

CITY OF DARWIN

MINUTES OF THE ONE HUNDRED AND THIRD ORDINARY COUNCIL MEETING OF THE TWENTY-FIRST COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 15 NOVEMBER 2016 COMMENCING AT 5.00 P.M.

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 S J Niblock; Member M Palmer; Member R Want de Rowe; Member E L Young.

OFFICERS: Acting Chief Executive Officer, Mr M Blackburn; Acting General Manager Corporate Services, Ms J Wheeler; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Ms A Malgorzewicz; Manager Design, Planning & Projects, Mr D Lelekis; Manager Capital Works, Mr N Kleine; Manager Strategy & Outcomes, Mrs V Green; Management Accountant, Ms I Frazis; Senior Media & Public Relations Officer, Ms J Raymond-Monro; Town Planner, Ms N Smith; Committee Administrator, Mrs P Hart.

MEDIA: NT News, Ms Philippa Butt; 9 News, Ms Elizabeth Creasy.

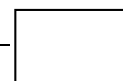
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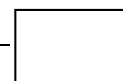
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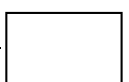
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1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD'S PRAYER

3. MEETING DECLARED OPEN

The Chair declared the meeting open at 5.00 pm.

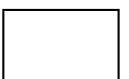
4. APOLOGIES AND LEAVE OF ABSENCE
Common No. 2695036

4.1 Apologies

Nil

4.2 Leave of Absence Granted

Nil



4.3 Leave of Absence Requested

(Glover/Palmer)

- A. THAT a Leave of Absence be granted for Member G J Haslett for the period of 29 December 2016 to 26 January 2017.
- B. THAT a Leave of Absence be granted for Member G A Lambert for the period of 20 November 2016 to 7 December 2016.
- C. THAT a Leave of Absence be granted for Member G A Lambert for the period of 17 December 2016 to 17 January 2017.
- D. THAT a Leave of Absence be granted for Member E L Young for the period of 25 to 26 November 2016.
- E. THAT a Leave of Absence be granted for Member E L Young for the period of 3 December 2016 to 9 January 2017.
- F. THAT a Leave of Absence be granted for Member G Lambrinidis for the period of 26 November 2016 to 4 December 2016.
- G. THAT a Leave of Absence be granted for Member R M Knox for the period of 18 December 2016 to 11 January 2017.

DECISION NO.21\4984

(15/11/16)

Carried

5. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

With the consent of the Council, this item was considered after Item 3.

5.1 Electronic Meeting Attendance Granted

(Lambert/Palmer)

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 16/04/12, the following member is granted permission for Electronic Meeting Attendance at this the One Hundred and Third Ordinary Council Meeting held on Tuesday, 15 November 2016:

- Member R K Elix

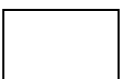
DECISION NO.21\4985

(15/11/16)

Carried

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

(Haslett/Niblock)

THAT Council note that pursuant to Section 73 & 74 of the Local Government Act 2008, The Right Worshipful, Lord Mayor, Ms K M Fong Lim declared a Conflict of Interest in Item 15.1.

DECISION NO.21\4986 (15/11/16) Carried

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/Lambrinidis)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 25 October 2016, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\4987 (15/11/16) Carried

7.2 Confirmation of the Previous Confidential Ordinary Council Meeting

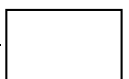
With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Lambert/Want de Rowe)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 25 October 2016 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\5005 (15/11/16) 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. CONFIDENTIAL ITEMS

Common No. 1944604

11.1 Closure to the Public for Confidential Items

(Want de Rowe/young)

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

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C28.1	8(c)(i)	information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
C28.2	8(e)	information provided to the council on condition that it be kept confidential

DECISION NO.21\4988

(15/11/16)

Carried



11.2 Moving Open Items Into Confidential

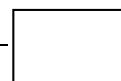
Nil

11.3 Moving Confidential Items Into Open

Nil

12. PETITIONS

Nil



13. NOTICE(S) OF MOTION

13.1 Esplanade Cycle Lane
Common No. 2661536

(Elix/Niblock)

THAT Council rescind the decision made on 11 October 2016, Decision No. 21\4898:

- A. *THAT Report No. 16TS0135 LC:If entitled Review of Esplanade On-Road Cycle Lane be received and noted.*
- B. *THAT Council modify the Esplanade on-road cycle lane, to incorporate the design provided by Cardno Pty Ltd being **Attachment B** to Report No. 16TS0135 LC:If entitled Review of Esplanade On-Road Cycle Lane as amended by Council as follows:*
- *increasing the cycle lane buffer from 400mm to 500mm*
 - *retaining all car parking with the exception of 1 bay on each side of Knuckey Street intersection.*

And replace it with:

- A. THAT Council endorse the removal of the on-road cycle lane along the Esplanade and that the on-street parking be reinstated adjacent to the kerb as a result of the review undertaken, to improve the safety of users at conflict points between cyclists and road users and ensuring no loss of car parking with the exception of 1 bay on each side of Knuckey Street intersection.
- B. THAT Council support in principle CBD Master Plan project MP012 "Esplanade Parade" incorporating both Pedestrian and Bicycle traffic and that a report be prepared on the logistics of an implementation plan that includes consideration of:
- i. extensive stakeholder engagement
 - ii. design
 - iii. possible staging
 - iv. estimated costs

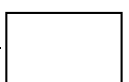
by March 2017.

DECISION NO.21\4989

(15/11/16)

Carried

ACTION: GM INFRA



14.1 OFFICERS REPORTS (ACTION REQUIRED)

14.1.1 2015/16 City of Darwin Annual Report

Report No. 16TC0070 VG:ph (15/11/16) Common No. 3141841

(Lambert/Haslett)

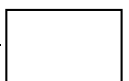
- A. THAT Report Number 16TC0070 VG:ph entitled 2015/16 City of Darwin Annual Report, be received and noted.
- B. THAT the 2015/16 City of Darwin Annual Report at **Attachment A**, as amended, to Report Number 16TC0070 VG:ph entitled 2015/16 City of Darwin Annual Report be adopted.
- C. THAT the 2015/16 City of Darwin Annual Report be forwarded to the Minister for Local Government.

DECISION NO.21\4990

(15/11/16)

Carried

ACTION: MGR STRATEGY
NOTE: EXEC MGR



14.1 OFFICERS REPORTS (ACTION REQUIRED)

14.1.2 Black Spot Program - Outcome of the 2016/2017 Submission and Call for Nominations for 2017/2018

Report No. 16TS0175 DL:lf (15/11/16) Common No. 3390192

(Lambert/Haslett)

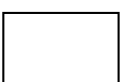
- A. THAT Report Number 16TS0175 DL:lf entitled Black Spot Program - Outcome of the 2016/2017 Submission and Call for Nominations for 2017/2018, be received and noted.
- B. THAT Council endorse the 2017/18 Black Spot nominations as contained within **Attachment A** to Report Number 16TS0175 DL:lf entitled Black Spot Program - Outcome of the 2016/2017 Submission and Call for Nominations for 2017/2018.
- C. THAT Council write to the Northern Territory Government:
 - i. Accepting the 2016/2017 Black Spot funding offer for the Lee Point Road and Jabiru Street intersection;
 - ii. Advising that the Daly Street and Woods Street intersection project will not be constructed at this time, due to the progression of the Barneson Boulevard project and the unknown impact of this project on traffic movement within the Darwin CBD; and
 - iii. Requesting that the funding approved for the Daly and Wood Street project be reallocated to one of the 2017/2018 projects submitted.

DECISION NO.21\4991

(15/11/16)

Carried

ACTION: MGR DESIGN
NOTE: GM INFRA



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TUESDAY, 15 NOVEMBER 2016 PAGE

ORD11/12

14.1 OFFICERS REPORTS (ACTION REQUIRED)

14.1.3 Council Responses to Liquor Licence Applications - Café 21 Smith

Report No. 16C0083 TM:kl (15/11/16) Common No. 3401840

(Palmer/Want de Rowe)

- A. THAT Report Number 16C0083 TM:kl entitled Council Response to Liquor Licence Application - Café 21 Smith, be received and noted.
- B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to Report Number 16C0083 TM:kl entitled, Council Response to New Restaurant Liquor Licence Application- Café 21 Smith, 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 NTFG Pty Ltd .

DECISION NO.21\4992

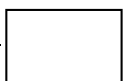
(15/11/16)

Carried

ACTION: MGR DARWIN SAFER CITY
NOTE: GM COMM

14.2 OFFICERS REPORTS (RECEIVE & NOTE)

Nil



*The Right Worshipful, Lord Mayor, Ms K M Fong Lim declared a Conflict of Interest in Item 15.1 and departed the chamber at 5.08pm.
Member J A Glover took her place as Chair.*

15. TOWN PLANNING REPORT/LETTERS

15.1 Council Responses to Development Applications - November 2016

Report No. 16TS0180 BS:hd (15/11/16) Common No. 3395311

(Lambert/Lambrinidis)

- A. THAT Report Number 16TS0180 BS:hd entitled Council Responses to Development Applications - November 2016, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A and B** to Report Number 16TS0180 BS:hd entitled Council Responses to Development Applications - November 2016.

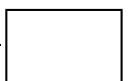
DECISION NO.21\4993

(15/11/16)

Carried

ACTION: PLANNING OFFICER
NOTE: GM INFRA

The Right Worshipful, Lord Mayor, Ms K M Fong Lim re-joined the meeting at 5.09pm.



15. TOWN PLANNING REPORT/LETTERS

15.2 Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593

Report No. 16TS0170 NS:hd (15/11/16) Common No. 3397451

(Palmer/Lambert)

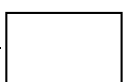
- A. THAT Report Number 16TS0170 NS:hd entitled Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593 be received and noted.
- B. THAT Council endorse the submission to the Development Assessment Services objecting to the proposed development within **Attachment C**, as amended to reflect that the verandah is not excessive and that the developer must demonstrate that landscaping can be accommodated, to Report Number 16TS0170 NS:hd entitled Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593.

DECISION NO.21\4994

(15/11/16)

Carried

ACTION: TOWN PLANNER
NOTE: GM INFRA



15. TOWN PLANNING REPORT/LETTERS

15.3 Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner

Report No. 16TS0088 BS:hd (15/11/16) Common No. 3349026

(Palmer/Knox)

- A. THAT Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner be received and noted.
- B. THAT Council approve the Outdoor Dining (Licensed) Application associated with King of Yiros Cafe adjacent to Lot 1836 (10) Pearce Place, Millner, in accordance with Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.
- C. THAT Council provide the King of Yiros Cafe with letters authorising, as land owner, planning and liquor licensing applications, subject to the liquor licence being between 12noon to 10.00pm, associated with outdoor dining (licensed) within Council's road reserve, as identified in Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.
- D. THAT Council pursuant to Section 32(2) of the Local Government Act 2008, hereby delegates to the Chief Executive Officer, the power to respond to and finalise the design and all other matters related to outdoor dining (licensed), within Council's road reserve, in accordance with Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.

DECISION NO.21\4995

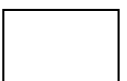
(15/11/16)

Carried

ACTION: PLANNING OFFICER

NOTE: GM INFRA

NOTE: MGR DARWIN SAFE



15. TOWN PLANNING REPORT/LETTERS

15.4 Signage Application - CoreStaff, Lot 7246 (16) Swan Crescent, Winnellie

Report No. 16TS0182 BS:hd (15/11/16) Common No. 3400206

(Lambert/Glover)

- A. THAT Report Number 16TS0182 BS:hd entitled Signage Application - CoreStaff, Lot 7246 (16) Swan Crescent, Winnellie be received and noted.
- B. THAT Council approve the application from CoreStaff for a permanent animated business sign, located within Lot 7246 (16) Swan Crescent, Winnellie, and that a Sign Permit be issued in accordance with the requirements of the Signs Code and the application, with the following conditions placed on the signs permit:
- i. All messages displayed on the animated advertising sign shall be in accordance with City of Darwin Policy No. 042 - Outdoor Advertising Signs Code.
 - ii. No Third Party Advertising will be permitted.
 - iii. The animated advertising sign shall not display any moving or flashing characters or symbols.
 - iv. Messages on the animated advertising sign shall change at no less than 30 second intervals.
 - v. The message is not to be animated during any interval of change.
 - vi. Complete messages are to be contained on the animated variable message advertising sign board during any interval of change.

