

**CITY OF DARWIN**

MINUTES OF THE ONE HUNDRED AND ELEVENTH ORDINARY COUNCIL MEETING OF THE TWENTY-FIRST COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 11 APRIL 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; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Ms A Malgorzewicz; Executive Manager, Mr M Blackburn; Senior Communications & Media Officer, Ms J Raymond-Munro; Manager Capital Works, Mr N Kleine; Strategic Town Planner, Ms C Robson; Town Planner, Mr D Burrow; Senior Project Officer Capital Works, Mr N Lewis; Committee Administrator, Mrs P Hart.

APOLOGY: Member S J Niblock.

MEDIA: NT News, Mr Gary Shipway; ABC Radio, Ms Alyssa Betts.

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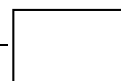
**WEBCASTING**

Due to technical difficulties this meeting was not webcast.

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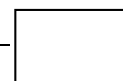
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**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. THE LORD'S PRAYER**

**3. MEETING DECLARED OPEN**

The Deputy Lord Mayor declared the meeting open at 5.04pm.

**4. APOLOGIES AND LEAVE OF ABSENCE**  
Common No. 2695036

**4.1 Apologies**

Nil

**4.2 Leave of Absence Granted**

(Lambert/Haslett)

THAT it be noted Member S J Niblock is an apology due to a Leave of Absence previously granted on 28 March 2017 for the period 6 to 16 April 2017.

DECISION NO.21\5306 (11/04/17)

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



*The Lord Mayor joined the meeting at 5.05pm and took her place as Chair.*

**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**

(Elix/Lambert)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 28 March 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\5307 (11/04/17) 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.*

(Palmer/Lambert)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 28 March 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\5308 (11/04/17) 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**

**10.1 Save the Teddy Bears' Picnic**  
**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.*

*Chair of the Darwin Festival Board, Mr Ian Kew, and General Manager Emily Mann were in attendance from 6.30pm to brief the Council on 'Save the Teddy Bear's Picnic'.*

(Want de Rowe/Lambrinidis)

- A. THAT the presentation from Mr Ian Kew in relation to 'Save the Teddy Bears' Picnic' be received and noted.

DECISION NO.21\5334 (11/04/17) Carried

(Want de Rowe/Glover)

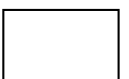
- B. THAT Council agree, in principle, to a one-off grant of \$25,000 for the 2017 Teddy Bears' Picnic, subject to a report to Council at the 1<sup>st</sup> Ordinary Council Meeting in May 2017 identifying the sources of funding.

DECISION NO.21\5335 (11/04/17) Carried

ACTION: EXEC MGR, GM CORP  
NOTE: MGR FINANCE, SNR COMMUNICATIONS OFFICER

**11. PUBLIC QUESTION TIME**

Nil



## 12. **CONFIDENTIAL ITEMS**

Common No. 1944604

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

(Glover/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:-

<b><u>Item</u></b>	<b><u>Regulation</u></b>	<b><u>Reason</u></b>
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)(i)	information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
C29.1.2	8(e)	information provided to the council on condition that it be kept confidential
C29.1.3	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
C29.1.4	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
C29.2.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person

DECISION NO.21\5309

(11/04/17)

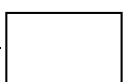
Carried

### 12.2 **Moving Open Items Into Confidential**

Nil

### 12.3 **Moving Confidential Items Into Open**

Nil



*Member R Want de Rowe joined the meeting at 5.06pm.*

**13. PETITIONS**

Nil

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

Nil

**15.1 OFFICERS REPORTS (ACTION REQUIRED)**

**15.1.1 Provision of Auditing Services**

Report No. 17A0047 MC:jg (11/04/17) Common No. 1784009

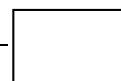
(Lambert/Haslett)

- A. THAT Report Number 17A0047 MC:jg entitled Provision of Auditing Services, be received and noted.
- B. THAT the current instrument of appointment of Auditor be extended to the maximum term of five years to cover the audit of the Council's general purpose financial statements for the year ending 30 June 2017.

DECISION NO.21\5310 (11/04/17)

Carried

ACTION: MGR FINANCE  
NOTE: GM CORP





**15.1.2 Risk Management & Audit Committee - Appointment of Chair**

Report No. 17A0048 DL:jg (11/04/17) Common No. 415775

(Haslett/Knox)

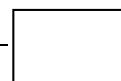
- A. THAT Report Number 17A0048 DL:jg entitled Risk Management & Audit Committee - Appointment of Chair, be received and noted.
- B. THAT the efforts of Mr Iain Summers as Chair of the Risk Management & Audit Committee for the past 15 years be noted with appreciation and that the Council convey its thanks to Mr Summers.
- C. THAT Mr Iain Summers be appointed as a community member of the Risk Management & Audit Committee for a further two year period commencing on 30 June 2017.
- D. THAT Mr Iain Summers be appointed to Chair of the Risk Management & Audit Committee for a further two year period commencing on 30 June 2017.
- E. THAT during the two year period Council consider an appropriate succession plan for the Chair of the Risk Management & Audit Committee.

DECISION NO.21\5311

(11/04/17)

Carried

ACTION: GM CORP



**15.1.3 3rd Quarter Budget Review - 2016/2017**

Report No. 17A0043 MC:jg (11/04/17) Common No. 2476534

(Lambert/Palmer)

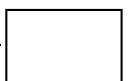
- A. THAT Report Number 17A0043 MC:jg entitled 3rd Quarter Budget Review - 2016/2017, be received and noted.
- B. THAT pursuant to Section 128 of the Local Government Act Council amend the budget 2016/2017 as detailed in report 17A0043 MC:jg entitled 3rd Quarter Budget Review - 2016/2017 and contained in **Attachments A-E** with Municipal Budget Summary implications as per **Attachment A**:
- a) "Operating Result (Income Statement)", decrease of \$956,000 (debit), this results in less "Funds from operations" of \$956,000. **(Attachment A Notes 1 – 2).**
  - b) "Purchases of assets", decrease by \$5,978,000 (credit). **(Attachment E).**
  - c) "Loans raised", decrease of \$1,764,000 (debit) as DEC loan raising carried into 2017/18 financial year.
  - d) "Transfers from specific reserves" decreases by \$3,258,000 (debit) **(Attachment D).**
  - e) The sum of the above (a-c) variations to the existing adopted budget result in nil affect to the General Funds **(Attachment A – Bottom Line).**

DECISION NO.21\5312

(11/04/17)

Carried

ACTION: MGR FINANCE  
NOTE: GM CORP, MANAGEMENT ACCOUNTANT



**15.1.4 2017/2018 Elected Member Allowances**

Report No. 17TC0020 MB:rn (11/04/17) Common No. 1555141

(Haslett/Lambert)

- A. THAT Report Number 17TC0020 MB:rn entitled 2017/2018 Elected Member Allowances, be received and noted.
- B. THAT Council adopt the Elected Member Allowances in **Attachment A** to Report Number 17TC0020 MB:rn entitled 2017/2018 Elected Member Allowances.
- C. THAT the Extra Meeting Allowance for 2017/2018, be set at \$180.42 per meeting.

DECISION NO.21\5313

(11/04/17)

Carried

ACTION: EXEC MGR  
NOTE: MGR FINANCE

**15.1.5 Nightcliff/Rapid Creek Active Travel Project - Nightcliff Schools Community Request**

Report No. 17TS0039 NK:tz (11/04/17) Common No. 3503314

(Want de Rowe/Knox)

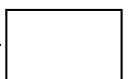
- A. THAT Report Number 17TS0039 NK:tz entitled Nightcliff/Rapid Creek Active Travel Project - Nightcliff Schools Community Request, be received and noted.
- B. THAT Council note the Nightcliff Schools Community intend to undertake the Nightcliff/Rapid Creek Active Travel Project and that a request for further information including terms of reference, timeframes and the engagement process will be made.
- C. THAT Council note that no further work will occur regarding the Nightcliff and Rapid Creek Education Precinct Road Safety Assessment until the outcomes of Nightcliff Road/Progress Drive/Bagot Road/Trower Road intersections study and the Nightcliff Schools Community Active Travel Project are known.

