

**CITY OF DARWIN**

MINUTES OF THE ONE HUNDRED AND SIXTEENTH ORDINARY COUNCIL MEETING OF THE TWENTY-FIRST COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 11 JULY 2017 COMMENCING AT 5.00PM.

PRESENT: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chair); Member R K Elix; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member M Palmer; Member R Want de Rowe.

OFFICERS: Chief Executive Officer, Mr B P Dowd; Acting General Manager City Life, Ms K Conway; Acting General Manager City Operations, Mrs N Nilon; General Manager City Performance, Dr D Leeder; Executive Manager, Ms M Reiter; Town Planner, Mr D Burrows; Senior Media & Public Relations Officer, Ms J Raymond-Munro; Committee Administrator, Mrs P Hart.

APOLOGY: Member S J Niblock; Member E L Young.

MEDIA: NT News, Ms Philippa Butt.

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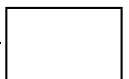
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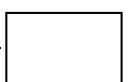
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* * * INDEX * * *		<u>PAGE</u>
1.	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	4
2.	<b>THE LORD'S PRAYER .....</b>	4
3.	<b>MEETING DECLARED OPEN.....</b>	4
4.	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	4
5.	<b>ELECTRONIC MEETING ATTENDANCE.....</b>	4



<b>6.</b>	<b>DECLARATION OF INTEREST OF MEMBERS AND STAFF .....</b>	<b>5</b>
<b>7.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S</b>	
7.1	Ordinary Council Meeting	27/06/17 .....5
7.1	Confidential Ordinary Council Meeting	27/06/17 .....5
		<b>(Moved from Confidential)</b>
<b>8.</b>	<b>BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S</b>	
8.1	Business Arising.....	5
<b>9.</b>	<b>MATTERS OF PUBLIC IMPORTANCE .....</b>	<b>6</b>
<b>10.</b>	<b>DEPUTATIONS AND BRIEFINGS .....</b>	<b>6</b>
<b>11.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>6</b>
<b>12.</b>	<b>CONFIDENTIAL ITEMS</b>	
12.1	Closure to the Public for Confidential Items .....	6
12.2	Moving Open Items Into Confidential .....	6
12.3	Moving Confidential Items Into Open .....	6
<b>13.</b>	<b>PETITIONS .....</b>	<b>7</b>
<b>14.</b>	<b>NOTICE(S) OF MOTION</b>	
14.1	Public Consultation for Future Planning for East Point Reserve.....	7
14.2	Street Sports in Mitchell Street.....	8
14.3	Fannie Bay Equestrian Club .....	8
<b>15.1</b>	<b>OFFICERS REPORTS (ACTION REQUIRED)</b>	
15.1.1	Council Responses to Liquor Licence Applications - July 2017.....	9
15.1.2	Review of Confidential Items September 2013 to July 2017.....	11
		<b>(Moved from Confidential)</b>



**15.2 OFFICERS REPORTS (RECEIVE & NOTE)**

15.2.1	Horizontal Fiscal Equalisation Inquiry - Submission .....	22
15.2.2	Elected Members' Professional Development Expenditure from January .....	22
15.2.3	Register of Invitations Accepted and Declined by The Lord Mayor and Representative from January to June 2017 .....	22
15.2.4	Listing of Cheques / EFT Payments - May 2017.....	23

**(Moved from Confidential)**

**16. TOWN PLANNING REPORT/LETTERS**

16.1	Council Responses to Planning Applications - July 2017 .....	23
16.2	Alterations and Additions Including Change of Use - PA2017/0269 - Lot 3751 (48) Mitchell Street, Darwin City.....	24

**17. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

17.1	Chief Minister of the Northern Territory - Support for Smart Cities and Suburbs Program Application and Funding .....	24
17.2	Local Government Association of the Northern Territory - Call for Policy and Action Motions for the General Meeting in November 2017.....	25

**18. REPORTS OF REPRESENTATIVES**

18.1	Review of Alcohol Policy .....	25
18.2	COTA Board Meeting.....	25
18.3	She Flies .....	25
18.4	Australian Super Bikes.....	25

**19. QUESTIONS BY MEMBERS**

19.1	Vehicular Access through Parks .....	26
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**20. GENERAL BUSINESS**

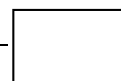
20.1	Music by the Pool.....	26
20.2	Darwin Cup in Mitchell Street.....	26

**(Moved from Confidential)**

**21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING ..... 27**

**22. CLOSURE OF MEETING TO THE PUBLIC.....27**

**23. ADJOURNMENT OF MEETING AND MEDIA LIAISON .....27**



**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. THE LORD'S PRAYER**

**3. MEETING DECLARED OPEN**

The Chair declared the meeting open at 5.00pm.

**4. APOLOGIES AND LEAVE OF ABSENCE**

Common No. 2695036

**4.1 Apologies**

Nil

**4.2 Leave of Absence Granted**

(Want de Rowe/Glover)

A. THAT it be noted Member S J Niblock is an apology due to a Leave of Absence previously granted on 27 June 2017 for the period 10 to 21 July 2017.

