

DARWIN CITY COUNCIL

MINUTES OF THE NINETEENTH ORDINARY MEETING OF THE TWENTIETH COUNCIL MEETING HELD ON TUESDAY, 10 FEBRUARY, 2009 IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE, DARWIN, COMMENCING AT 5.00 P.M.

PRESENT: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member J D Bailey; Member R T Dee; Member R K Elix; Member H I Galton; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Public Affairs Officer, Mr G Haslett; Public Relations Officer, Ms H Sweeting; Manager Finance, Ms C Taylor; Manager Strategy and Outcomes, Ms A Hammond; Manager Information Systems, Mr R Iap; GIS Officer, Mr J Forner; Committee Administrator, Ms J Kieboom.

GUESTS: Northern Territory Police Commissioner Paul White APM and the President of the Northern Territory Police Association, Mr Vince Kelly; attended the meeting, accompanied by Assistant Commissioner Mark McAdie, from 5:15 p.m. in relation to the proposal to erect a Northern Territory Police Force Monument in Bennett Park.

Regional Manager, SA, NT & WA, Canberra Investment Corporation Limited, Mr Geoff Smith, attended the meeting from 5:45 p.m. in relation to a proposed transfer of Larrakia Public Art at Lyons and a Canberra Investment Corporation proposal for a pathway from Stage 11 at Lyonsto Lee Point Road.

Human Resource Services Manager, Local Government Association of the Northern Territory, Ms Sue Davey; Sustainability Programs Officer, Local Government Association of the Northern Territory, Ms Shenagh Gamble.

MEDIA: NT News Representative, Mr Ben Longford.

***** INDEX *****

1 LORD'S PRAYER

2 MEETING DECLARED OPEN

2.1 Lord Mayoral Minute – Red Cross 2009 Victorian Bushfire Appeal

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATION OF INTEREST OF ELECTED MEMBERS

5. CONFIDENTIAL ITEMS

6 MATTERS OF PUBLIC IMPORTANCE

7 PUBLIC SAFETY

7.1 INFORMATION ITEMS

7.1.1 *Minutes of Community Safety and Security Advisory Committee Meeting, 17 September 2008*

7.1.2 *Minutes of Community Safety and Security Advisory Committee Meeting, 15 October 2008*

7.1.2 *Minutes of Community Safety and Security Advisory Committee Meeting, 19 November 2008*

11.2 GENERAL BUSINESS

7.1.3 Planning Scheme Amendment 2007/0273 Changes to Building Setback Rules February 2009

7.1.4 Building Height and Volumetric Controls for Darwin CBD

8 GOVERNANCE

9 DELEGATIONS AND DEPUTATIONS

9.1 *Proposed Erection of a Northern Territory Police Force Monument in Bennett Park*

9.2 *Lyons Handover of Larrakia Public Art*

9.3 *Lyons Pedestrian Link to Lee Point Road*

10 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

11 OFFICER'S REPORTS

11.1 *Liquor Licence Variation – Winnellie Hotel Lot 1289 (34) Winnellie Road, Winnellie*

11.2 *Material Alterations of Liquor Licensed Premises Kitty O'Shea's and Rox Bar Lot 7267 (39) Mitchell Street, Darwin*

11.3 *Police Monument - Update on Progress and Location*

11.4 *Territory 2030 Strategic Plan*

11.5 *Lyons Pedestrian Link to Lee Point Road*

11.6 *Request from Frogwatch (Nth) to Use Facilities at Leanyer Depot (**Moved from Confidential**)*

11.7 *Steve Abala Role Model Project – Update (**Moved from Confidential**)*

12 QUESTIONS BY MEMBERS

13 GENERAL BUSINESS

14 CLOSURE OF MEETING TO THE PUBLIC

1 LORD'S PRAYER

Responding to the Chairman's request, Elected Members and all present stood and observed a minute's silence to honour those killed and all those affected by and involved in the Victorian Bush Fires.

2 MEETING DECLARED OPEN

The Chairman declared the meeting open at 5.00 p.m.

2.1 Lord Mayoral Minute – Red Cross 2009 Victorian Bushfire Appeal
Common No.1521058 (10/02/09) Document No. 1521058

(Lord Mayor)

- A. THAT Darwin City Council offers its sincere sorrow and condolences to the individuals, families, Councils and communities who have been so tragically devastated by the bushfires in Victoria.
- B. THAT the Chief Executive Officer contact the Municipal Association of Victoria to ascertain what assistance is required by local government authorities in the devastated areas.
- C. THAT Darwin City Council make a \$50,000 donation to the Red Cross 2009 Victorian Bushfire Appeal.

DECISION NO.20\1165 (10/02/09)

Carried

ACTION: CEO
ACTION GM CORP
ACTION MGR FINANCE

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

(Elix/Sangster)

THAT the apology from Member G M Jarvis be received and that Leave of Absence be granted.