DECISION NO.21\5314

(11/04/17)

Carried

ACTION: MGR CAPITAL WORKS  
NOTE: GM INFRA



**15.1.6 MP012 Esplanade Parade Implementation Plan Consideration**

Report No. 17TS0035 NK:tz (11/04/17) Common No. 2661536

(Elix/Haslett)

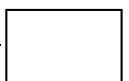
- A. THAT Report Number 17TS0035 NK:tz entitled MP012 Esplanade Parade Implementation Plan Consideration, be received and noted.
- B. THAT Council defer progression of Darwin City Centre Master Plan MP012 Esplanade 'Parade Path' with the project to be reconsidered in future years and that the funds allocated to the project be referred to activation of the CBD with a report to be provided to Council on the projects to be determined.

DECISION NO.21\5315

(11/04/17)

Carried

ACTION: GM INFRA, GM CORP  
NOTE: MGR FINANCE, MGR BUSINESS SERVICES



**15.1.7 Council Response to New Liquor Licence Application - Spice Garden**

Report No. 17C0025 TM:kl (11/04/17) Common No. 3505842

(Lambert/Glover)

- A. THAT Report Number 17C0025 TM:kl entitled Council Response to New Liquor Licence Application – Spice Garden, be received and noted.

DECISION NO.21\5316 (11/04/17) Carried

(Lambert/Glover)

- B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to report Number 17C0025 TM:kl entitled Council Response to New Liquor Licence Application - Spice Garden, noting Council objects to the conditions contained within the New Liquor Licence Application from Spice Garden NT Pty Ltd.

DECISION NO.21\5317 (11/04/17) Carried

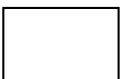
ACTION: MGR DARWIN SAFE  
NOTE: GM COMM

*As a result of the original motion being carried, this Foreshadow Motion was not put.*

**Foreshadow Motion**

(Elix/)

- B. THAT Council amend the letter to the Director-General of Licensing at **Attachment A** to report Number 17C0025 TM:kl entitled Council Response to New Liquor Licence Application - Spice Garden, noting Council objections are to the trading on Good Friday and Christmas Day and has not identified any other reason that would be grounds for objection to the conditions contained within the New Liquor Licence Application from Spice Garden NT Pty Ltd.



**15.1.8 Council Response to New Liquor Licence Application - Brown's Mart Theatre**  
Report No. 17C0024 TM:kl (11/04/17) Common No. 3503778

(Glover/Want de Rowe)

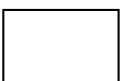
- A. THAT Report Number 17C0024 TM:kl entitled Council Response to New Liquor Licence Application - Brown's Mart Theatre, be received and noted.
- B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to report Number 17C0024 TM:kl entitled Council Response to New Liquor Licence Application - Brown's Mart Theatre, noting Council has not identified any reason that would be grounds for objections under Section 47F(2) of the Liquor Act to the application from Brown's Mart Arts Ltd.

DECISION NO.21\5318

(11/04/17)

Carried

ACTION: MGR DARWIN SAFE  
NOTE: GM COMM



**15.1.9 Fannie Bay Equestrian Club**

Report No. 17A0032 LC:jg (11/04/17) Common No. 179115

*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.*

(Want de Rowe/Elix)

- A. THAT Report Number 17A0032 LC:jg entitled Fannie Bay Equestrian Club, be received and noted.

DECISION NO.21\5319 (11/04/17) Carried

(Want de Rowe/Young)

- B. THAT Council agree to enter negotiations with the Fannie Bay Equestrian Club around the terms and conditions on which it could continue to occupy the site at East Point.
- C. THAT a further report be provided to Council in October 2017.
- D. THAT the decision be moved into Open.

LOST

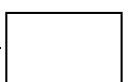
**Call for Division**

Member R Want de Rowe called for a division.

AFFIRMATIVE	NEGATIVE
Want de Rowe Palmer Lord Mayor Young	Elix Lambrinidis Knox Lambert Haslett Glover

NOTE: GM CORP, MGR BUSINESS

*Continued on next page.*



**C29.1.3 Fannie Bay Equestrian Club**

Report No. 17A0032 LC:jg (11/04/17) Common No. 179115

*Continued from previous page.*

(Knox/Lambert)

- B. THAT Council maintain its position around the termination of the Fannie Bay Equestrian Club lease since the land should be available for public use.

DECISION NO.21\5320 (11/4/17)

Carried

ACTION: MGR BUSINESS SERVICES  
NOTE: GM CORP

**Call for Division**

Member M Palmer called for a division.

AFFIRMATIVE	NEGATIVE
Elix Lambrinidis Knox Lambert Haslett Glover	Want de Rowe Palmer Lord Mayor Young

(Knox/Lambert)

- C. THAT the Fannie Bay Equestrian Club be notified that Council does not wish to discuss any extension of the lease.

DECISION NO.21\5321 (11/4/17)

Carried

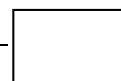
ACTION: MGR BUSINESS SERVICES  
NOTE: GM CORP

**Call for Division**

Member R Want de Rowe called for a division.

AFFIRMATIVE	NEGATIVE
Glover Haslett Lambert Knox Lord Mayor Elix Lambrinidis	Want de Rowe Palmer Young

*Continued on next page.*





**C29.1.3 Fannie Bay Equestrian Club**

Report No. 17A0032 LC:jg (11/04/17) Common No. 179115

*Continued from previous page.*

(Knox/)

- D. THAT a report be provided to Council in relation to future public use of the land at East Point, currently occupied by the Fannie Bay Equestrian Club.

Lapsed for want of a seconder

NOTE: GM CORP, MGR BUSINESS

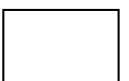
(Knox/Lambert)

- E. THAT the decisions be moved into Open.

DECISION NO.21\5322

(11/04/17)

Carried



## 15.2 OFFICERS REPORTS (RECEIVE & NOTE)

### 15.2.1 Monthly Financial Report - March 2017

Report No. 17A0041 MC:jg (11/04/17) Common No. 2476534

(Haslett/Lambert)

THAT Report Number 17A0041 MC:jg entitled Monthly Financial Report - March 2017, be received and noted.

DECISION NO.21\5323 (11/04/17) Carried

## 16. TOWN PLANNING REPORT/LETTER

### 16.1 Council Responses to Planning Applications - April 2017

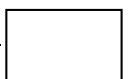
Report No. 17TS0033 BS:hd (11/04/17) Common No. 2547669

(Lambert/Young)

- A. THAT Report Number 17TS0033 BS:hd entitled Council Responses to Planning Applications - April 2017, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A and B** to Report Number 17TS0033 BS:hd entitled Council Responses to Planning Applications - April 2017.
- C. THAT Council note the cross-reference table of Development Consent Authority outcomes at **Attachment C** to Report Number 17TS0033 BS:hd entitled Council Responses to Planning Applications - April 2017.

DECISION NO.21\5324 (11/04/17) Carried

ACTION: PLANNING OFFICER  
NOTE: GM INFRA



**16.2 Licensed Club PA2017/0100 - Lot 5298 (20) Dick Ward Drive, Fannie Bay**  
Report No. 17TS0037 DB:hd (11/04/17) Common No. 3499752

(Palmer/Young)

- A. THAT Report Number 17TS0037 DB:hd entitled Licensed Club PA2017/0100 - Lot 5298 (20) Dick Ward Drive, Fannie Bay be received and noted.
- B. THAT Council endorse the submission, dated 31 March 2017, to the Development Assessment Services within **Attachment A** to Report Number 17TS0037 DB:hd entitled Licensed Club PA2017/0100 - Lot 5298 (20) Dick Ward Drive, Fannie Bay.