B. THAT it be noted Member E L Young is an apology due to a Leave of Absence previously granted on 13 June 2017 for the period 10 to 14 July 2017.

DECISION NO.21\5562 (11/07/17)

Carried

**4.3 Leave of Absence Requested**

Nil

**5. ELECTRONIC MEETING ATTENDANCE**

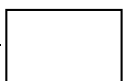
Common No. 2221528

**5.1 Electronic Meeting Attendance Granted**

Nil

**5.2 Electronic Meeting Attendance Requested**

Nil



**6. DECLARATION OF INTEREST OF MEMBERS AND STAFF**

Common No. 2752228

**6.1 Declaration of Interest by Members**

Nil

**6.2 Declaration of Interest by Staff**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S**

Common No. 1955119

**7.1 Confirmation of the Previous Ordinary Council Meeting**

(Lambert/Knox)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 27 June 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\5563 (11/07/17) Carried

**7.2 Confirmation of the Previous Confidential Ordinary Council Meeting**

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

(Lambrinidis/Haslett)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 27 July 2017 be received and confirmed as a true and correct record of the proceedings of that meeting.

B. THAT this decision be moved into Open.

DECISION NO.21\5564 (11/07/17) Carried

**8. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S**

**8.1 Business Arising**

Nil



**9. MATTERS OF PUBLIC IMPORTANCE**

Nil

**10. DEPUTATIONS AND BRIEFINGS**

Nil

**11. PUBLIC QUESTION TIME**

Nil

**12. CONFIDENTIAL ITEMS**

Common No. 1944604

**12.1 Closure to the Public for Confidential Items**

(Elix/Haslett)

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

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C25.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.1.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.1.2	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.2.1	8(d)	information subject to an obligation of confidentiality at law, or in equity

DECISION NO.21\5565

(11/07/17)

Carried

**12.2 Moving Open Items Into Confidential**

Nil

**12.3 Moving Confidential Items Into Open**

Nil



**13. PETITIONS**

Nil

**14. NOTICE(S) OF MOTION**

**14.1 Public Consultation for Future Planning for East Point Reserve**  
**Common No.**

(Knox/Glover)

- A. THAT a report be prepared for Council outlining the matters that would need to be taken into consideration for the development of a Masterplan for East Point Reserve.
- B. THAT Council conduct comprehensive public consultation (Level Involve) to inform the development of a Masterplan for East Point Reserve.

LOST

*There being an equality of votes for and against the motion, the Lord Mayor, having voted in the Negative with her deliberative vote, exercised her Casting Vote to Lose the Motion.*

Member R M Knox called for a division:

<b>AFFIRMATIVE</b>	<b>NEGATIVE</b>
Glover Haslett Lambert Knox	Lord Mayor Want de Rowe Elix Palmer
Casting Vote	Lord Mayor

*Member G Lambrinidis joined the meeting at 5.20pm.*



**14.2 Street Sports in Mitchell Street**

Common No.

(Palmer/Want de Rowe)

THAT a report be prepared outlining the issues that would need to be considered to enable ongoing closure of Mitchell Street on Friday nights for the purpose of hosting street sports. Issues to be considered include but are not limited to: the logistics of closure, funding of the street sports equipment, administrative support for street sports, consultation and budget requirements.

DECISION NO.21\5566

(11/07/17)

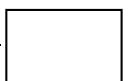
Carried

ACTION: GM CITY LIFE

**14.3 Fannie Bay Equestrian Club**

Common No. 179115

Member R Want de Rowe gave notice that she will be lodging a Notice of Motion at the Ordinary Council Meeting on 25 July 2017 regarding the Fannie Bay Equestrian Club lease.





## 15.1 OFFICERS REPORTS (ACTION REQUIRED)

### 15.1.1 Council Responses to Liquor Licence Applications - July 2017

Report No. 17CL0003 MG:kl (11/07/17) Common No. 3554997

(Lambert/Glover)

- A. THAT Report Number 17CL0003 MG:kl entitled Council Responses to Liquor Licence Applications - July 2017, be received and noted.
- B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to Report Number 17CL0003 MG:kl entitled Council Responses To Liquor Licence Applications - July 2017, noting Council has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act to the application from Bar3/Sinsations.
- C. THAT Council endorse the letter to the Director-General of Licensing at **Attachment B** to Report Number 17CL0003 MG:kl entitled Council Responses To Liquor Licence Applications - July 2017, noting Council has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act to the application from Delaware North Retail Services Pty Ltd.
- D. THAT Council endorse the letter to the Director-General of Licensing at **Attachment C** to Report Number 17CL0003 MG:kl entitled Council Responses To Liquor Licence Applications - July 2017, noting Council has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act to the application from Matthews Group Pty Ltd.

DECISION NO.21\5567

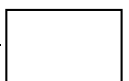
(11/07/17)

Carried

ACTION: MGR RECREATION

NOTE: GM CITY LIFE

*Continued on next page.*



**15.1.1 Council Responses to Liquor Licence Applications - July 2017**

Report No. 17CL0003 MG:kl (11/07/17) Common No. 3554997

*Continued from previous page.*

(Lambert/Glover)

- E. THAT Council endorse the letter to the Director-General of Licensing at **Attachment D** to Report Number 17CL0003 MG:kl entitled Council Responses To Liquor Licence Applications - July 2017, noting Council objects under Section 47F(2) of the Liquor Act to the application from Marlin Darwin Pty Ltd.