DECISION NO.20\1166 (10/02/09)

Carried

3 APOLOGIES AND LEAVE OF ABSENCE

3.2 Leave of Absence Granted

Nil

3.3 Leave of Absence Requested

(Lesley/Moir)

- A. THAT Leave of Absence be granted for The Right Worshipful, Lord Mayor, Mr G R Sawyer for the period 13 - 15 February 2009.
- B. THAT Leave of Absence be granted for The Right Worshipful, Lord Mayor, Mr G R Sawyer for the period 22 - 25 February 2009.
- C. THAT a Leave of Absence be granted for Alderman G A Lambert for the period 17-19 February 2009.
- D. THAT a Leave of Absence be granted for Member H D Sjoberg for the period 3 – 5 March 2009.
- E. THAT a Leave of Absence be granted for Member K M Moir for the period 17 – 22 February 2009.

DECISION NO.20\1167

(10/02/09)

Carried

4 DECLARATION OF INTEREST OF ELECTED MEMBERS

Nil

5 CONFIDENTIAL ITEMS

(Lambert/Galton)

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 Items:

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C16.2.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
C16.2.2	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
C16.2.3	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

DECISION NO.20\1168

(10/02/09)

Carried

6 MATTERS OF PUBLIC IMPORTANCE

Nil

7 PUBLIC SAFETY

Nil

7.1 INFORMATION ITEMS

7.1.1 Community Safety and Security Advisory Committee Minutes 17/9/08

Document No. 1465287 (17/09/08) Common No. 1465287

(Sangster/Moir)

THAT the Community Safety and Security Advisory Committee Minutes of 17 September 2008, Document Number 1465287, be received and noted.

DECISION NO.20\1169 (10/02/09) Carried

7 PUBLIC SAFETY

7.1 INFORMATION ITEMS

7.1.2 Community Safety and Security Advisory Committee Minutes 15/10/08

Document No. 1514768 (15/10/08) Common No. 1514768

(Sangster/Moir)

THAT the Community Safety and Security Advisory Committee Minutes of 15 October 2008, Document Number 1514768, be received and noted.

DECISION NO.20\1170 (10/02/09) Carried

7.1.3 Community Safety and Security Advisory Committee Minutes - 19/11/08

Document No. 1514772 (19/11/08) Common No. 1514772

(Sangster/Moir)

- A. THAT the Community Safety and Security Advisory Committee Minutes of 19 November 2008, Document Number 1514772, be received and noted.
- B. THAT Council writes to the Chief Minister of the Northern Territory regarding legislation for reported traffic offences other than red light and speeding offences.

DECISION NO.20\1171 (10/02/09) Carried

ACTION: GM COMM & CULTURAL

7 PUBLIC SAFETY

7.1 INFORMATION ITEMS

Nil

7.2 GENERAL BUSINESS

7.2.1 Planning Scheme Amendment 2007/0273 Changes to Building Setback Rules February 2009

Document No. 1522116 (10/02/09) Common No. 1491735

(Lesley/Galton)

THAT the Council note and endorse the revised letter to the Department of Planning and Infrastructure, Document Number 1522116, advising that Council supports in principle the Planning Scheme Amendment to change the setbacks provisions of the Northern Territory Planning Scheme so that setback rules for single dwellings are made consistent across the Northern Territory.

DECISION NO.20\1172

(10/02/09)

Carried

ACTION: GM INFRAST

7.2.2 Building Height and Volumetric Controls for Darwin CB Zone

Document No.1522161 (10/02/09) Common No. 1481987

(Marrone/Moir)

- A. THAT the Council note and endorse the revised letter to the Department of Planning and Infrastructure, Document Number 1522161, containing Council's feedback on proposed building height and volumetric controls for the Darwin CB Zone.
- B. THAT the third dot point on page 2 of the letter under the subheading, "Other issues requiring consideration",

be amended to read:

"The identification of special issues applying in various precincts in the CBD such as retail, civic, cultural and tourist precincts."

DECISION NO.20\1173

(10/02/09)

Carried

ACTION: GM INFRAST

8 GOVERNANCE

8.1 INFORMATION ITEMS

Nil

8.2 OFFICER'S REPORTS

Nil

8.3 GENERAL BUSINESS

(Lesley/Lambert)

THAT the General Manager, Community and Cultural Services, prepare a report on the functioning of the Community Safety and Security Advisory Committee.

DECISION NO.20\1174 (10/02/09)

Carried

ACTION: GM COMM & CULTURAL

9 DELEGATIONS AND DEPUTATIONS

9.1 Proposed Erection of a Northern Territory Police Force Monument in Bennett Park

Document No. 1519658 (05/02/09) Common No. 11519658

From 5.15pm

The Northern Territory Police Commissioner Paul White APM and the President of the Northern Territory Police Association Mr Vince Kelly; accompanied by Assistant Commissioner Mark McAdie, made a presentation in relation to the proposal to erect a Northern Territory Police Force Monument in Bennett Park.