DECISION NO.21\4996

(15/11/16)

Carried

ACTION: PLANNING OFFICER
NOTE: GM INFRA

16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil



17. REPORTS OF REPRESENTATIVES

Common No. 1735503

(Haslett/Niblock)

THAT the following Reports of Representatives be received and noted.

DECISION NO.21\4997 (15/11/16) Carried

17.1 Council of Capital City Lord Mayors Meeting in Canberra

The Lord Mayor reported on her attendance at the Council of Capital City Lord Mayors Meeting in Canberra on 10 November 2016.

18. QUESTIONS BY MEMBERS

(Lambrinidis/Young)

THAT the following Questions by Members be received and noted.

DECISION NO.21\4998 (15/11/16) Carried

18.1 Shared Zone Signage

Common No. 2116605

Member M Palmer queried whether the shared zone signage can be improved? Can it also begin earlier?

The General Manager Infrastructure responded and advised that the signage can be reviewed.

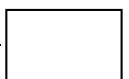
ACTION: GM INFRA

18.2 Cane Toads at East Point

Common No. 2415691

Member J A Glover queried whether the recommendations regarding cane toads, forwarded by Mr Graeme Sawyer, could be implemented? When might they implemented? Is there a master plan for East Point?

The Acting Chief Executive Officer responded and advised that there is a management plan in place that includes these recommendations. A report will come to the Environment & Infrastructure Committee in November 2016 regarding East Point biodiversity.



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ORD11/18

19. GENERAL BUSINESS

19.1 Coordinator Arts and Cultural Development

(Knox/Glover)

That Council express its sincere thanks to Sahn Cramer, Coordinator Arts and Cultural Development, for her excellent work over the past 3 years developing the Council's Arts Plan 2015 - 2020, and the exciting Public Art Pilot Plan.

DECISION NO.21\4999 (15/11/16)

Carried

ACTION: GM COMM

19.2 Retrospective approval of town planning matters Common No. 3411299

(Lambert/Elix)

That a report be provided to the next Strategic Town Planning Committee meeting on ways that City of Darwin can influence, effect and lobby the Northern Territory Government on behalf of the community to create a fair and equitable system of fines or some similar disincentive alternative, that applies to applicants seeking retrospective approval of town planning matters.

DECISION NO.21\5000 (15/11/16)

Carried

ACTION: TOWN PLANNING
NOTE: GM INFRA

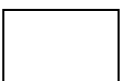
20. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING Common No. 2695130

(Elix/Lambrinidis)

THAT the next Ordinary Meeting of Council be held on Tuesday, 29 November 2016, at 5:00pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\5001 (15/11/16)

Carried



ONE HUNDRED AND THIRD ORDINARY COUNCIL MEETING – OPEN SECTION
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ORD11/19

21. CLOSURE OF MEETING TO THE PUBLIC

Common No. 2695131

(Want de Rowe/Young)

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\5002 (15/11/16)

Carried

22. ADJOURNMENT OF MEETING AND MEDIA LIAISON

Common No. 2695132

(Want de Rowe/Young)

THAT the meeting be adjourned at 5.42pm for 15 minutes to enable the Media to liaise with the Lord Mayor.

DECISION NO.21\5003 (15/11/16)

The meeting moved to the Confidential Section at 6.00pm.

**THE RIGHT WORSHIPFUL, LORD
MAYOR, MS KATRINA MARY FONG
LIM (CHAIR) – 1st ORDINARY
COUNCIL MEETING – TUESDAY, 15
NOVEMBER 2016**

Confirmed On: Tuesday, 29 November 2016

Chair: _____