DECISION NO.21\5568

(11/07/17)

Carried

ACTION: MGR RECREATION  
NOTE: GM CITY LIFE

*As the original motion was carried, this Foreshadow Motion was not put.*

**Foreshadow Motion**

(Palmer/)

- E. THAT Council advise the Director-General of Licensing that Council has no objections to the application from Marlin Darwin Pty Ltd for trading on Good Friday.

(Lambert/Glover)

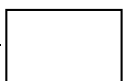
- F. THAT Council endorse the letter to the Director-General of Licensing at **Attachment E** to Report Number 17CL0003 MG:kl entitled Council Responses To Liquor Licence Applications - July 2017, noting Council objects under Section 47F(2) of the Liquor Act to the application from The Chipppo Pty Ltd.

DECISION NO.21\5569

(11/07/17)

Carried

ACTION: MGR RECREATION  
NOTE: GM CITY LIFE



**15.1.2 Review of Confidential Items September 2013 to July 2017**

Report No. 17TC0030 MR:ph (11/07/17) Common No. 1544637

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

**Procedural Motion – Suspension of Meeting Procedures in Accordance with By-law 147 at 6.35pm for 10 minutes**

(Lambert/Knox)

THAT in accordance with By-Law 147 the operation of procedures set out in Part 7 of the Darwin City Council By-Laws, that limits the duration and number of times a Member may speak, be suspended at 6.35pm for 10 minutes to allow for discussion on the report relating to Review of Confidential Items September 2013 to July 2017.

Carried

**Resumption of Meeting Procedures at 6.45pm**

(Elix/Lambrinidis)

THAT the operation of procedures as set out in Part 7 of the Darwin City Council By-Laws, be resumed.

Carried

(Palmer/Glover)

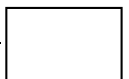
- A. THAT Report Number 17TC0030 MR:ph entitled Review of Confidential Items September 2013 to July 2017, be received and noted.
- B. THAT the following decisions identified in **Attachment A**, as amended, to Report Number 17TC0030 MR:ph entitled Review of Confidential Items September 2013 to July 2017, be moved from Confidential to Open:

Decision No: 21\1470 (24/09/13)

**Sale of Road Reserve – Vanderlin Drive**

Report No. 13A0165 LC:ns (18/09/13) Common No. 378694

- A. THAT Report Number 13A0165 LC:ns entitled, Sale of Road Reserve – Vanderlin Drive, be received and noted.
- B. THAT Council write to Cenfurn Investments Pty Ltd rejecting its offer of \$600,000.00 advising it will accept a sale price of \$850,000.00 being the market valuation and this offer remain open for six weeks until 12 November 2013.
- C. THAT the City of Darwin pursuant to Section 32 (2) of the Local Government Act 2008 (as Amended) hereby delegates to the Chief Executive Officer the power to



finalise the terms and conditions of the contract of sale negotiation for a minimum sale price of \$750,000.00 and above.

- D. THAT pursuant to Section 26(2) Council approve the affixing of the common seal to all associated documentation for the closure and sale of road reserve adjacent to Lot 2845 Vanderlin Drive and that all documentation be attested by the signatures of the Chief Executive Officer and the Lord Mayor.

DECISION NO.21\3376 (26/05/15)

**Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest**

Report No. 15TS0075 LC:jw (26/05/15) Common No. 2702156

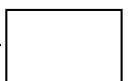
- A. THAT Report Number 15TS0075 LC:jw entitled Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest, be received and noted.
- B. THAT Council endorse the Expression of Interest process as identified in Report Number 15TS0075 LC:jw entitled Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest, including the payment of \$50,000 to each shortlisted proponent to further participate and develop this proposal.
- C. THAT Council endorse the reduction in local content for the assessment criteria from 20% to 5% for the Leachate Treatment Expression of Interest.
- D. THAT following the Expression of Interest process, a further report be presented to Council recommending a leachate system and implementation process.

DECISION NO.21\3826 (13/10/15)

**George Brown Darwin Botanic Gardens - Draft Visitor Experience Development Plan**

Report No. 15TS0172 DL:jg (13/10/15) Common No. 3164879

- A. THAT Report Number 15TS0172 DL:jg entitled George Brown Darwin Botanic Gardens – Draft Visitor Experience Development Plan, be received and noted.
- B. THAT Council endorse the proposed response to the George Brown Darwin Botanic Gardens – Draft Visitor Experience Development Plan included as **Attachment B** as amended to remove the objection to the overpass to Report Number 15TS0172 DL:jg entitled George Brown Darwin Botanic Gardens - Draft Visitor Experience Development Plan.



DECISION NO.21\3992 (24/11/15)

**Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest - Update November 2015**

Report No. 15TS0218 ND:jw (24/11/15) Common No. 2702156

- A. THAT Report Number 15TS0218 ND:jw entitled Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest - Update November 2015, be received and noted.
- B. THAT Council endorses progressing to Stage 2 of the Expression of Interest phase as outlined in Report Number 15TS0218 ND:jw entitled Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest - Update November 2015.
- C. THAT Council endorses shortlisting the following proponents from Stage 1 for progression to Stage 2 of the Expressions of Interest process, with the payment of \$50,000, as outlined in Report Number 15TS0218 ND:jw entitled Shoal Bay Waste Management Facility - Leachate Treatment Expression of Interest - Update November 2015:
- Ixom
  - Water and Carbon Group

DECISION NO.21\4122 (23/02/16)

**Berrimah Farm Proposed Redevelopment - Halikos Group**

Report No. 16A0015 MC:mp (17/02/16) Common No. 3302396

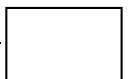
- A. THAT Report Number 16A0015 MC:mp entitled Berrimah Farm Proposed Redevelopment - Halikos Group, be received and noted.
- B. THAT Council agree to negotiate the provision of municipal services, including rating services, to Halikos Group in respect of the Berrimah Farm redevelopment.
- C. THAT Halikos Group be advised that City of Darwin's preferred method for the provision of services is through the incorporation of the area into the City of Darwin's municipal boundary and for any crown development lease to contain provisions that rates are payable from the outset.

DECISION NO.21\4685 (26/07/16)

**Perry Park Pty Ltd Dispute Update**

Report No. 16A0074 LC:mp (26/07/16) Common No. 302201

THAT Report Number 16A0074 LC:je entitled Perry Park Pty Ltd Dispute Update be received, and noted.



DECISION NO.21\4715 (16/08/16)

**Waste Management Strategy - Update**

Report No. 16TS0127 NN:tz (16/08/16) Common No. 1738353

- A. THAT Report Number 16TS0127 NN:tz entitled Waste Management Strategy - Update, be received and noted.
- B. THAT the new waste collection contract tender for services from 1 October 2017 is called based on the current level of service delivery for kerbside and manual waste collection, being;
- Weekly kerbside service general waste collection – 240L bin,
  - Fortnightly kerbside service recycling collection – 240L bin,
  - Twice weekly manual service general waste collection – 240L bin,
  - Weekly manual service recycling collection – 240L bin.

DECISION NO.21\4881 (27/09/16)

**Leachate Treatment - Contractor Involvement Phase Update**

Report No. 16TS0164 NN:tz (27/09/16) Common No. 2702156

- A. THAT Report Number 16TS0164 NN:tz entitled Leachate Treatment - Contractor Involvement Phase Update, be received and noted.

DECISION NO.21\4882 (27/09/16)

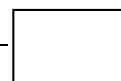
- B. THAT Council endorses Alderman R K Elix, Alderman R M Knox, and Alderman G Lambrinidis to travel with Council staff to attend sites nominated by the contractors as being suitable for demonstration of their proposed leachate treatment system.

DECISION NO.21\4910 (11/10/16)

**Darwin Entertainment Centre - Air Conditioner Update**

Report No. 16TS0178 ND:tz (11/10/16) Common No. 2638206

- A. THAT Report Number 16TS0178 ND:tz entitled Darwin Entertainment Centre - Air Conditioner Update, be received and noted.
- B. THAT further investigation of costs and timeframes for the replacement of the Darwin Entertainment Centre air conditioning system project be undertaken prior to going out to tender and the outcomes reported back to Council.



DECISION NO.21\4912 (11/10/16)

**Leachate Treatment - Contractor Involvement Phase**  
**Common No. 2702156**

THAT Council endorses Alderman Glover to replace Alderman G Lambrinidis to travel with Council staff to attend sites nominated by the contractors as being suitable for demonstration of their proposed leachate treatment system.

DECISION NO.21\5006 (15/11/16)

**Vesteys Reserve Proposal**

Report No. 16A0125 LC:je (15/11/16) Common No. 3296270

- A. THAT Report Number 16A0125 LC:je entitled Vesteys Reserve Proposal, be received and noted.
- B. THAT a report be prepared for Council by the end of March 2017 on an Expression of Interest process and terms of reference for Vesteys Reserve, consistent with the outcomes of the community consultation process to inform the development of a master plan.
- C. THAT based on the outcomes of the community consultation and Expression of Interest process, Council develop a Master Plan for the Vesteys Reserve area that identifies:
- i. a future management plan for the reserve
  - ii. budget requirements

DECISION NO.21\5008 (15/11/16)

**CBD Summit Working Group**

Common No. 3360177

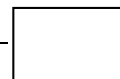
THAT Council accept the resignations of Alderman R M Knox and Alderman R K Elix from the CBD Summit Working Group and accept the nominations of Alderman M Palmer and Alderman S J Niblock.

DECISION NO.21\5072 (29/11/16)

**Leanyer Depot Proposal**

Report No. 16A0133 LC:jg (21/11/16) Common No. 990255

- A. THAT Report Number 16A0133 LC:jg entitled Leanyer Depot Proposal, be received and noted.
- B. THAT Council advise Milkwood Steiner School that it declines its request to gift the land at Leanyer Depot to the school and advise that the property is not for sale until such time as Council has identified a key driver to dispose of the property.



**Request for Partnership from Australian Hotels Association (NT)**

Report No. 16TC0076 MB:ph (29/11/16) Common No. 3395367

DECISION NO.21\5073 (29/11/16)

- A. THAT Report Number 16TC0076 MB:ph entitled Request for Partnership from Australian Hotels Association (NT), be received and noted.
- B. THAT City of Darwin not enter into a \$5,500 per annum, Bronze Sponsorship Agreement with the Australian Hotels Association (NT) as detailed in **Attachment A** to Report Number 16C0076 MB: ph entitled Request for Partnership from the Australian Hotel Association (NT).

DECISION NO.21\5074 (29/11/16)

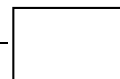
- C. THAT Council write to the Australian Hotels Association (NT):
- i. expressing its appreciation for the ongoing contribution to the implementation of the Safer Vibrant Darwin Plan 2016-2019;
  - ii. noting that Council will continue to maintain a productive relationship with the hospitality industry and look at future opportunities to enter into partnerships for specific projects or programs to support the implementation of the Safer Vibrant Darwin Plan 2016-2019; and
  - iii. seeking the possibility of City of Darwin becoming an associate member of the Australian Hotel Association (NT).

DECISION NO.21\5114 (13/12/16)

**City Deals and Smart Cities**

Report No. 16TC0077 MB:ph (13/12/16) Common No. 3226493

- A. THAT Report Number 16TC0077 MB:ph entitled City Deals and Smart Cities, be received and noted.
- B. THAT Council, pursuant to Section 32 (2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise all matters related to a Memorandum of Understanding to Establish and Implement City Deals between the Commonwealth of Australia and the Northern Territory Government and the City of Darwin in accordance with Report Number 16TC0077 MB:ph entitled City Deals and Smart Cities.
- C. THAT Council, pursuant to Section 32 (2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise all matters related to a Smart Cities submission in accordance with Report Number 16TC0077 MB:ph entitled City Deals and Smart Cities.
- D. THAT a progress report on City Deals and Smart Cities be presented to the January 2017 Ordinary Council Meeting.





DECISION NO.21\5136 (31/01/17)

**Darwin City Deal**

Report No. 17TC0005 MB:ph (31/01/17) Common No. 3226493

THAT Report Number 17TC0005 MB:ph entitled Darwin City Deal, be received and noted.

DECISION NO.21\5229 (28/02/17)

**Perry Park Pty Ltd - Gardens Oval Lights Consultation**

Report No. 17A0028 DL:jg (28/02/17) Common No. 3246533

THAT Report Number 17A0028 DL:jg entitled Perry Park Pty Ltd - Gardens Oval Lights Consultation, be received and noted.

DECISION NO.21\5292 (28/03/17)

**Leachate Treatment – Contractor Involvement Tender**

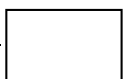
Report No. 17TS0032 NN:km (28/03/17) Common No. 2702156

- A. THAT Report Number 17TS0032 NN:km entitled Leachate Treatment – Contractor Involvement Tender, be received and noted.
- B. THAT Council, pursuant to Section 32(2)(d) of the Local Government Act 2008, hereby delegates to the Chief Executive Officer, the power to finalise and enter into a contract for the leachate disposal system with Water & Carbon Group to undertake a pilot trial as outlined within Report Number 17TS0032 NN:km entitled Leachate Treatment – Contractor Involvement Tender.
- C. THAT a further report is presented to Council with a recommendation on the implementation of a full scale system upon completion of the pilot trial.
- D. THAT this decision be moved into Open after the contract for the Pilot Trial has been awarded.

DECISION NO.21\5294 (28/03/17)

**NT Planning Commissioner**

- A. That Council endorse and support the Chief Executive Officer continuing in the role of NT Planning Commissioner until a new Commissioner is appointed.
- B. THAT this decision be moved into Open following the announcement by the Minister.



DECISION NO.21\5339 (11/04/17)

**Darwin City Deal Update – April 2017**

Report No. 17TC0018 MB:ph (11/04/17) Common No. 3226493

THAT Report Number 17TC0018 MB:ph entitled Darwin City Deal Update – April 2017, be received and noted.

DECISION NO.21\5352 (09/05/17)

**Darwin City Centre and Periphery Area Plan - Update**

Report No. 17TS0001 CR:hd (09/05/17) Common No. 3421741

THAT the Committee resolve under delegated authority:

THAT Report Number 17TS0001 CR:hd entitled Darwin City Centre and Periphery Area Plan - Update, be received and noted.

DECISION NO.21\5381 (16/05/17)

**NT Planning Commission**

Common No. 3459962

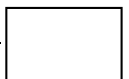
THAT Council endorse the continuation of the Chief Executive Officer's role as a member of the NT Planning Commission.

DECISION NO.21\5420 (29/05/17)

**Domestic Waste & Recycling Services Tender Award**

Report No. 17TS0044 NN:km (29/05/17) Common No. 3440909

- A. THAT Report Number 17TS0044 NN:km entitled Domestic Waste & Recycling Services Tender Award, be received and noted.
- B. THAT Council award Contract No. 2017/060 Domestic Waste & Recycling Services to JJ Richards & Sons Pty Ltd for a contract term of 8 years as described in Report Number 17TS0044 NN:km entitled Domestic Waste & Recycling Services Tender Award.
- C. THAT Council, pursuant to Section 32(2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise and enter into a contract for Contract No. 2017/060 Domestic Waste & Recycling Services with JJ Richards & Sons Pty Ltd for a contract term of 8 years.
- D. THAT following acceptance by JJ Richards & Sons Pty Ltd and notification to the unsuccessful tenders of the outcome, that this decision be moved into Open.



DECISION NO.21\5459 (30/05/17)

**Outdoor Dining Fees – Darwin Central Nominees**

Report No. 17A0060 LC:jg (22/05/17) Common No. 180516

- A. THAT Report Number 17A0060 LC:jg entitled Outdoor Dining Fees - Darwin Central Nominees, be received and noted.
- B. THAT Council approve a five year transitional arrangement, from 1 July 2017, for Darwin Central Nominees to come into line with the current fees and charges for Outdoor Dining fees.
- C. THAT Council renew the porte-cochère permit at the entrance of the Darwin Central Hotel on Shadforth under the current terms and conditions subject to annual CPI review.

DECISION NO.21\5462 (30/05/17)

**Perry Park Pty Ltd - Supreme Court Ruling**

Report No. 17A0063 LC:jg (30/05/17) Common No. 302201

- A. THAT Report Number 17A0063 LC:jg entitled Perry Park Pty Ltd - Supreme Court Ruling, be received and noted.
- B. THAT a further report be brought back to Council following discussion with Perry Park Pty Ltd.

DECISION NO.21\5487 (13/06/17)

**Barneson Boulevard and Tiger Brennan Drive Duplication Project - Final Concept Design**

Common No. 2116605

(Want de Rowe/Glover)

THAT the presentation from the Department of Infrastructure, Planning and Logistics in relation to the Barneson Boulevard and Tiger Brennan Drive Duplication Project - Final Concept Design be received and noted.

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

**City of Darwin Smart Cities and Suburbs Program Application**

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

- A. THAT Report Number 17TS0057 LC:tz entitled City of Darwin Smart Cities and Suburbs Program Application, be received and noted.
- B. THAT Council approve an application to the first round of the Smart Cities and Suburbs Program up to \$10 million, consisting of financial contributions as follows:
  - a. \$5 million from the Australian Government,
  - b. \$2.5 million from the Northern Territory Government, and
  - c. \$2.5 million from the City of Darwin,



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

- C. THAT Council, pursuant to Section 32 (2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise and make an application to the first round of the Australian Government's Smart Cities and Suburbs Program as outlined in Report Number 17TS0057 LC:tz entitled City of Darwin Smart Cities and Suburbs Program Application.
- D. THAT a further report be prepared on the final funding model if the Smart Cities and Suburbs Program application is successful.
- E. THAT this decision and report be moved into open on 30 June 2017.

DECISION NO.21\5490 (13/06/17)

**Northern Territory Government's Urban and Regional Oval Lights Program**

Report No. 17C0043 AM:kl (13/06/17) Common No. 3246533

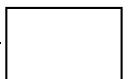
- A. THAT Report Number 17C0043 AM:kl entitled Northern Territory Government's Urban and Regional Oval Lights Program, be received and noted.
- B. THAT Council accept the Northern Territory Government's offer of \$3.5 million (plus GST) over the 2017-18 and 2018-19 financial years for the purposes of lighting urban sporting ovals, including Gardens Oval 1.
- C. THAT Council write to the Northern Territory Government indicating its acceptance of the funding offer for lighting urban sporting ovals, including Gardens Oval 1, and that decisions to light other urban sporting ovals are subject to budget and a needs based analysis, consultation with peak sporting organisations and the outcomes of a community consultation process.
- D. THAT Council pursuant to Section 32 (2) of the Local Government Act hereby delegates to the Chief Executive Officer power to finalise a funding agreement between the City of Darwin and the Northern Territory Government regarding the Urban and Regional Oval Lights Program.

DECISION NO.21\5491 (13/06/17)

**Legal Advice - Duty of Care to Enforce Animal By-laws**

Report No. 17C0037 AM:kl (13/06/17) Common No. 3367725

- A. THAT Report Number 17C0037 AM:kl entitled Legal Advice - Duty of Care to Enforce Animal By-laws, be received and noted.
- B. THAT Council accept the legal advice provided by HWL Ebsworth noting it would be relatively rare for Council to owe a duty of care to a third party to enforce its by-laws.
- C. THAT Council express its trust and confidence in the actions and approach of the Chief Executive Officer in managing the ongoing matters raised by REABL.



- D. THAT Council endorse the letter to REABL at **Attachment D** Report Number 17C0037 AM:kl entitled Legal Advice - Duty of Care to Enforce Animal By-laws.

DECISION NO.21\5547 (27/06/17)

**CBD Activation Fund**

Report No. 17A0064 LC:jg (27/06/17) Common No. 3360177

- A. THAT Report Number 17A0064 LC:jg entitled CBD Activation Fund, be received and noted.
- B. THAT Council endorse the proposed framework for activation of the CBD in accordance with the items outlined at **Attachment A**, as amended to include \$50,000 for advertising and promotion and \$100,000 for entertainment and events, to Report Number 17A0064 LC:jg entitled CBD Activation Fund.
- C. THAT advice on the branding campaign continue be sought from the Vibrant CBD Subcommittee.

DECISION NO.21\5337 (11/04/17)

**Halikos Developments - Northcrest - Provision of Municipal Services**

Report No. 17A0045 DL:jg (11/04/17) Common No. 3302396

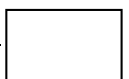
- A. THAT Report Number 17A0045 DL:jg entitled Halikos Developments - Northcrest - Provision of Municipal Services, be received and noted.
- B. THAT Council advise Halikos Developments it is willing to provide those municipal services in relation to maintenance of streets and open space infrastructure discussed at the meeting on 27 March 2017.
- C. THAT Council advise Halikos Developments that the agreement around municipal services to be provided, the pricing thereof and on what conditions will apply is to be developed by Council at cost to Halikos Developments.

- C. THAT the decisions identified in **Attachment B** to Report Number 17TC0030 MR:ph entitled Review of Confidential Items September 2013 to July 2017, remain in Confidential.
- D. THAT **Attachment A** to Report Number 17A0064 entitled 'CBD Activation Fund' be moved into Open.
- E. THAT this decision be moved into Open.

DECISION NO.21\5570 (11/07/17)

Carried

ACTION: CA  
NOTE: EXEC MGR



## 15.2 OFFICERS REPORTS (RECEIVE & NOTE)

### 15.2.1 Horizontal Fiscal Equalisation Inquiry - Submission

Report No. 17A0066 MC:jg (11/07/17) Common No. 3542116

(Lambert/Haslett)

THAT Report Number 17A0066 MC:jg entitled Horizontal Fiscal Equalisation Inquiry - Submission, be received and noted.

DECISION NO.21\5571 (11/07/17) Carried

### 15.2.2 Elected Members' Professional Development Expenditure from January to June 2017

Report No. 17TC0036 MB:sv (11/07/17) Common No. 315321

(Lambert/Elix)

THAT Report Number 17TC0036 MB:sv entitled Elected Members' Professional Development Expenditure from January to June 2017, be received and noted.

DECISION NO.21\5572 (11/07/17) Carried

### 15.2.3 Register of Invitations Accepted and Declined by The Lord Mayor and Representative from January to June 2017

Report No. 17TC0035 MB:sv (11/07/17) Common No. 1381402

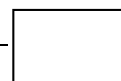
(Lambert/Want de Rowe)

A. THAT Report Number 17TC0035 MB:sv entitled Register of Invitations Accepted and Declined by The Lord Mayor and Representative from January to June 2017, be received and noted.

B. THAT **Attachment A** to Report Number 17TC0035 MB:sv entitled Register of Invitations Accepted and Declined by The Lord Mayor and Representative from January to June 2017 be amended to note that Member R M Knox attended the Darwin Sailing Club event on behalf of the Lord Mayor on 6 June 2017.

DECISION NO.21\5573 (11/07/17) Carried

ACTION: EA TO LM



**15.2.4 Listing of Cheques / EFT Payments - May 2017**

Report No. 17A0070 MC:jg (11/07/17) Common No. 339125

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

(Knox/Palmer)

A. THAT Report Number 17A0070 MC:jg entitled Listing of Cheques / EFT Payments - May 2017, be received and noted.

B. THAT this decision be moved into Open.

DECISION NO.21\5574 (11/07/17)

Carried

**16. TOWN PLANNING REPORT/LETTER**

**16.1 Council Responses to Planning Applications - July 2017**

Report No. 17TS0064 BS:hd (11/07/17) Common No. 2547669

(Lambert/Glover)

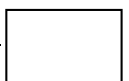
A. THAT Report Number 17TS0064 BS:hd entitled Council Responses to Planning Applications - July 2017, be received and noted.

B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A & B** to Report Number 17TS0064 BS:hd entitled Council Responses to Planning Applications - July 2017.

DECISION NO.21\5575 (11/07/17)

Carried

ACTION: PLANNING OFFICER  
NOTE: GM CITY FUTURES



**16.2 Alterations and Additions Including Change of Use - PA2017/0269 - Lot 3751 (48) Mitchell Street, Darwin City**

Report No. 17TS0066 DB:hd (11/07/17) Common No. 3552626

(Want de Rowe/Lambrinidis)

- A. THAT Report Number 17TS0066 DB:hd entitled Alterations and Additions Including Change of Use - PA2017/0269 - Lot 3751 (48) Mitchell Street, Darwin City be received and noted.
- B. THAT Council endorse the submission, dated 23 June 2017, to the Development Assessment Services within **Attachment A** to Report Number 17TS0066 DB:hd entitled Alterations and Additions Including Change of Use - PA2017/0269 - Lot 3751 (48) Mitchell Street, Darwin City.

DECISION NO.21\5576

(11/07/17)

Carried

ACTION: TOWN PLANNER  
NOTE: GM CITY FUTURES

**17. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**17.1 Chief Minister of the Northern Territory - Support for Smart Cities and Suburbs Program Application and Funding**

Document No. 3570206 (11/07/17) Common No. 3226493

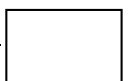
(Lambert/Elix)

THAT the Incoming Letter from the Chief Minister of the Northern Territory noting support for the City of Darwin Smart Cities and Suburbs Program Application and contribution of \$2.5 million be received and noted.

DECISION NO.21\5577

(11/07/17)

Carried





**17.2 Local Government Association of the Northern Territory - Call for Policy and Action Motions for the General Meeting in November 2017**  
(11/07/17) Common No. 3559235

(Palmer/Haslett)

A. THAT the incoming information from the Local Government Association of the Northern Territory relating to the Call for Policy and Action Motions for the General Meeting in November 2017 be received and noted.

B. THAT Elected Members forward suggested motions to the Executive Manager by Friday, 22 September 2017.

DECISION NO.21\5578 (11/07/17)

Carried

ACTION: EXEC MGR

**18. REPORTS OF REPRESENTATIVES**  
Common No. 1735503

(Glover/Knox)

THAT the following Reports of Representatives be received and noted.

DECISION NO.21\5579 (11/07/17)

Carried

**18.1 Review of Alcohol Policy**

Member R K Elix reported on his attendance, on behalf of the Local Government Association of the NT, at the review of alcohol policy.

**18.2 COTA Board Meeting**

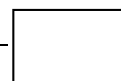
Member R M Knox reported on her attendance at the COTA Board Meeting in July 2017, noting that they discussed the review of the Northern Territory Government seniors assistance scheme.

**18.3 She Flys**

Member G Lambrinidis reported on his attendance at the She Flys event, a project to encourage young women's participation in the STEM program, which Council has sponsored.

**18.4 Australian Super Bikes**

Member G A Lambert reported on his attendance at the Australian Super Bikes round held in Darwin.



## 19. QUESTIONS BY MEMBERS

(Palmer/Elix)

THAT the following Questions by Members be received and noted.

DECISION NO.21\5580 (11/07/17) Carried

### 19.1 Vehicular Access through Parks Common No.

Member J A Glover asked, in regard to vehicular access through parks, what Council is doing to stop this damaging practice and behaviour in the community?

*The Acting General Manager City Life took the question on notice.*

ACTION: GM CITY LIFE

## 20. GENERAL BUSINESS

### 20.1 Music by the Pool Common No. 3553889

(Lambrinidis/Want de Rowe)

THAT the Darwin City Brass Band, Royal Life Saving Society - NT and other community organisations be thanked for their participation in Music by the Pool.

DECISION NO.21\5581 (11/07/17) Carried

ACTION: GM CITY LIFE

### 20.2 Darwin Cup in Mitchell Street Common No.

*With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.*

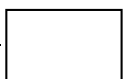
(Lambert/Palmer)

A. THAT Council agree to support closing Mitchell Street for the Darwin Cup by the provision of \$5,000 to the proponents in order that they manage the road closures and associated activities.

B. THAT this decision be moved into Open.

DECISION NO.21\5582 (11/07/17) Carried

ACTION: GM CITY FUTURES



**21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**

Common No. 2695130

(Glover/Knox)

THAT the next Ordinary Meeting of Council be held on Tuesday, 25 July 2017, at 5:00pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\5583 (11/07/17) Carried

**22. CLOSURE OF MEETING TO THE PUBLIC**

Common No. 2695131

(Palmer/Lambert)

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

DECISION NO.21\5584 (11/07/17) Carried

**23. ADJOURNMENT OF MEETING AND MEDIA LIAISON**

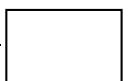
Common No. 2695132

(Elix/Knox)

THAT the meeting be adjourned at 6.10pm for 10 minutes to enable the Media to liaise with the Lord Mayor.

DECISION NO.21\5585 (11/07/17) Carried

*The meeting moved to the Confidential Section at 6.20pm.*



Reports, recommendations and supporting documentation can be accessed via the City of Darwin Council Website at [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au), at Council Public Libraries or contact the Committee Administrator on (08) 8930 0670.

ONE HUNDRED AND SIXTEENTH ORDINARY COUNCIL MEETING – OPEN SECTION  
TUESDAY, 11 JULY 2017

PAGE

ORD07/28

**THE RIGHT WORSHIPFUL, LORD  
MAYOR, MS KATRINA MARY FONG  
LIM (CHAIR) – 1<sup>st</sup> ORDINARY  
COUNCIL MEETING – TUESDAY, 11  
JULY 2017**

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**Confirmed On:** *Tuesday, 25 July 2017*

**Chair:** \_\_\_\_\_