(Moir/Sangster)

THAT the presentation from the Northern Territory Police Commissioner and the President of the Northern Territory Police Association, Document Number. 1519658, regarding the proposed Erection of a Northern Territory Police Force Monument in Bennett Park, be received and noted.

DECISION NO.20\1175 (10/02/09)

Carried

9 DELEGATIONS AND DEPUTATIONS

9.2. Lyons Handover of Larrakia Public Art

Document No. 1519556 (05/02/09) Common No.218448

From 5.40 p.m

The Regional Manager, SA, NT & WA, Canberra Investment Corporation Limited, Mr Geoff Smith, made a presentation in relation to a proposed transfer of Larrakia Public Art at Lyons and a Canberra Investment Corporation proposal for a pathway from Stage 11 at Lyons to Lee Point Road.

(Lesley/Lambert)

THAT the presentation from Geoff Smith, Regional Manager, SA, NT & WA, Canberra Investment Corporation Limited, Document Number.1519556, regarding a proposed Lyons Handover of Larrakia Public Art, be received and noted.

DECISION NO.20\1176

(10/02/09)

Carried

9.3 Lyons Pedestrian Link to Lee Point Road

Document No. 1519515 (05/02/09) Common No. 218448

Document No. 151927 (05/02/09) Common No. 218448

From 5.55 p.m.

The Regional Manager, SA, NT & WA, Canberra Investment Corporation Limited, Mr Geoff Smith, made a presentation in relation to a proposed transfer of Larrakia Public Art at Lyons and a Canberra Investment Corporation proposal for a pathway from Stage 11 at Lyons to Lee Point Road.

(Lambert/Sangster)

THAT the presentation from Geoff Smith, Regional Manager, SA, NT & WA, Canberra Investment Corporation Limited, Document Number.1519515 and Document Number. 151927, regarding a Pedestrian Link Between Lyons and Lee Point Road, be received and noted.

DECISION NO.20\1177

(10/02/09)

Carried

10 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

11 OFFICER'S REPORTS

11.1 Liquor Licence Variation – Winnellie Hotel Lot 1289 (34) Winnellie Road, Winnellie
Report No. 08TS0227 Common No. 1477918

(Lambert/Bailey)

- A. THAT Report Number 08TS0227, entitled Liquor Licence Variation – Winnellie Hotel, Lot 1289 (34) Winnellie Road, Winnellie, be received and noted.
- B. THAT Council endorse the following comments made under Delegation, to the Director of Licensing, Racing, Gaming and Licensing:
 - i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
 - ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act.

DECISION NO.20\1178

(10/02/09)

Carried

ACTION: GM INFRAST

11.2 Material Alterations of Liquor Licensed Premises Kitty O'Shea's and Rox Bar Lot 7267 (39) Mitchell Street, Darwin
Report No. 08TS0221 Common No. 1498111

(Lambert/Marrone)

THAT Report Number 08TS0221, entitled Material Alterations of Liquor Licensed Premises, Kitty O'Shea's and Rox Bar, Lot 7267 (39) Mitchell Street, Darwin, be received and noted.

DECISION NO.20\1179

(10/02/09)

Carried

11 OFFICER'S REPORTS

11.3 Police Monument - Update on Progress and Location

Report No. 09C0007 Common No. 1408871

(Sangster/Mitchell)

- A. THAT Report Number 09C0007, entitled Police Monument - Update on Progress and Location, be received and noted.
- B. THAT Council endorse, in principle, Bennett Park at the corner of Bennett Street and Mitchell Street, as the location for the proposed Police Monument.
- C. THAT Council invite the Police Monument Steering Committee to submit a design proposal for the monument including an installation plan and details of any maintenance costs, as the project progresses.

DECISION NO.20\1180

(10/02/09)

Carried

ACTION: GM COMM & CULTURAL
NOTE: GM INFRAST
NOTE GM CORP
NOTE CEO

11.4 Territory 2030 Strategic Plan

Report No. 09TC0004 Common No. 1515671

(Galton/Marrone)

- A. THAT Report Number 09TC0004, entitled Territory 2030 Strategic Plan, be received and noted.
- B. THAT Council endorse the Darwin City Council's submission as detailed in **Attachment A** to Report Number 09TC0004.