DECISION NO.21\5325 (11/04/17) Carried

ACTION: TOWN PLANNER  
NOTE: GM INFRA

**17. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**17.1 'Why Council?' Prospective Candidate Information Sessions**  
Document No. 3510958 (11/04/17) Common No. 3510958

(Lambert/Lambrinidis)

THAT the incoming information from the Local Government Association of the Northern Territory dated 3 April 2017 relating to 'Why Council?' Prospective Candidate Information Sessions be received and noted.

DECISION NO.21\5326 (11/04/17) Carried

**17.2 Ministerial Portfolio for Local Government**  
Document No. 3513882 (11/04/17) Common No. 3513882

(Elix/Haslett)

THAT the letter from the Local Government Association of the Northern Territory dated 6 April 2017 relating to the outgoing letter to the Chief Minister of the Northern Territory regarding the Ministerial Portfolio for Local Government be received and noted.

DECISION NO.21\5327 (11/04/17) Carried



## 18. REPORTS OF REPRESENTATIVES

Common No. 1735503

(Want de Rowe/Glover)

THAT the following Reports of Representatives be received and noted.

DECISION NO.21\5328 (11/04/17) Carried

### 18.1 Darwin Sailing Club Launch

Member R M Knox reported on her representation of the Lord Mayor at the Darwin Sailing Club launch of their 4 new Elliot-class keel boats that will be used for training. They have been named after 4 boats sunk in the bombing raids of WWII: Kelat, Mauna Loa, Neptuna and Zealandia.

### 18.2 Local Government Association of the NT General Meeting

Member R K Elix reported on his attendance at the Local Government Association of the NT General Meeting in April 2017.

### 18.3 Territory Economic Summit

Member R M Knox reported on her attendance at the Territory Economic Summit on 29 March 2017.

## 19. QUESTIONS BY MEMBERS

(Young/Lambrinidis)

THAT the following Questions by Members be received and noted.

DECISION NO.21\5329 (11/04/17) Carried

### 19.1 Art in Laneways

Common No.

Member R M Knox asked for an update on what is happening with regard to art in laneways.

*The General Manager Community & Cultural Services responded and advised that local artist Andy Ewing has received a \$5,000 public art grant from City of Darwin and ill be working with the Parap Pool artist Jill Chisholm. There was a digital art installation in Anthony Plaza in 2016*



**19.2 Union Terrace/Lee Point Road Exit Redesign**  
**Common No.**

Member J A Glover queried what progress has been made on the Union Terrace/Lee Point Road exit redesign?

*The General Manager Infrastructure responded and advised that there is no plan for lights, and that a Black Spot funding application is pending.*

ACTION: GM INFRA

**20. GENERAL BUSINESS**

Nil

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

(Glover/Haslett)

THAT the next Ordinary Meeting of Council be held on Tuesday, 16 May 2017, at 5:00pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

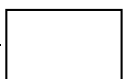
DECISION NO.21\5330 (11/04/17) Carried

**22. CLOSURE OF MEETING TO THE PUBLIC**  
**Common No. 2695131**

(Elix/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\5331 (11/04/17) Carried



**23. ADJOURNMENT OF MEETING AND MEDIA LIAISON**  
Common No. 2695132

(Elix/Palmer)

THAT the meeting be adjourned at 5.50pm for 10 minutes to enable the Media to liaise with the Lord Mayor.

DECISION NO.21\5332 (11/04/17) Carried

*The meeting moved to the Confidential Section at 6.15pm.*

**THE RIGHT WORSHIPFUL, LORD  
MAYOR, MS KATRINA MARY FONG  
LIM (CHAIR) – ORDINARY COUNCIL  
MEETING – TUESDAY, 11 APRIL  
2017**

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**Confirmed On: Tuesday, 16 May 2017**

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

