendy Smith, Acting Director Infrastructure and Operations**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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

## Attachment A

Responses to Development Applications supported, subject to normal Council conditions

6 October 2017

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Development Application**

**PA2017/0453**

**Section 674 (645) Parkin Road FLY CREEK, Hundred of Cavenagh  
Subdivision to create one lot for the purpose of a lease in excess of 12 years.**

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Thank you for the Development Application referred to this office on 22/09/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council supports the granting of a Development Permit for the following reasons:**

- a) The proposed use supports community activities in the locality, being a fire brigade to service the local community area.
- b) Currently, there is no road constructed to service the subject site. The application indicates that a road to Council's standard will be constructed as a part of the application. As such, the application can meet Council's infrastructure needs for widening of the road reserve and provision of a road to Council's standards to service the subject site.
- c) There are not expected to be any stormwater drainage or waste issues associated with the use.

**Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:**

- a) Council will require a road to be constructed adjacent the boundary of the leased area to a gravel standard similar to the remainder of Parkin Road near the subject site.
- b) Council requires the proposed 5m road widening to be noted on any formal subdivision plans for the subject site.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense.

**Note:** Design drawings should be approved by Litchfield Council prior to construction of the works.

- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.gov.nt.au](http://www.litchfield.gov.nt.au).
- b) A *Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



David Kingston  
Director Infrastructure and Operations

6 October 2017

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Development Application**

**PA2017/0445  
Lot 17 (85) Blyth Road, Livingstone, Hundred of Cavenagh  
Independent unit in excess of 80m<sup>2</sup> with an independent effluent disposal system**

Thank you for the Development Application referred to this office on 22/09/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council supports the granting of a Development Permit for the following reasons:**

- a) The proposed independent unit is an existing elevated home that will be transferred to the site. The structure is 18.5m<sup>2</sup> over the minimum area permitted without a Development Permit.

The proposed additional unit is an existing structure, whose amenity can be considered to preserve historical tropical design. However, the structure is of such a nature as for it to be impossible to reduce the size to be under the maximum 80m<sup>2</sup> area standard.

Given the overall size of the site at 17.8ha and the proposed location of the structure within the site at 80m to the site boundary at its closest point, it is unlikely that the additional size will result in a negative impact on the amenity of the surrounding area.

- b) There is not expected to be any effect upon Council's infrastructure as a result of the proposal.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the

technical requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council, and at no cost to Litchfield Council.

- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council.

**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.gov.nt.au](http://www.litchfield.gov.nt.au).
- b) A *Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



David Kingston  
Director Infrastructure and Operations



3 November 2017

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Development Application**

**PA2017/0498  
Section 3856 (255) Middle Arm Road Weddell, Hundred of Strangways  
Single Dwelling**

Thank you for the Development Application referred to this office on 20/10/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council supports the granting of a Development Permit for the following reasons:**

- a) The proposal seems reasonable for the expected and existing development of this locality; as there are other parcels utilised for the purpose of single dwellings located on Middle Arm road.
- b) There are not expected to be any negative effects upon Council's road reserve and waste services as a result of this proposal.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council, and at no cost to Litchfield Council.
- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council.



**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.gov.nt.au](http://www.litchfield.gov.nt.au).
- b) A *Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Wendy Smith  
A/Director Infrastructure and Operations

## Attachment B

Responses to Development Applications supported, subject to specific issues being adequately addressed

There were no Development Applications supported subject to specific issues being adequately addressed during this time period.

## Attachment C

Responses to Development Applications not supported/objected to for reasons related to Council issues

There were no Development Applications not supported/objected to for reasons related to Council issues during this time period.

## Attachment D

Responses to Development Applications objected to for reasons not related to Council issues

1 November 2017

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Development Application**

**PA2017/0489**  
**Lot 5 (35) Langton Road, Howard Springs, Hundred of Bagot**  
**Shed, garage and carport with reduced side and rear setbacks**

Thank you for the Development Application referred to this office on 20/10/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council wishes to lodge the following submission under Section 49 of the NT *Planning Act*, in which Council objects to the granting of a Development Permit for the following reasons:**

- a) The application requests a waiver of 4m to both the western side and rear setback with no special circumstances to support this variation. There is no reason apparent in the application as to why the setback requirements in the NT Planning Scheme cannot be met to make this application compliant.
- b) Council is concerned with over development of this lot and the negative impact it may have on the rural amenity.
- c) It is not clear in this application if there are expected to be any negative stormwater concerns. Due to the location of the structure in relation to the site boundary, the method of stormwater drainage for the site should be made clear through a schematic stormwater drainage plan.

**Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:**

- a) The crossover and driveway shall meet Litchfield Council's requirements, and the following changes to the proposed plans are required:
  - i. Council requires a sealed driveway crossover to be 4m in width.
- b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge

into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).

- i. The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
- ii. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road reserve. All stormwater is to be channelled, piped or dispersed via sheet flow to the road reserve.
- iii. The plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
- iv. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council, and at no cost to Litchfield Council.
- b) Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council.

**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.gov.nt.au](http://www.litchfield.gov.nt.au).
- b) A *Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Silke Maynard  
Director Community and Corporate Services

Attachment E

Responses to Mining Applications



2 November 2017

**LITCHFIELD  
COUNCIL**



*Community effort is essential*

Stephanie McConachy  
Department of Primary Industry and Resources  
GPO Box 4550  
Darwin NT 0801

Dear Stephanie,

**RE: Letter of Comment Mining Application**

**EMEL21727  
NT Portions 4477 (1230) Goode Road, Wak Wak  
Extractive Mineral Exploration Licence**

Thank you for the Extractive Mineral Exploration Licence Application referred to this office on 31/10/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council has no comments in relation to the proposed EMEL.**

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully

Wendy Smith  
A/Director Infrastructure and Operations

20 October 2017

Annette Smith  
Department of Primary Industry and Resources  
GPO Box 4550  
Darwin NT 0801



Dear Annette

**RE: Letter of Comment Mining Application**

**EMP31669, EMP31670, EMP31671, EMP31672, EMP31673, EMP31674, EMP31675 and  
EMP31675  
NT Portions 4477 (1230) Goode Road, Wak Wak  
To extract sand and gravel**

Thank you for the Extractive Mineral Permit Application referred to this office on 27/09/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council supports the granting of the EMP provided the following issues are adequately addressed:**

- a) For any access proposed from any road owned by Litchfield Council, Council requires information regarding the location of the proposed access and construction of the access to Litchfield Council's industrial standards. A Works Permit may be required from Litchfield Council before commencement of any work within the road reserve.
- b) For any proposal for vehicles associated with this use to utilise any Litchfield Council roads, Council requires a Traffic Management Plan, including details of haulage routes, traffic quantities and destination of materials. Additionally, Council shall require the upgrading of the subject road(s) to Council's requirements.
- c) Council requires an Environmental Management Plan, to Council's satisfaction, which should address, but may not be limited to stormwater runoff including containment of contaminants.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully

Wendy Smith  
A/Director Infrastructure and Operations

Tel (08) 8983 0600 • Fax (08) 8983 1165 • Email [council@litchfield.nt.gov.au](mailto:council@litchfield.nt.gov.au)  
7 Bees Creek Road, Freds Pass NT 0822 • PO Box 446 Humpty Doo NT 0836 • [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au)  
ABN: 45 018 934 501



<b>Agenda Item Number:</b>	15.9
<b>Report Title:</b>	PA2017/0341, a Planning Scheme Amendment Application to Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site
<b>Report Number:</b>	17/0059
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Attachment A: Planning Scheme Amendment Application PA2017/0341. Attachment B: Council's letter of comment for PA2017/0341, a Planning Scheme Amendment Application to Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site

### Purpose

The purpose of this report is to provide a summary and assessment to Council of PA2017/0341, a Planning Scheme Amendment Application to Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site, included as Attachment A.

### Summary

The proposal is for changes to the NT Planning Scheme, which requires an application.

The report also presents for Council endorsement the Letter of Comment on PA2017/0341 provided to the consent authority on 7 November 2017, included as Attachment B.

This report concludes that Council should object to the application as there is no evidence provided with the application as to how or why the measures proposed would adequately limit noise or dust from a helicopter landing site in such a way as to protect the amenity of the neighbouring lots and there is significant concern over the separation distances contained with the application to adjoining properties and dwellings.

### Recommendation

THAT Council endorse Attachment B, Council's Letter of Comment for PA2017/0341, a Planning Scheme Amendment Application to Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site, the assessment of which is summarised above and reviewed in detail within the body of this report.

### Background

### History

Currently, the NT Planning Scheme does not regulate helicopter landings when the helicopter is operated for private use. Commercial use of helicopters is considered to be covered by existing provisions for transport terminals and passenger terminals under the NT Planning Scheme. The use of a helicopter for emergency services does not require approval under the NT Planning Scheme.

Recently, a site in Knuckey Lagoon was the subject of a complaint due to the use of a helicopter landing site on a 1.85Ha residential site and a planning application was required for the site. The application was initially denied by the Development Consent Authority; however, upon multiple appeals, it was ultimately determined that the helicopter landing site could be operated on the site under specific conditions, including limiting the use to private and not commercial use. The complaint and application brought to light that the NT Planning Scheme currently did not regulate the private use of helicopter. Thus, the current amendment is proposed by the NT Government, in order to better regulate that use.

### Current Proposal

The application proposes that a “helicopter landing site’ means a place that may be used for the purposes of landing or taking-off of helicopters, other than as a commercial enterprise and does not include a helicopter engaged in the provision of emergency service operations, transport terminal or passenger terminal”.

The application proposes to permit a helicopter landing site in the following zones:

- RL – Rural Living
- R – Rural
- FD – Future Development
- H – Horticulture
- A – Agriculture

It is proposed to prohibit helicopter landing sites in all other zones.

If the use is permitted, the use is able to be developed without a Development Permit, provided that the use complies with the relevant clauses in the NT Planning Scheme. The proposed new clause related to helicopter landing sites is detailed below.

### 7.10.10 Helicopter Landing Site

1. The purpose of this clause is to ensure that a helicopter landing site (HLS) is established and operated in a manner that does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.
2. A HLS may be developed on the site of a dwelling in Zones RL, R, H, A or FD where:
  - (a) the use of the HLS is by a resident of the dwelling; or
  - (b) temporarily by a bona fide visitor;
  - (c) the distance from the centre point of the proposed HLS is not less than 50 metres from any boundary and distance to any dwelling on adjoining and nearby properties is more than 100 metres;
  - (d) the HLS is not less than 500 metres from a building used for a school, child care centre or hospital;
  - (e) use of the HLS is limited to helicopters of less than 2 tonnes all-up weight;
  - (f) helicopter operations do not take place before 7am or after sunset on a weekday and helicopter operations do not take place before 8am or after sunset on a weekend;
  - (g) the HLS is sealed or dust generated by the operation is appropriately managed to prevent its escape beyond the perimeter of the property;
  - (h) the property boundaries are to be landscaped for a minimum distance of 20 metres either side of the centre point of the HLS to minimise the visual and acoustic impacts on the existing and future amenity of adjacent areas;
  - (i) appropriate facilities are provided for the storage and handling of fuel;
  - (j) not more than one helicopter is kept on the site; and
  - (k) landing operations must be confined to the centre point of the HLS where practicable.
3. The consent authority may approve an application for a HLS that is not in accordance with sub-clause 2 only if it is satisfied the proposed HLS is appropriate to the site having regard to an acoustic report assessing the HLS impact on the residential amenity of adjoining and nearby property.

*The helicopter operator is responsible for ensuring a proposed helicopter landing site meets Civil Aviation Safety Authority "Guidelines for the establishment and use of helicopter landing sites" (CAAP 92-2 (1))*

Source: PA2017/0341

#### Application Assessment

There are concerns with some aspects of the proposal, in particular, the potential for some clauses to limit development on adjacent blocks that are not part of the proposal and the ease of assessing some clauses.

Presumably, the biggest matters of concern to do with helicopter use on an adjacent property are noise and dust generation.

Proposed items (c) and (d) specify distances from boundary lines, dwellings and schools, child care centres and hospitals. However, no information is given in the application as to the intent

behind the separation distances or as to how the distances were arrived at, thus it is impossible to determine whether or not the proposed distances are suitable for meeting the intent of the clause, as the intent is not clear. It is unclear why a school, child care centre or hospital, which are larger uses where people are not expected to live full time, 24 hours a day, would be more sensitive to the helicopter use than private residential dwellings. A reasonable case could be made that helicopter use could be just as, or more, disturbing to individual property owners of an evening as it could to a school or hospital periodically during the day. It is difficult to support the proposal with these stated separation distances without knowing if the distances will accomplish their intent. If the reason for the distance is noise, the proposed amendment should be accompanied by an acoustic study to prove suitability of the distances, as would be common practice when separating residential developments from larger noise sources, such as a main road.

Further, the strongest objection to this proposal has to do with item (c)'s proposal for 100m separation distance to any dwelling on the adjacent property. Council has significant concerns that any portion of an adjoining residential lot could be inhibited by off-site impacts from helicopter uses on the neighbouring lot. Council strongly objects to the proposal to designate up to 50m of a private property adjoining a proposed helicopter landing site as off limits to further expansion of the existing dwelling or construction of an independent unit that would otherwise be permitted. Owners of a residential property should have full right to develop that property within the NT Planning Scheme regulations and use the full extent of that property for recreational uses without those uses being inhibited by any helicopter use on a neighbouring site. This amendment proposes that once a helicopter landing site is developed on a site, if the adjoining residential use then wants to construct a legal independent unit or an expansion of their existing house, then that activity would not be permitted on the site. The landing of a helicopter on a private lot is seen as an extraordinary activity that should not inhibit adjacent property owners from taking full advantage of the property they have purchased. Council strongly objects to this section and recommends that all helicopter landing sites should be located a distance from the property boundaries as identified and measured by an acoustic and environmental studies as appropriate to shield noise and dust generation from the neighbouring properties. In the absence of such a study, a 100m radius around the helicopter landing site to the property boundary is recommended, in order to protect the amenity of the neighbouring site.

In the example diagram provided in the application, if one were to draw a 100m radius around the helicopter landing site, almost half of the total area of the adjoining properties would be compromised and expansion of dwellings on that site prohibited. It is also considered that the dwelling is not the only part of a person's property that they should have the right to enjoy free of noise and dust from offensive uses by their neighbour; a person may choose a rural property for its serenity and relaxing outdoor environment, which should also be able to be freely enjoyed without infringement by a helicopter operating from the adjoining property.

Further, item (h) recommends that property boundaries must be landscaped for a minimum distance of 20m each side of the centre point of the landing site to minimise acoustic impacts. However, acoustic studies conducted for other developments have illustrated that landscaping does not act to adequately block noise and that, in fact, to block noise, only a

solid wall will suffice. Several developments have been permitted only with conditions of installing solid walls, as it was noted that neither landscaping nor earthen mounds or berms are adequate to block noise. Therefore, more information is required on how the proposal in item (h) will limit acoustic impacts. It is acknowledged that this provision would be supported in terms of reducing visual impacts.

Proposed item (g) regulates dust from the helicopter landing site; it is considered that this provision be specifically worded so that any dust generated across the property from the use of a helicopter, not just from the landing site, be contained within the property boundaries through the use of appropriate ground cover.

For proposed item (i), while the appropriate facilities for storage and handling of fuel are supported, it is unclear how Development Assessment Services or the Development Consent Authority may be able to assess or measure compliance with this provision. It is considered that a more appropriate provision may be to specify what characteristics or measurable aspects appropriate facilities would have.

### Conclusion

It is recommended that Council object to the application as there is no evidence provided with the application as to how or why the measures proposed would adequately limit noise or dust from a helicopter landing site in such a way as to protect the amenity of the neighbouring lots and there is significant concern over the separation distances contained with the application to adjoining properties and dwellings.

### **Links with Strategic Plan**

Priority # 2 – A great place to live

### **Legislative and Policy Implications**

Not applicable to this report.

### **Risks**

Not applicable to this report.

### **Financial Implications**

Not applicable to this report.

### **Community Engagement**

Not applicable to this report.

**Recommending  
Officer:**

Wendy Smith, Director of Infrastructure and Operations

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



**NORTHERN TERRITORY OF AUSTRALIA**  
**PROPOSAL TO AMEND NT PLANNING SCHEME**  
**PA2017/0341**

The Minister for Infrastructure, Planning and Logistics has decided to consider an amendment the Northern Territory Planning Scheme to introduce provisions for the control of helicopter landing sites by placing it on exhibition.

The proposed amendment will permit the establishment and operation of helicopter landing sites in certain zones subject to provisions to protect the amenity of adjoining and nearby property and the use remaining ancillary to the single dwelling on a site.

The proposed amendment will:

- i. introduce Clause 7.10.10 (Helicopter Landing Site);
- ii. alter Clause 3 (Definitions), Clause 5.0 (Zone Purpose and Tables) and Zoning Matrix within the Background Material of the NT Planning Scheme; and
- iii. allow “Helicopter Landing Site” as a permitted use in Zones H (Horticulture), A (Agriculture), RL (Rural Living), R (Rural), FD (Future Development).

An explanation of the proposed changes can be found in the attached Exhibition Package.

**Period of Exhibition and Lodging a Submission**

The exhibition period is from Friday 13 October 2017 to Friday 10 November 2017.

Written submissions about the proposed planning scheme amendment are to be received by 11:59pm on Friday 10 November 2017 and addressed to:

NT Planning Commission

GPO Box 1680

DARWIN NT 0801; or

Email: [planning.ntg@nt.gov.au](mailto:planning.ntg@nt.gov.au); or

Fax: (08) 8999 7189; or

Hand delivered to Level 1, Energy House, 18 – 20 Cavenagh Street, Darwin

For more information, please contact Lands Planning on telephone (08) 8999 8963.

# PROPOSAL TO INTRODUCE PROVISIONS IN THE NT PLANNING SCHEME FOR THE USE OF A HELICOPTER LANDING SITE



## **1. Introduction**

This document has been prepared to explain the proposed amendment of the NT Planning Scheme to introduce provisions to ensure that the establishment and use of a Helicopter Landing Site will not detrimentally impact on the amenity of adjacent and surrounding dwellings. The proposed amendment will allow the use of a Helicopter Landing Site in some zones as a permitted use subject to compliance with certain requirements.

The introduction of this provision will require a number of changes to the Planning Scheme. Drafts of these changes are set out and explained below, including the specific siting and operating requirements.

## 2. Draft Changes to the NT Planning Scheme

For the relevant clause, the current planning scheme text is shown in blue, with the proposed changes shown in red. Where a new clause is proposed to be introduced it is shown entirely in red.

### 2.1 Part 1 – Clause 3.0 Definitions

#### Explanation of Amendment

A new definition of Helicopter Landing Site is inserted into the table of definitions. The use of a site by a helicopter engaged in the provision of emergency services operations such as a hospital, police and fire services, search and rescue activities are exempted from approval. Commercial uses of helicopters are subject to the existing requirements for **Transport Terminals** or **Passenger Terminals**.

“habitable room” means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods;

“**helicopter landing site**” means a place that may be used for the purposes of landing or taking-off of helicopters, other than as a commercial enterprise and does not include a helicopter engaged in the provision of emergency service operations, **transport terminal**, or **passenger terminal**.

“heritage object” means a heritage object within the meaning of the Heritage Act;

### 2.2 Part 3 - Clause 5 Zone Purpose and Tables

“**helicopter landing site**” to be inserted as a **prohibited (x)** use in the zoning tables for the following zones: 5.1 - SD (Single Dwelling Residential), 5.2 - MD (Multiple Dwelling Residential), 5.3 - MR (Medium Density Residential), 5.4 - HR (High Density Residential), 5.5 - CV (Caravan Parks), 5.6 - CL Community Living), 5.7-CB (Central Business), 5.8 - C (Commercial), 5.9 - SC (Service Commercial), 5.10 - TC (Tourist Commercial), 5.11 - LI (Light Industry), 5.12 - GI (General Industry), 5.13 - DV (Development), 5.14 - PS (Public Open Space), 5.15 - OR (Organised Recreation), 5.18 - RR (Rural Residential), 5.21 - CP (Community



### **2.3 Part 4 - Clause 7.0 Residential Performance Criteria.**

A new clause is proposed to be inserted that will set out the requirements for the use and establishment of a helicopter landing site (HLS).

In order to exclude commercial uses establishment of a HLS must be on the site of a dwelling and its use must remain ancillary to the dwelling with use of the HLS restricted to the resident of the dwelling or temporarily by a bona fide visitor for private transportation purposes. Commercial use of helicopters are already subject to the NT Planning Scheme requirements for Passenger Terminal or Transport Terminal.

The proposed minimum separation distances from surrounding dwellings are to ensure the impacts of helicopter operation on amenity are ameliorated. In order to protect the amenity of sensitive uses such as schools, child care centres and hospitals from helicopter operations a minimum separation distance of 500 metres is required. A limitation will apply on the types of helicopters that can use the HLS to those less than 2 tonnes all up- weight which includes the occupants, fuel quantity, engine fluids and removable equipment or cargo. This limitation accommodates the most commonly used helicopters in the Northern Territory for private use. The hours of operation of the helicopter will be restricted to reduce noise impacts with reduced hours of operation on weekends.

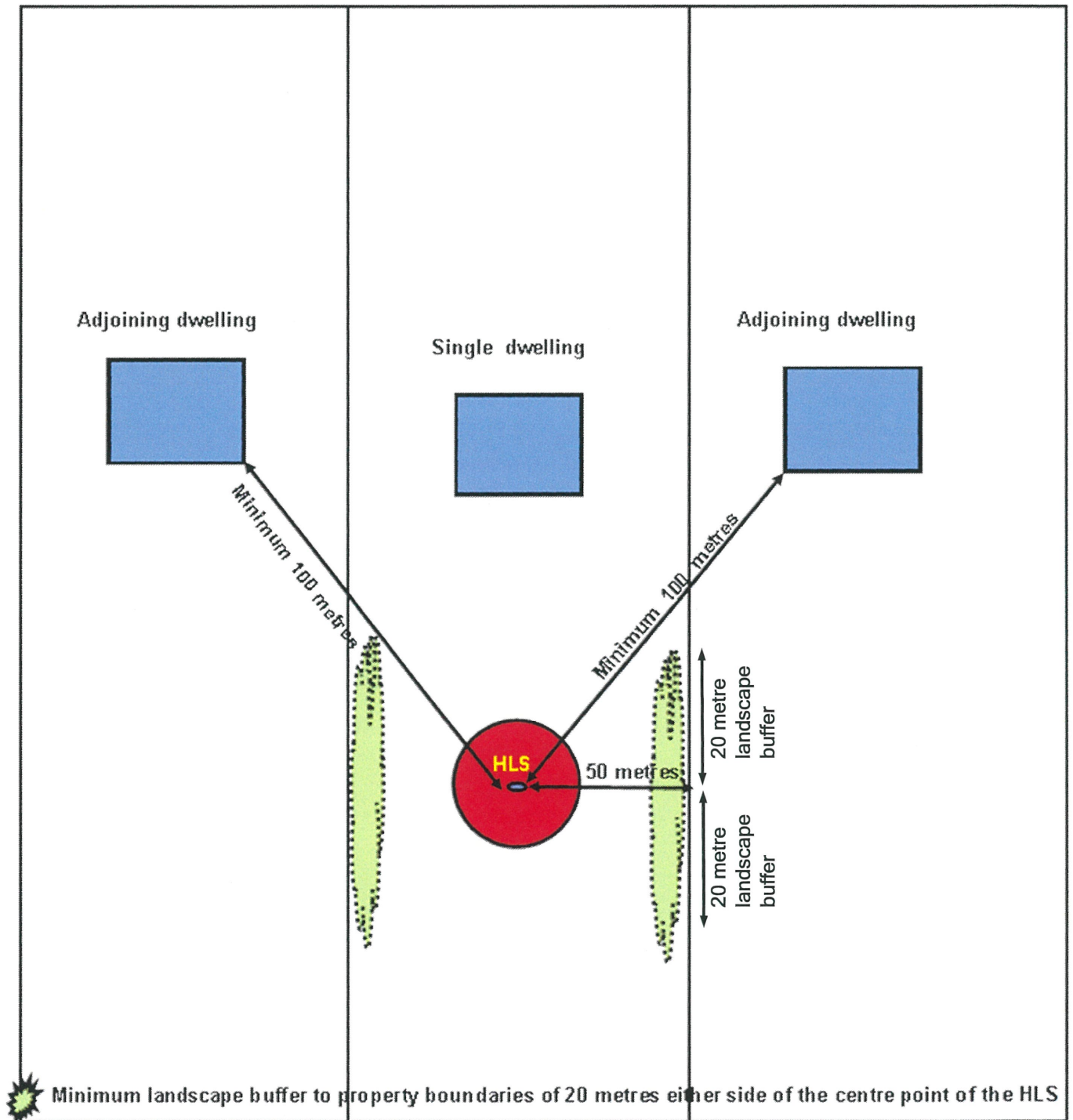
In order to limit dust nuisance to adjoining properties the HLS must either be sealed or managed to prevent dust generation. In addition, property boundaries are to be landscaped for a minimum distance of 20 metres either side of the centre point of the HLS to reduce both visual and acoustic impacts on adjoining properties. Fuel storage needs to be appropriately managed on the site and storage will be limited to only one helicopter. If the proposed HLS is not in accordance with the requirements specified, a development application will need to be submitted for consideration by the consent authority. An acoustic report will be required as part of the application to allow the consent authority to assess whether the HLS impact on amenity of surrounding areas is acceptable. The new clause to be inserted is set out below:

### 7.10.10 Helicopter Landing Site

1. The purpose of this clause is to ensure that a helicopter landing site (HLS) is established and operated in a manner that does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.
2. A HLS may be developed on the site of a dwelling in Zones RL, R, H, A or FD where:
  - (a) the use of the HLS is by a resident of the dwelling; or
  - (b) temporarily by a bona fide visitor;
  - (c) the distance from the centre point of the proposed HLS is not less than 50 metres from any boundary and distance to any dwelling on adjoining and nearby properties is more than 100 metres;
  - (d) the HLS is not less than 500 metres from a building used for a school, child care centre or hospital;
  - (e) use of the HLS is limited to helicopters of less than 2 tonnes all-up weight;
  - (f) helicopter operations do not take place before 7am or after sunset on a weekday and helicopter operations do not take place before 8am or after sunset on a weekend;
  - (g) the HLS is sealed or dust generated by the operation is appropriately managed to prevent its escape beyond the perimeter of the property;
  - (h) the property boundaries are to be landscaped for a minimum distance of 20 metres either side of the centre point of the HLS to minimise the visual and acoustic impacts on the existing and future amenity of adjacent areas;
  - (i) appropriate facilities are provided for the storage and handling of fuel;
  - (j) not more than one helicopter is kept on the site; and
  - (k) landing operations must be confined to the centre point of the HLS where practicable.
3. The consent authority may approve an application for a HLS that is not in accordance with sub-clause 2 only if it is satisfied the proposed HLS is appropriate to the site having regard to an acoustic report assessing the HLS impact on the residential amenity of adjoining and nearby property.

*The helicopter operator is responsible for ensuring a proposed helicopter landing site meets Civil Aviation Safety Authority "Guidelines for the establishment and use of helicopter landing sites" (CAAP 92-2 (1))*

Explanatory diagram showing minimum Helicopter Landing Site (HLS) distances to boundaries and adjoining dwellings.



*Note: all distances are measured from the centre point of the Helicopter Landing Site (HLS)*

## 2.4 Other Requirements

The flight operation including flight paths of helicopters are not subject to the requirements of the NT Planning Scheme and are managed through two statutory bodies; the Civil Aviation Safety Authority (CASA) and Airservices Australia. The helicopter operator is also responsible for ensuring a proposed helicopter landing site meets Civil Aviation Safety Authority “Guidelines for the establishment and use of helicopter landing sites” (CAAP 92-2 (1))

Helicopter landing sites may require consideration under legislation administered by the Northern Territory Environment Protection Authority including the *Environmental Assessment Act* and *Waste Management and Pollution Control Act*.



7 November 2017

Lands Planning  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Planning Scheme Amendment Application**

**PA2017/0341**

**Introduce Provisions in the NT Planning Scheme for the Use of a Helicopter Landing Site (HLS)**

Thank you for the Planning Scheme Amendment Application referred to this office on 13/10/2017, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council objects to the granting of a Planning Scheme Amendment for the following reasons:**

- a) Presumably, the biggest matters of concern to do with helicopter use on an adjacent property are noise and dust generation.

Proposed items (c) and (d) specify distances from boundary lines, dwellings and schools, child care centres and hospitals. However, no information is given in the application as to the intent behind the separation distances or as to how the distances were arrived at, thus it is impossible to determine whether or not the proposed distances are suitable for meeting the intent of the clause, as the intent is not clear. It is unclear why a school, child care centre or hospital, which are larger uses where people are not expected to live full time, 24 hours a day, would be more sensitive to the helicopter use than private residential dwellings. A reasonable case could be made that helicopter use could be just as, or more, disturbing to individual property owners of an evening as it could to a school or hospital periodically during the day. It is difficult to support the proposal with these stated separation distances without knowing if the distances will accomplish their intent. If the reason for the distance is noise, the proposed amendment should be accompanied by an acoustic study to prove suitability of the distances, as would be common practice when separating residential developments from larger noise sources, such as a main road.

- b) The strongest objection to this proposal has to do with item (c)'s proposal for 100m separation distance to any dwelling on the adjacent property. Council has

significant concerns that any portion of an adjoining residential lot could be inhibited by off-site impacts from helicopter uses on the neighbouring lot. Council strongly objects to the proposal to designate up to 50m of a private property adjoining a proposed helicopter landing site as off limits to further expansion of the existing dwelling or construction of an independent unit that would otherwise be permitted. Owners of a residential property should have full right to develop that property within the NT Planning Scheme regulations and use the full extent of that property for recreational uses without those uses being inhibited by any helicopter use on a neighbouring site. This amendment proposes that once a helicopter landing site is developed on a site, if the adjoining residential use then wants to construct a legal independent unit or an expansion of their existing house, then that activity would not be permitted on the site. The landing of a helicopter on a private lot is seen as an extraordinary activity that should not inhibit adjacent property owners from taking full advantage of the property they have purchased. Council strongly objects to this section and recommends that all helicopter landing sites should be located a distance from the property boundaries as identified and measured by an acoustic and environmental studies as appropriate to shield noise and dust generation from the neighbouring properties. In the absence of such a study, a 100m radius around the helicopter landing site to the property boundary is recommended, in order to protect the amenity of the neighbouring site.

In the example diagram provided in the application, if one were to draw a 100m radius around the helicopter landing site, almost half of the total area of the adjoining properties would be compromised and expansion of dwellings on that site prohibited. It is also considered that the dwelling is not the only part of a person's property that they should have the right to enjoy free of noise and dust from offensive uses by their neighbour; a person may choose a rural property for its serenity and relaxing outdoor environment, which should also be able to be freely enjoyed without infringement by a helicopter operating from the adjoining property.

- c) Proposed item (h) recommends that property boundaries must be landscaped for a minimum distance of 20m each side of the centre point of the landing site to minimise acoustic impacts. However, acoustic studies conducted for other developments have illustrated that landscaping does not act to adequately block noise and that, in fact, to block noise, only a solid wall will suffice. Several developments have been permitted only with conditions of installing solid walls, as it was noted that neither landscaping nor earthen mounds or berms are adequate to block noise. Therefore, more information is required on how the proposal in item (h) will limit acoustic impacts. It is acknowledged that this provision would be supported in terms of reducing visual impacts.
- d) Proposed item (g) regulates dust from the helicopter landing site; it is considered that this provision be specifically worded so that any dust generated across the property from the use of a helicopter, not just from the landing site, be contained within the property boundaries through the use of appropriate ground cover.
- e) For proposed item (i), while the appropriate facilities for storage and handling of fuel are supported, it is unclear how Development Assessment Services or the Development Consent Authority may be able to assess or measure compliance with this provision. It is considered that a more appropriate provision may be to specify what characteristics or measurable aspects appropriate facilities would have.

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully



Wendy Smith  
Acting Director Infrastructure and Operations



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.10
<b>Report Title:</b>	Wastewater Dump Point Investigations
<b>Report Number:</b>	17/0055
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Nil

### Purpose

This report outlines an investigation into the feasibility of installing and operating a public wastewater dump point within Litchfield Municipality.

### Summary

Following a Council resolution at the July 2017 Council Meeting, a study has been carried out on the feasibility of establishing a public wastewater dump point for recreational vehicles.

This report outlines the study findings, including the potential risks, costs and suitable locations based on the two essential criteria for establishing a dump point, being a connection to the sewer and appropriate surveillance.

The study found that the most appropriate location was within the Humpty Doo Waste Transfer Station, although it is pointed out that the opening hours may not cater well for the caravan traveller.

The study calculates the capital cost of installing a wastewater facility to be in vicinity of \$35,000 with additional cost of \$18,500 per 100m to construct an access road. The ongoing annual costs include:

- 1) The maintenance cost ranging between \$150 to \$15,000, depending on user compliance and operation;
- 2) Employment of a permanent staff member and establishment of appropriate staff facilities including security system, depending on the exact location of the dump point.

Finally, the report recommends that Council continues to investigate the feasibility of installing a dump point and refine costs to include a proposal for Council's consideration as part of the 2018/19 Budget development process.

### Recommendation

That Council

1. receive the report into the feasibility of establishing a wastewater dump point in Litchfield Municipality;
2. continue further investigation into costs and feasibility of establishing a dump point;

3. seek quotations for the installation of a wastewater dump point to be located within the Humpty Doo Waste Transfer Station; and
4. refer the installation of a wastewater dump point project to the 2018/19 Budget development process for Council's consideration in the context of other capital projects and priorities.

## Background

### Overview

A wastewater dump point is a place for caravaners to dispose of grey and black water, as well as sewage wastewater. Currently, there is only one public dump point available in the Greater Darwin Region, which is located at the Greyhound Race Track in Winnellie. Concern has been raised that caravan tourists visiting the Litchfield area are forced to drive the distance to Winnellie to dispose of waste.

Nine caravan parks within Litchfield Municipality were surveyed, and only two have a dump point available for public use at a cost of \$10 or \$20 per use. There are limitations to the likelihood of private caravan parks developing dump points available to the public, though the informal survey revealed interest in development of a public dump point allow the public usage.

### Description of Dump Point

Typically, a dump point includes a sink with a cover, a discharge point connection, and a water tap on the side where users can wash their hands and clean the surrounding area. The photo below shows an example of a caravan/wastewater dump point.



There are two common ways to dispose of the wastewater that is received from a dump point:

- 1) **Connection to a septic tank:** a dump point can be connected to an existing septic tank if there is no other sewer system available.

An important consideration with this scenario is whether the use of the dump point will exceed the capacity of the septic point. In this instance, an upgrade to the septic system would be required.

In addition, research finds that the chemicals contained within the toilet waste can sometimes kill the bacteria in the septic tanks, resulting in a constant requirement to pump out the septic tank.

- 2) **Connection into an existing sewer system:** it is best practise to connect a dump point straight into the sewer system. In doing so, all the discharge from the dump point will be automatically be received and maintained by the sewer system.

The following section includes a detailed discussion about the considerations and challenges for Council in establishing a public wastewater dump point.

### **Benefit**

The provision of easily-accessible dump points could encourage more self-contained tourism throughout Australia, benefiting both regional and rural centres, and the environment. Town centres that install dump points may benefit from the increased visitation to their communities by caravan tourists, while the environment also benefits from responsible wastewater disposal.

### **Challenges**

It is unclear whether any substantial additional tourist numbers would be gained through the provision of a Council-owned and managed dump point, or if the dump point would simply benefit existing users, such that it would make the costs feasible to operate such a dump point. There is also a possibility that there may be some informal dwellings on existing lots in the form of caravans that would take advantage of the Council dump point, thus potentially giving those uses more legitimacy.

While the presence of a Council-managed dump point may prevent illegal dumping on private properties, a public wastewater dump point may still result in improper dumping and unexpected discharge at the managed site, which could result in malfunctioning of the dump point and/or downstream blockage.

Power and Water Corporation (PWC) advised that they have spent a lot of time and effort cleaning the currently existing dump point in Winnellie. The lack of security and monitoring of the Winnellie Dump Point, means maintenance is quite high. PWC operation team have confirmed that the annual cost is in the order of \$12,000 to \$15,000.

The dump point is often blocked when the user's discharge pipe lid accidentally falls into the receiving pit. PWC has tried to prevent this issue by introducing a mesh/filter inside the dump point, however, this has created another issue that the paper waste contained in the discharge will quickly block the filter, making the whole system more easily flooded. Up until now, PWC has not come up with a reliable solution to fix this issue.

Another challenge is that Council will face the possibility of inappropriate use of water at the dump point. As mentioned previously, a tap with water hose comes as a standard feature to a dump point. Even though the water hose is only meant to be used for basic cleaning of the dump point after dumping the wastewater, individuals may use this water for some other private purposes, as it is



free of charge. Research finds that other councils who have managed a public dump point for years have received expensive water bills due to the inappropriate use of the water.

To set up a wastewater dump point, a trade waste permit is required to be obtained from PWC. This permit would allow Council to legally connect the dump point into PWC sewerage system. By holding this permit, Council will become the responsible party for all the discharge that goes into the PWC system including the responsibility for any issues within the system including, but not limited to, illegal dumping damaging the downstream system or solid waste resulting in blockage of the system and/or receiving pit.

To protect Council's liability, as required under the trade waste permit, and to ensure appropriate use of the dump point and avoid blockages and prevent illegal and costly water use, it is best practice to put the dump point under surveillance and lock it up outside of opening hours. If the dump point site is manned and attended to, with the appropriate security measures, PWC estimates that maintenance costs would be less at around \$5,000 per annum.

Depending on the opening hours, the dump point may not benefit the community in the best way, as many caravan tourists desire to travel in the early morning and aim to dispose of their waste early in the morning, prior to starting off on their trip. This would mean that it would be desirable for the dump point to be available in the very early morning (prior to 7am). If Council is not able to open the service early in the morning due to the lack of staffing, it may dramatically decrease the use of this service and making this dump point redundant. If Council does man the dump point at that time of day, it will require additional staffing. See below for more detailed discussions of costs related to the servicing of the dump point.

### **Costs**

#### **Installation costs:**

Council has received a quote indicating that the cost to install a basic dump point is roughly \$35,000 excluding GST. This quote has no allowance for:

- 1) Excavation removal or disposal of any rock incurred during excavations,
- 2) Supply or installation of sewer/effluent pump out pit, or
- 3) Removal or disposal of any excess spoil/fill from site.

It is also noted that a driveway/access road might be required to provide adequate access from the nearest public road. The cost to construct an access road with 5m wide formation and 3m wide seal (10mm aggregate) is roughly at the rate of 185/m, or \$18,500 for every 100m of driveway. Furthermore, additional length of access road (up to 135m additional length) will be required in order to provide a feasible storage area for queuing purpose during the peak hour, which will generate additional costs.

#### **Operational Maintenance costs:**

PWC have confirmed that the lack of security and monitoring of the Winnellie Dump Point means maintenance is quite high, with an annual bill in the order of \$12,000 to \$15,000.

Further, PWC suggests that if the dump point site is manned and attended to, with the appropriate security measures, that the maintenance costs may be reduced to around \$5,000 per year.

On the other hand, Coomalie Council currently manage a public dump point, and have only allowed \$150.00 in their 2017/18 annual budget for maintenance.

The difference in these costs warrant further investigation.

#### Other costs:

As discussed, the method to overcome the identified challenges may attract additional costs as follows:

- 1) Any public dump point should have some level of surveillance. This could require Council to employ an additional permanent staff member.
- 2) If a permanent staff member is deemed necessary, appropriate staff facilities will be required, such as staff office, toilet, car parks. Depending on the location of the dump point, some of these facilities may be existing; at other locations, they may need to be installed entirely.
- 3) Depending on the exact location, it may be necessary to put the dump point under surveillance and lock it up outside of opening hours, which could generate addition costs to set up security fencing and/or a CCTV system around the site.

#### Further Investigation

As the outcome of the above discussion outlining the benefit and challenges to establish a public wastewater dump point, there are still some areas that need to be further explored.

- 1) Unidentified demand: additional investigation into the total likely demand for the dump point can be conducted.
- 2) Maintenance Cost: there is a large difference in the maintenance costs provided by PWC and Coomalie Council, with unexplained reasons. Further investigation is required in order to understand the difference and possibly to determine a reasonable bench-line for Litchfield Council.
- 3) Other options: further investigation is required with NT Government Department of Tourism and Department of Infrastructure, Planning and Logistics in order to determine if the NT Government has any future plasn for establishing a wastewater dump point in the Litchfield Council area, and to assist in identifying the demand for a public dump point in the Greater Darwin Region.

#### Site Selection

To provide a wastewater dump point in a location that will best serve the community, the site should have the following characteristics:

1. Close to a rural activity centre,
2. Able to be connected to sewer system,
3. Easily accessible, and
4. Can be secured and monitored by Council staff.

The site that satisfies the above criteria should be land that is either owned by Council or Crown land that can be leased.

The following is an analysis of locating the dump point at each of Council's identified rural activity centres.

### **1. Howard Springs**



<b><u>Pros</u></b>	<b><u>Cons</u></b>
<p>Council currently owns land at the Waste Transfer Station and Howard Park Reserve in the Howard Springs area, which can be potentially used for servicing the wastewater dump point.</p> <p>Howard Springs is also a well-developed community centre with plenty of local enterprises. The user of the dump point can easily access to this locality from the Stuart Highway.</p>	<p>There is no existing sewer system available in this area. Proposed sewer infrastructure is not planned to have capacity for this service either.</p>

**Conclusion:** Howard Spring is not a suitable area for installing a wastewater dump point.

## **2. Coolalinga**

<b><u>Pros</u></b>	<b><u>Cons</u></b>
<p>It is the largest rural activity centre within Litchfield Council municipality.</p> <p>It has developed shopping centres with Woolworth and Coles on opposite side of Stuart Highway available for the caravan users.</p> <p>There is an existing sewer system within Coolalinga village, which will be connected into a future sewer pump station (refer to the following image).</p> <p>In addition, Council owns Freds Pass Reserve and the land on the other side of Bees Creek road where Council's office is located. It is only 2km away from the town centre so that the caravan users can easily access to the shops with a 5-minute drive. There is existing septic system on the site for the dump point connection.</p>	<p>Council owns no land within the proximity of Coolalinga shopping centre.</p> <p>There is Crown land in the vicinity of Coolalinga Central, Council could negotiate with the Department of Infrastructure, Planning and Logistics to apply for a land lease. However, as these sites are currently vacant, Council will have to spend extra money on creating infrastructure that can service the dump point (i.e. staff office, toilet, security fence).</p> <p>In addition, there is no existing sewer stub for these sites, which means the dump point cannot be directly connected into the reticulated sewer system.</p> <p>The same situation would apply to Council's land at Freds Pass Reserve and Council's office site.</p>

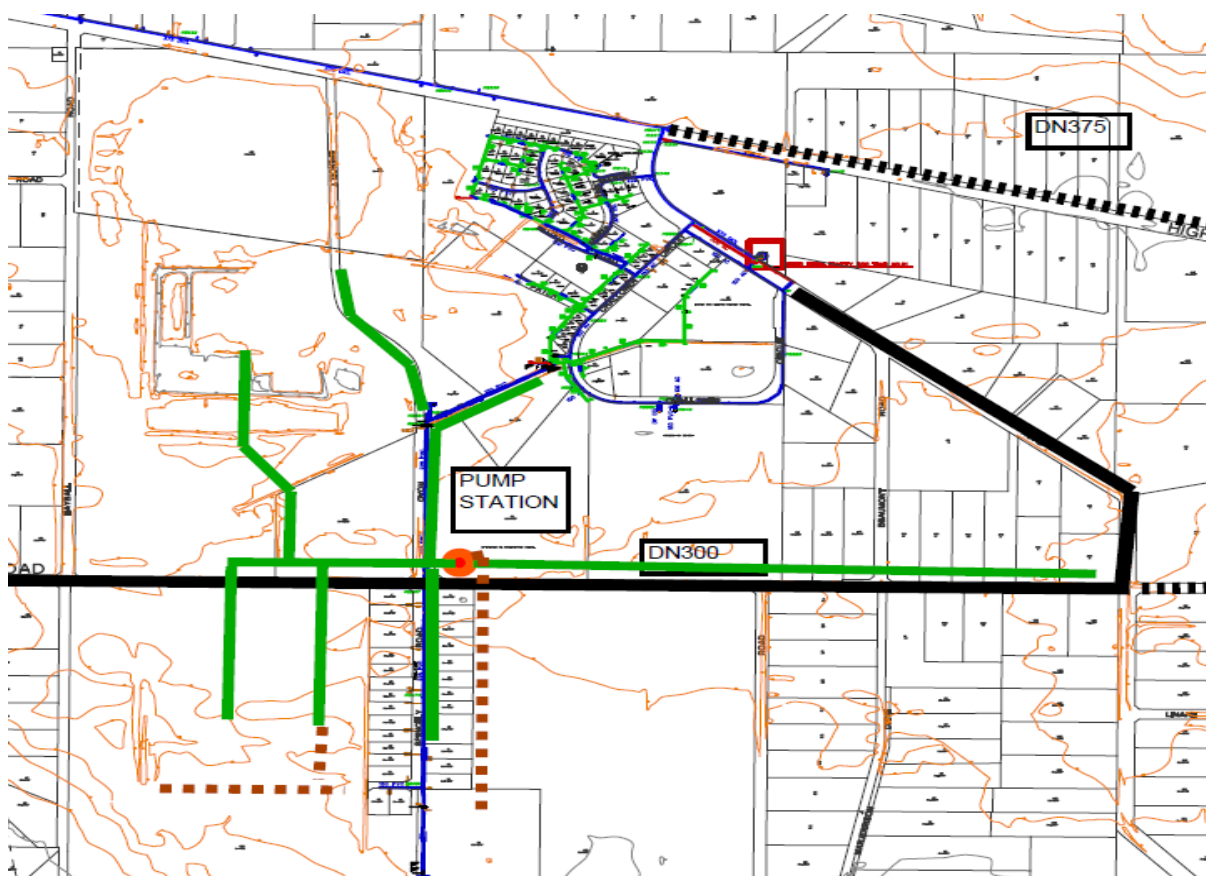


(Source: Power and Water Corporation Mapping System)

**Conclusion:** The lack of Council-owned land near the shopping centres makes this location costly and unviable. Even though the Freds Pass Reserve or the site of Council’s office may have some existing infrastructure available, additional facilities would still be required to be constructed to service the sites and the lack of connection to a reticulated sewer system makes these options unviable.

### 3. Humpty Doo

<u>Pros</u>	<u>Cons</u>
<p>Council owns a few sites in this area that can be used for the dump point.</p> <p>In a short future, there will be a well-developed sewer system in this area that could be used for dump point connection (refer to the following image).</p> <p>In addition, caravan users can easily get access to Arnhem Highway via multiple routes. There is existing infrastructure at Council’s Humpty Doo Waste Transfer Station that could potentially be used to manage the dump point, depending upon the appropriate location on the site.</p>	<p>Land located within the town centre is considered high value land and not the best use for this type of infrastructure service.</p> <p>If a dump point was located at the Humpty Doo Waste Transfer Station, the facility would either need to be located within the main gates or on an alternative site off Strangways Road.</p> <p>In accessing the site off Strangways Road, a reconfiguration of traffic lanes along this road may be required as well as all facilities and security.</p> <p>Locating the site within the main gates would mean that the facility would not be accessible between 6 pm – 7am. As discussed earlier, this may be inconvenient and influence the use of the facility.</p>



(Source: Power and Water Corporation – Proposed Sewer System Masterplan for Humpty Doo Area)

**Conclusion:** The Council’s waste transfer station in Humpty Doo appears to be the best location for a wastewater dump point, as:

- It is near the Humpty Doo Rural Activity Centre.
- It is directly off Spencely Road which connects to the Arnhem Highway.
- It has some existing infrastructure (office, toilet, security fence, CCTV system) on site that could be used depending on the exact location of the dump point and operation hours.
- There is an existing access road from Spencely Road into the site, which will offset some cost to construct a brand-new access road, pending on the location of the dump point site.
- It will have a sewer connect point available within the lot in the short future once the proposed Sewer Pump Station is built.

#### 4. Berry Springs

Pros	Cons
Council currently owns land at the Berry Springs Waste Transfer Station, which can be potentially used for servicing the wastewater dump point. The user of the dump point can access this locality from the Stuart Highway via Cox Peninsula Road.	There is no existing sewer system available in this area.  PWC has no future plan to install sewer system. There is limited local enterprise in the vicinity of Berry Springs Rural Activity Centre, which means it may not attract as many tourists as other parts of the municipality.

**Conclusion:** Berry Springs is not a suitable area for installing a wastewater dump point.

## **Summary**

To conclude, it is too early to determine whether it is feasible to provide a public wastewater dump point within Litchfield Council at this stage; however, some of the obvious challenges are:

1. High costs, including the possibility of employing a permanent staff member; installation of the dump point; and construction of staff facilities, CCTV, security fence, and access road with additional queuing length, and on-going maintenance costs.
2. The amount of expected use of such a dump point has not been formally identified and there is potential for lower use of the site if it is only operated during normal working hours.
3. There is limited connection to the PWC reticulated sewer system, which may result in higher maintenance costs.
4. To become a holder of a trade waste permit for a facility that Council does not have appropriate expertise to look after will introduce a high-level risk and additional liability to Litchfield Council.

Further investigation should take place to determine the public demand for this service, the NT Government's role in establishing such a service, and the costs to develop and maintain the service.

### **Links with Strategic Plan**

Priority # 1 – Everything you Need

### **Legislative and Policy Implications**

Not applicable to this report.

### **Risks**

A wastewater dump point may assist in reducing the illegal dumping of wastewater. However, as discussed above, the facility should include appropriate surveillance to ensure that it is used correctly and that the facility does not aesthetically or operationally deteriorate.

### **Financial Implications**

As discussed within the body of this report.

### **Community Engagement**

Not applicable to this report.

### **Recommending Officer:**

**Wendy Smith, Acting Director Infrastructure and Operations**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.11
<b>Report Title:</b>	Litchfield Council General Election 2017
<b>Report Number:</b>	17/0057
<b>Meeting Date:</b>	15/11/2017
<b>Attachments:</b>	Northern Territory Electoral Commission Report on Litchfield Council Election 2017

### Purpose

This report presents for Council information the Northern Territory Electoral Commission's report on the Litchfield Council General Election 2017 and seeks a decision from Council as to whether it intends to pursue non-voters.

### Summary

The Northern Territory Electoral Commission has provided Council with a report on the Litchfield Council General Election 2017, including enrolment numbers, the community awareness campaign undertaken, voter turnout, voting services provided leading up to and on voting day and the election results.

Council experienced a 3% decline in the number of enrolled voters participating in the election with 3,367 non-voters -total non-voters minus voters who have provided a valid and sufficient excuse.

Council must decide whether it intends to pursue non-voters. This activity is undertaken by the NTEC and paid for by Council. Generally, it is a cost neutral exercise with the cost of undertaking the exercise off set by the fine received from non-voters. The fine for not voting is \$50.

### Recommendation

THAT Council:

1. receive and note the Northern Territory Electoral Commission Report on Litchfield Council General Election 2017;
2. enter into a service agreement with the Northern Territory Electoral Commission to pursue Litchfield Council General Election 2017 non-voters;
3. receives a report at a future Council meeting on the Commissions response in pursuing 2017 non-voters; and
4. writes to the Northern Territory Election Commission to thank the Commission for its report and to continue to work with the Commission leading up to the next General Election to improve voter participation.

## Background

Local Government General Elections were held across the Northern Territory in August 2017.

The Northern Territory Electoral Commission (NTEC) is responsible for holding local government elections in the Northern Territory but does not receive funding to undertake this activity. The NTEC enters into individual Service Level Agreements (SLA) with each local government authority which has some fixed costs shared across all councils on a population basis and other costs specific to each council.

A Service Level Agreement (SLA) between the Litchfield Council and the NTEC was entered into on 5 April 2017. This outlined both organisations' roles, responsibilities, election services and costs.

A total of 12,268 electors enrolled for Litchfield Council. This was an 11 % increase on the enrolment of 11,046 at the 2012 General elections and a 6% increase on the enrolment of 11,561 at the 2015 Litchfield Council election.

Of the 12,268 electors enrolled a total of 8,059 (67 %) voted. This was a decrease of 3 % compared to the 2012 General election. The NTEC has informed Council that it wrote to all non-voters from the 2015 general election encouraging them to vote prior to the 2016 Territory Legislative Assembly Election. Of the 2284 letters mailed, 503 (22%) were Return to Sender (RTS) and a further 411 (18%) didn't respond at all. In all, that was a total of 914 (40%) replies of all letters despatched.

The actual turnout results from 2015 to 2017 was almost the same with more potential electors on the roll in 2017.

### Litchfield Turnout comparison 2015 against 2017

Event	Enrolment	Total Votes	Turnout
Litchfield 2015	11,561	7,734	66.9%
Litchfield 2017	12,268	8,059	67%

It is up to each council to decide whether it intends to pursue non-voters.

In reality, it is not practical to pursue non-voters for regional councils, due to unreliable delivery. Council understands from the NTEC, that only the City of Darwin and Litchfield Council have requested information about non-voters. The City of Darwin has informed the NTEC that it intends to pursue non-voters.

A total 3,603 electors have been identified as failing to vote. Taking into account electors who have already provided an excuse as to why they didn't vote (236 electors) there would be 3,367 non-voters to pursue.

The cost of pursuing non-voters was not part of the SLA Council had with the NTEC to conduct the election, so this would need to be negotiated and is expected to be cost neutral as the postage costs would be offset by fines collected pursues non-voters in Court. The fine for voting is \$50.



By way of background, Litchfield Council determined not to pursue non-voters after the 2015 election. The NTEC has informed Council that no council pursued non-voters after the 2012 election and in the past 4 ½ years (the length of time the new NT Electoral Commissioner has been in the role), only the City of Darwin has pursued non-voters at one by-election. The NTEC pursues non-voters for Legislative Assembly Elections and sometimes use non-voter data from LG by-elections not to fine non-voters but to improve the accuracy leading up to an election, as the NTEC did for the 2015 Litchfield election.

This report recommends that Council pursues non-voters, the following has been taken into consideration in reaching this recommendation:

- the prevailing community culture relating to not paying Council rates;
- it is a legal requirement to vote; and
- pursuing non-voters raises awareness that it is important that enrolled residents vote and could be part of Council's strategy to encourage greater voting participation at the next election.

The NTEC found across the Territory that a number of voters made a conscience decision to make their vote informal.

#### **Litchfield Council Informal Votes**

<b>Election</b>	<b>Number of Informal Votes</b>	<b>Number of Informal Votes identified as intentional</b>	<b>Number of Informal Votes identified as unintentional</b>
Mayor	506	85%	15%
East Ward	122	89%	11%
North Ward	130	96%	4%

There were no informal votes for Central or South Ward.

Early voting was available from 8 am on Monday 14 August until 6pm on Friday 25 August 2017. Early voting continues to be a popular option for Litchfield voters with 3,550 voters (44% of voters) choosing this option. Most of these votes (3,245 votes) were processed from at Bendigo Bank, Coolalinga Shopping Centre with 183 votes made at Darwin CBD and 98 at Casuarina Library. For the next election a larger venue may be required.

Postal voting continues to decline with 388 postal votes issued and 253 for Mayor; 60 for East Ward and 62 for North Ward admitted to the count.

On polling day, voters could only vote in their enrolled area. This caused some confusion across the Territory. Some Litchfield electors presented at centres in the Darwin area, only to be turned away with their names added to the non-voter excuse register.

#### **Links with Strategic Plan**

Priority # 2 – A great place to live

## Legislative and Policy Implications

It is a legal requirement for anyone over the age of 18 years, to be on the electoral role and to vote in local government elections.

## Risks

In pursuing non-voters, Litchfield Council is likely to attract media attention and social media comment. Council would need to be proactive with its messaging about it not being a revenue raising activity (the exercise being cost neutral).

## Financial Implications

The total cost to Council for the Litchfield Council General Election was \$136,709.

## Community Engagement

If Council decides to pursue non-voters, a media release would be issued and other community awareness activities, such as Facebook, would be utilised.

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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





# 2017 NT COUNCIL ELECTIONS

## LITCHFIELD COUNCIL ELECTION REPORT





## TIMETABLE

### 2017 NT Council elections

#### Saturday, 26 August 2017

Date	Time	
Friday 14 July		Nominations open
Tuesday 25 July	5:00 pm	Close of electoral roll
Thursday 3 August	12:00 noon	Close of nominations
Friday 4 August	12:00 noon	Declaration of nominations, draw for position on ballot papers
Monday 7 August		Postal vote mail-out commences
Monday 14 August	8:00 am	Early voting commences
	9:00 am	Mobile voting commences
Tuesday 22 August	6:00 pm	Overseas postal voting despatches cease
Thursday 24 August	6:00 pm	All postal voting despatches cease
Friday 25 August	6:00 pm	Early voting ceases
<b>Saturday 26 August</b>		<b>Election day</b>
	8:00 am	Election day voting commences
	6:00 pm	Election day voting ceases
		Mobile voting ceases
		Primary counts of ordinary, postal and early votes commence
		Primary counts of postal, mobile and early votes commence
Monday 28 August	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 31 August	9:00 am	Primary counts of accepted declaration votes, further postal counts
Friday 1 September	12:00 noon	Deadline for receipt of postal votes
		Final counts of postal votes commence
		Distribution of preferences
Monday 4 September	10:00 am	Declaration of the election result

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## **BACKGROUND**

### **Election**

- This is the second Local Government (LG) general election under section 85 of the *Local Government Act* (LGA). Amendments to the LGA deferred the election from March 2016 to August 2017. LG general elections are held 12 months after the Legislative Assembly (LA) elections.
- In November 2015 the council was dismissed and a general election was called under section 84 of the LGA.
- This is the first LG general election that all electors had the option to vote by post or vote early. This was due to legislative change that removed the criteria to lodge an early or postal vote.
- The Commissioner of the Northern Territory Electoral Commission (NTEC) is the returning officer for local government general elections.
- Elizabeth West was appointed Deputy Returning Officer for the Litchfield Council, 2017 NT Council elections.
- Electronic mark-off system (eLAPPS) was used at all voting centres.
- An election charter detailing the NTEC's service commitments was finalised on 29 May 2017 and made available on the NTEC website.
- A Service Level Agreement (SLA) between the Litchfield Council and the NTEC was entered into on 5 April 2017. This outlined both organisations' roles, responsibilities, election services and costs.

### **Council**

Litchfield Council consists four wards: Central, East, North and South. The council comprises one elected Mayor and one elected councillor per ward.

As per the SLA, Litchfield Council provided/undertook the following for the 2017 NT Council elections.

- Use of a council building (Whitewood Hall, Howard Springs) as an election day voting centre.
- Promotion of the election through social media and at waste disposal stations.
- Council staff facilitated the lodgement of nominations.

### **Boundary changes**

There were no gazetted changes to the boundaries or the council ward structure from the 2015 review of electoral representation.

## ENROLMENT

At the close of the electoral roll on Tuesday 25 July at 5:00 pm, there were a total of 12,268 electors enrolled for Litchfield Council. This was an 11 per cent increase on the enrolment of 11,046 at the 2012 General elections and a six per cent increase on the enrolment of 11,561 at the 2015 Litchfield Council election.

COUNCIL	WARD	ENROLMENT
Litchfield Council	Central	2,539
	East	2,943
	North	3,013
	South	3,773
TOTAL		12,268

## PUBLIC AWARENESS

### Campaign

The public awareness campaign for the 2017 NT Council elections included enrolment and voting information (early, postal, remote and election day) disseminated across social media, television, radio, councils, LGANT, the Department of Housing and Community Development, as well as print and digital platforms. The public awareness campaign began in May and intensified from 30 June until election day on Saturday 26 August.

### Website

The 2017 NT Council elections website was launched in early June and this provided comprehensive information for candidates and voters. It also hosted dedicated election results pages, included details on vote counting, and showed all remote, early and election day voting centre information. The website remains live for a number of months following the election.

### Newsletter

An election newsletter was emailed regularly to stakeholders including councils and candidates, from 5 May with the final newsletter emailed on 27 August. In total, 12 newsletters and five supplementary emails were sent during this period. The newsletters were also available on the NTEC website with links shared on Facebook and Twitter.

### Advertising – print, radio, television

Three advertisements were developed for airing on television, radio, YouTube, Facebook and Twitter: enrol and close of roll (15 secs); early, election day and formal voting (15 secs and 30 secs). The audio versions of these advertisements were interpreted into nine Aboriginal languages and aired across the Northern Territory through the radio stations appropriate to the language group. These advertisements were also available on the NTEC website, NTEC's YouTube channel and were heavily promoted through social media.

Print advertising promoting enrolment and providing election information appeared in the Rural Weekly, NT News and Off the Leash magazine.

Online promotion of these ads also took place with the Rural Weekly, Alice Springs News and Off the Leash. There was also an extensive digital marketing campaign about enrolment, postal and early voting, election day and formal voting that ran from 7 June through to election day, 26 August.

Posters promoting enrolment, nominations and voting were provided to Litchfield Council to assist in informing electors about the 2017 NT Council elections. Elector information cards, that promoted online enrolment and key election dates, were distributed by council staff at waste transfer stations in Humpty Doo and Howard Springs.

Statutory print advertising providing specific voting information was published in the NT News.

The Electoral Commissioner also promoted enrolment and voting through 39 interviews with Northern Territory media including ABC Darwin and Alice Springs, Channel Nine, Territory FM, MIX104.9, Aboriginal Broadcasting Network, CAAMA radio and the NT News.

### Call centre

A call centre was established on Wednesday 2 August and ran until Monday 28 August. Staff assisted electors with a variety of election enquiries during this period.

### Call centre enquiries

ENQUIRY TYPE	ENQUIRY NUMBERS
Total phone calls	3,254
Emails to ntec@nt.gov.au	1,379
Non-voter excuses lodged	615
Enrolment	694
Postal voting	462

### Candidate information sessions

A candidate information session was held at the Litchfield Council office with five participants attending. All five were current sitting members.

In addition to the face-to-face information session, the NTEC in conjunction with LGANT, Dept. Housing and Community Development and the City of Palmerston, developed and produced a short YouTube video explaining the nomination process and candidate requirements relating to the election. This was available on the NTEC & LGANT websites.

A NTEC staff member also provided a general election overview session to Litchfield Council staff.

### Email and SMS

Email and SMS was used to contact 4,708 electors in Litchfield whom provided these details on their enrolment form. Across the Northern Territory, 30,000 emails were sent advising electors about early and election-day voting centres. At 10:00 am on election day a voting reminder SMS was sent to 2,200 Litchfield electors who hadn't cast an early or postal vote.

## VOTING SERVICES

### Nominations

Nominations opened Friday 14 July and closed on Thursday 3 August at 12:00 noon. There were a total of six nominations for councillor across the four wards and three nominations for Mayor.

The declaration of nominations took place at the NTEC Darwin office on Friday 4 August. This event was attended by the general public, nominees, council representatives and the media. A random number generator selected the ballot paper position for each candidate.

### Summary of accepted nominations/candidates for Litchfield Council

POSITION	CANDIDATES IN BALLOT PAPER ORDER
Mayor (1 position)	Doug BARDEN
	Grant KEETLEY
	Maree BREDHAUER
Central Ward Councillor (1 position)	Christine OSBORN
East Ward Councillor (1 position)	Kev HARLAN
	Kirsty HUNT
North Ward Councillor (1 position)	Mathew SALTER
	Grant KEETLEY
South Ward Councillor (1 position)	Doug BARDEN

### Electronic voter mark-off

An electronic voter mark-off system is now used in all voting centres across the Northern Territory. The system records when someone has voted anywhere in the NT in real time. The voter mark-off system also alleviates the necessity to have paper certified lists therefore improving efficiencies in voting centres when finding voters on the electoral roll.

### Early voting centres (EVCs)

Legislative changes in 2015 allows all electors the option to vote early without the need to meet any eligibility criteria. Overall there is a trend towards voting early across the Northern Territory and Australia. To support the Litchfield Council area, an early voting centre was located at Coolalinga Shopping Centre which processed 3,245 votes.

In consultation with council, a decision was made that votes would not be issued at the Litchfield Council office. This did not adversely affect voter turnout and there were no complaints received.

Votes for Litchfield Council were also issued at other early voting centres across the Territory.

#### Votes issued at NT early voting centres for Litchfield Council

LOCATION	VOTES ISSUED
Alice Springs Council	7
Tennant Creek Civic Hall	2
Katherine Central Shopping Centre	15
Coolalinga Shopping Centre	3,245
Casuarina Library	98
Darwin CBD	183

### Postal voting

Legislative changes in 2015 allow all electors the option to apply for a postal vote without meeting any eligibility criteria.

There were 388 postal vote issued for Litchfield Council with 253 for Mayor; 60 for East Ward and 62 for North Ward admitted to the count.

Postal votes admitted to the count are contained in a declaration envelope. There could be a slight difference in the numbers admitted to the count and the actual counted figure as there is no guarantee that the returned declaration envelope contained a ballot paper. Some electors who applied for a postal vote ultimately decided to vote in person.

### Election day voting centres

Election day was Saturday 26 August with voting centres open from 8:00 am until 6:00 pm. On election day, voters had to vote within their council boundary. Voting centre locations are listed below.

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**Bees Creek:** Primary School, 20 Sattler Cres

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**Berry Springs:** Primary School, 1150 Cox Peninsula Rd

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**Howard Springs:** Whitewood Hall, 325 Whitewood Rd

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**Humpty Doo:** Taminmin College, Challoner Crct

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**Note:** The voting centre in Berrimah (Kormilda College) was not used for this election. This was agreed to by NTEC and Litchfield Council.

### Votes issued for Litchfield Council at election day voting centres

VOTING CENTRE	MAYOR	EAST WARD	NORTH WARD
Bees Creek	812	137	49
Berry Springs	565	4	548
Howard Springs	1,476	161	1,032
Humpty Doo	1,402	687	37
<b>TOTAL</b>	<b>4,255</b>	<b>989</b>	<b>1,666</b>

There has been a decrease of 32 per cent in the number of electors voting on election day compared to the 2012 General elections. This is due to the growing trend of electors choosing to vote early.

## ELECTION

### Voting

The voting system for local government elections is Proportional Representation (PR):

- Electors must number all the boxes on their ballot paper sequentially starting with the number one for their first choice.
- First preference votes for each candidate on formal ballot papers are counted, then a quota is calculated.
- The quota is the total number of formal ballot papers plus one, divided by the number of vacancies.
- The candidates with votes equal to or greater than the quota are elected. If all vacancies are filled, the election is complete.
- If not, preferences are distributed to the other candidates until all vacancies have been filled.

To learn more about the PR system, go to the [vote counting](#) page on the NTEC website.

### Vote counting – election night

Vote counting began immediately after the close of voting at 6:00 pm on election day, Saturday 26 August 2017. A count of first preference votes for Mayor and each ward was undertaken at each voting centre. First preference votes cast at early voting centres and remote voting teams were counted at the scrutiny centre in Darwin City.

### Post-election night scrutinies

A recheck of votes from voting centres was undertaken during the week after election day, followed by a count of declaration, absent and further postal votes.

Vote counting for the Mayor vacancy was completed manually and votes received for the councillor vacancies were entered into an electronic count system (Easy count) and then re-entered for verification purposes.

Voters that applied for a postal vote were expected to complete their ballot papers by 6:00 pm on election day, Saturday 26 August 2017. Postal ballot papers then had to be received by the NTEC by 12:00 noon, Friday 1 September to be included in the count.

Determination of the quota and the distribution of preferences took place after the cut-off for the return of postal vote ballot papers. Election results were made available on the results pages of the website on Friday, 1 September 2017.



### Election outcomes for Litchfield Council

There were three candidates contesting the Mayor position and six candidates contesting four councillor positions across four wards. The successful candidates and first preference votes received are detailed in tables below.

Of the 12,268 electors enrolled in Litchfield Council a total of 8,059 (67 per cent) voted in the 2017 NT Council elections. This was a decrease of 3 per cent compared to the 2012 General election.

#### Election of Mayor

At the close of nominations there were three candidates. An election was duly held and the first preference votes were recorded as follows:

CANDIDATE	FIRST PREFERENCES
Doug BARDEN	2,381
Grant KEETLEY	1,130
Maree BREDHAUER	4,042
<b>TOTAL</b>	<b>7,553</b>

As a consequence, under the proportional representation voting system, the quota of votes required for this election was 3,777.

In accordance with Schedule 1 of the Local Government (Electoral) Regulations the results were as follows:

- Maree Bredhauer received the quota at count number 1

Maree Bredhauer was duly elected.

#### Election of one Councillor – Central Ward

At the close of nominations on Thursday 3 August 2017 the number of candidates was not more than the number of vacancies and Christine Osborn was declared elected.

#### Election of one Councillor – East Ward

At the close of nominations there were two candidates. An election was duly held and the first preference votes were recorded as follows:

CANDIDATE	FIRST PREFERENCES
Kev HARLAN	750
Kirsty HUNT	1,266
<b>TOTAL</b>	<b>2,016</b>

As a consequence, under the proportional representation voting system, the quota of votes required for this election was 1,009.

In accordance with Schedule 1 of the Local Government (Electoral) Regulations the results were as follows:

- Kirsty Hunt received the quota at count number 1

Kirsty Hunt was duly elected.

### Election of one Councillor – North Ward

At the close of nominations there were two candidates. An election was duly held and the first preference votes were recorded as follows:

CANDIDATE	FIRST PREFERENCES
Mathew SALTER	1,059
Grant KEETLEY	614
<b>TOTAL</b>	<b>1,673</b>

As a consequence, under the proportional representation voting system, the quota of votes required for this election was 838.

In accordance with Schedule 1 of the Local Government (Electoral) Regulations the results were as follows:

- Mathew Salter received the quota at count number 1

Mathew Salter was duly elected.

### Election of one Councillor – South Ward

On 3 August 2017, Doug Barden was the only nomination received. As he had nominated for both principal and ordinary member the South Ward vacancy could not be determined. As a result of the declaration of the Mayor position, Doug Barden was duly elected as councillor for South Ward.

### Declaration of the election results

The results were declared at Litchfield Council at 10:00 am on Monday 4 September 2017.

### Declared election results for Litchfield Council

MAYOR (1 vacancy)	CENTRAL WARD (1 vacancy)	EAST WARD (1 vacancy)	NORTH WARD (1 vacancy)	SOUTH WARD (1 vacancy)
Maree BREDHAUER	Christine OSBORN	Kirsty HUNT	Matthew SALTER	Doug BARDEN

A copy of the full distribution of preferences is available on the 2017 NT Council elections [results page](#) of the website.

### Election costs

The SLA estimated the cost of the election for Litchfield Council to be \$136,709. Following the election there was no variation to the estimated costs.

### Summary of election costs

ELECTION AREA	COSTS
Public awareness	\$27,233
Staffing	\$64,136
Premises	\$8,400
Operational costs	\$36,940
<b>TOTAL</b>	<b>\$136,709</b>

## **ISSUES OF NOTE**

### **Early voting centre**

- The Bendigo Bank community room at Coolalinga Shopping Centre was used as an early voting centre instead of the Litchfield Council offices. Voter turnout of 3,547 at this venue indicates that electors support the convenience of the venue.
- Given the high number of early votes taken at the centre, in the future, a larger venue may be required.

### **Election day**

- Feedback received post-election identified the need for increased promotion on the inability for electors to vote outside their council area on election day. Particularly in areas like Knuckey's Lagoon and Robertson Barracks where some electors presented at centres in the Darwin area, only to be turned away. These electors' names were added to the non-voter excuse register.

### **Non-voters**

- A total 3,603 electors were identified as failing to vote in the 2017 NT Council elections for Litchfield Council. A valid and sufficient reason for not voting was provided by 236 electors.

### **Informality**

- In the post-election phase, once the 21 day period for objections had expired, a survey of informal ballot papers was conducted. A total of 506 informal votes were received for Mayor, 122 for East Ward and 130 for North Ward.
- During the informality survey it was identified that 85 per cent of the informal votes for Mayor, 89 per cent for East Ward Councillor and 96 per cent for North Ward Councillor were considered intentionally informal i.e. either left blank or contained the same number in all boxes.

In summary it was evident that voters had made a conscience decision to make their vote informal. This is a common finding at a number of council elections.



# COUNCIL AGENDA

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## LITCHFIELD COUNCIL MEETING

Wednesday 15 November 2017

### 16 Common Seal

### 17 Other Business

### 18 Public Questions

### 19 Confidential Items

19.1 Application to Write Off Rates and Charges on Assessment 10111375 and 10111367

19.2 Application to Write Off Rates and Charges on Assessment 10091643

### 20 Close of Meeting