DECISION NO.20\1181

(10/02/09)

Carried

ACTION: GM INFRAST
NOTE MGR STRAT & OUTCOMES

11 OFFICER'S REPORTS

11.5 Lyons Pedestrian Link to Lee Point Road

Report No. 09TS0019 Common No. 218448

(Sangster/Lambert)

- A. THAT Report Number 09TS0019, entitled Lyons Pedestrian Link To Lee Point Road, be received and noted.
- B. THAT Council support in principle a pedestrian/cycle way and a reserve connection to Lee Point Road from Stage 11 of the Lyons Development.

DECISION NO.20\1182

(10/02/09)

Carried

ACTION: GM INFRAST

11.6 Request from Frogwatch (Nth) to Use Facilities at Leanyer Depot

Report No. 09A0017 Common No. 279852

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/Sjoberg)

- A. THAT Report Number 09A0017, entitled Request from FrogWatch (Nth) to Use Facilities at Leanyer Depot be received and noted.
- B. THAT the General Manager Corporate Services enter into a deed of agreement with FrogWatch Nth for temporary occupation of the old Leanyer Depot site including part of the large shed on a month by month arrangement at nil fee.

DECISION NO.20\1183

(10/02/09)

Carried

ACTION: GM CORP

11 OFFICER'S REPORTS

11.7 Steve Abala Role Model Project – Update
Report No. 09C0006 Common No. 1378819

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/Mitchell)

- A. THAT Report Number 09C0006 entitled, Steve Abala Role Model Project – Update, be received and noted.
- B. THAT Council convene a meeting of the Steve Abala Committee to review the status of the Steve Abala Role Model Project and the funds being held in Trust by Council.
- C. THAT the Steve Abala committee be requested to advise Council as to their preferred project outcome.

DECISION NO.20\1184

(10/02/09)

Carried

ACTION: GM COMM & CULTURAL
NOTE GM CORP

12. QUESTIONS BY MEMBER

- Member H D Sjoberg asked the status of planning of short term parking in the Darwin CBD.

The General Manager, Infrastructure took the question on notice.

ACTION: GM INFRAST

- Member K M Moir asked that signage be installed to alert motorists to the fact that use of the Cavanagh Street Car Park is free on weekends.

ACTION: GM INFRAST

- Member R Lesley raised the need for signage on the road to avoid traffic conflict as cars turn up Litchfield Street to get to Cavanagh Street.

ACTION: GM INFRAST

- Member J D Bailey questioned the enforcement of parking at the drop off bays in Mitchell Street outside the Darwin Entertainment Centre.

ACTION: GM COMM & CULTURAL

- Member J L Sangster reported that the current occupation of Rapid Creek Shopping Centre car parking spaces by emergency generators exacerbated traffic dangers at the Rapid Creek Sunday Markets.

ACTION: GM INFRAST

- Member H D Sjoberg asked the status of the Walkways Policy Review.

The General Manager, Corporate Services reported that the Review is expected to report within a month.

- Member H D Sjoberg requested information on the items with which new citizens are presented at citizenship ceremonies, particularly in relation to the Bible – and also on how the cost of these items is met.

The Chief Executive Officer took the question on notice and will report back.

ACTION: CEO

(continued on next page.....)

12. QUESTIONS BY MEMBER

(.....continued from previous page)

- Member R K Elix asked for information on the status of arrangements for representatives of the Australian Government Intervention Program and the NT Police to meet with Council to discuss matters relating to anti-social behaviour in public places.

The General Manager, Community and Cultural Services advised that he has met with the relevant organisations and this is provisionally scheduled for the March 1st Ordinary Council Meeting.

DECISION NO.20\1185

(10/02/09)

Carried

13 GENERAL BUSINESS

- Member K M Moir reported an expression of disappointment by a Darwin resident at the alleged lack of air conditioning in the Darwin Entertainment Centre orchestra pit; the state of cleanliness of the rest rooms which players use; and a sense of disappointment that there is greater use of SkyCity Casino venue than the Gardens Amphitheatre for public events.

Member J D Bailey responded, while he will be happy to raise these matters with the with the Darwin Entertainment Centre Board, he strongly suggested that the Darwin Symphony Orchestra also make formal representation to the Darwin Entertainment Centre Board.

- Member R Lesley raised the issue of disability access to the main theatre at the Darwin Entertainment Centre.

Member J D Bailey responded that the Darwin Entertainment Centre Board is aware of the matter and a report is due back to the Darwin Entertainment Centre Board.

DECISION NO.20\1186

(10/02/09)

Carried

14 CLOSURE OF MEETING TO THE PUBLIC

(Lambert/Bailey)

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.20\1187

(10/02/09)

Carried

The meeting moved into the Confidential Section at 6.30 p.m.

THE RIGHT WORSHIPFUL, THE
LORD MAYOR, MR G R SAWYER
(CHAIRMAN) – 1ST ORDINARY
COUNCIL MEETING –
TUESDAY, 10 FEBRUARY, 2009

Confirmed on: ***Tuesday, 24 February, 2009***

Chairman:
