

DARWIN CITY COUNCIL

TWENTIETH ORDINARY MEETING OF THE TWENTIETH COUNCIL

TUESDAY, 24 FEBRUARY, 2009

MEMBERS: 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 M Jarvis; 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; Committee Administrator, Ms J Kieboom.

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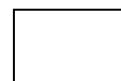
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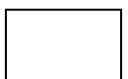
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1 LORD'S PRAYER

2 MEETING DECLARED OPEN

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

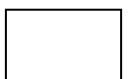
3.2 Leave of Absence Granted

- A. THAT it be noted that The Right Worshipful Lord Mayor, Mr G R Sawyer, is an apology due to a Leave of Absence being previously granted, on 10 February 2009, for the period 22 to 25 February 2009.
- B. THAT it be noted that Member G A Lambert is an apology due to a Leave of Absence being previously granted, on 10 February 2009, for the period 20 to 25 February 2009.

DECISION NO.20\() (24/02/09)

3.3 Leave of Absence Requested

4 DECLARATION OF INTEREST OF ELECTED MEMBERS



5 PUBLIC QUESTION TIME

6 MATTERS OF PUBLIC IMPORTANCE

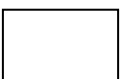
7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

7.1 Confirmation of the Previous Ordinary Council Meeting

- A. THAT the tabled minutes of the previous Ordinary Council Meetings held on Tuesday, 27 January, 2009 be received and confirmed as a true and correct record of the proceedings of that meeting.
- B. THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 10 February, 2009 be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (24/02/09)

7.2 Business Arising from the Minutes of Previous Meeting/s

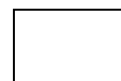


8 MOVING OF ITEMS FOR DISCUSSION**8.1 Closure to the Public for Confidential Items**

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 matters referred from Committees, and the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C23.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C23.2	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
C23.3	8(e)	Information provided to the council on condition that it be kept confidential.
C23.4	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\() (24/02/09)

8.2 Moving Open Items Into Confidential**8.3 Moving Confidential Items Into Open**

9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

1 Northern Territory Government's representative to the Darwin Performing Arts Centre Board of Directors

Document No. 1501235 (22/12/08) Common No. 1483019

- A. THAT the letter from the Minister for Arts & Museums, Marion Scrymgour MLA, nominating Dr Diana Leeder as the Northern Territory Government's representative to the Darwin Performing Arts Centre Board of Directors, Document Number 1501235, be received and noted.
- B. THAT Dr Diana Leeder's appointment to the Board of the Darwin Performing Arts Centre, trading as Darwin Entertainment Centre from 1 July 2008 until 30 June 2010 as the representative of the Minister for Arts and Museums, be endorsed by Council.

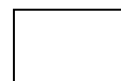
DECISION NO.20\() (24/02/09)

2 Neighbourhood Watch NT Community Patrols Trial Progress Report for November and December 2008

Document No. 1501671 (22/12/08) Common No. 1347460

THAT the Neighbourhood Watch NT Community Patrols Trial Progress Report for November and December 2008, Document Number 1501671, be received and noted

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES

9.1 COMMUNITY SERVICES (09/02/09)

Presentation of Report by Acting Chairman - Member A R Mitchell

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

3 **Surf Life Saving NT Lifeguard Beach report for October 2008**

Document No. 1489136 (25/11/08) Common No. 1009444

THAT the Surf Life Saving NT Lifeguard Beach Report for October 2008, Document Number 1489136, be received and noted.

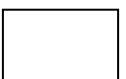
DECISION NO.20\() (24/02/09)

4 **Darwin Entertainment Centre Financial Statements for the Year Ended 30 June 2008**

Document No. 1486059 (19/11/08) Common No. 1486059

THAT the Darwin Entertainment Centre Financial Statements for the Year Ended 30 June 2008, Document Number 1486059, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

5 Young Women's Sexual Health Project from Mission Australia Evaluation Report - December 2008

Document No. 1501726 (23/12/08) Common No. 1320664

Document No. 1521673 (10/02/09) Common No. 1320664

- A. THAT the Program Evaluation Report regarding the Young Women's Sexual Health Project, Mission Australia for December 2008, Document Number 1501726, be received and noted.
- B. THAT the presentation from Ms Greta Enbom and Ms Katie Price, Representatives of the Young Women's Sexual Health Program, together with the tabled Document Number 1521673, entitled Footprint, be received and noted.

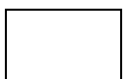
DECISION NO.20\() (24/02/09)

6 NT News Item Thanking Fun Bus staff and the Program

Document No. 1503820 (02/01/09) Common No. 1503820

THAT the item in the NT News Thanking Fun Bus Staff and the Program, Document Number 1503820, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

7 RSPCA Certificate of Appreciation – Hotel for Dogs Charity Screening
Document No. 1515443 (12/01/09) Common No. 1515443

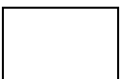
THAT the RSPCA Certificate of Appreciation thanking Council for its support of the Hotel for Dogs Charity Screening, Document Number 1515443, be received and noted.

DECISION NO.20\() (24/02/09)

8 Darwin Entertainment Centre 2008/2009 First Quarter Funding Reports July to September 2008 & Second Quarter Funding Reports October to December 2008
Document No. 1517486 (12/01/09) Common No. 1517486

- A. THAT the Darwin Entertainment Centre 2008/2009 First Quarter Funding Reports July to September 2008, Document Number 1517486, be received and noted.
- B. THAT the Darwin Entertainment Centre 2008/2009 Second Quarter Funding Reports October to December 2008, Document Number 1517486, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

9 Darwin Entertainment Centre Operational Budget for 2008/2009

Document No. 1515760 (29/01/09) Common No. 1515760

- A. THAT the Darwin Entertainment Centre Operational Budget for 2008/2009, Document Number 1515760, be received and noted.
- B. THAT the Darwin Entertainment Centre Board be requested to provide Council with a plan which addresses the budgeted deficit and in addition, a long term financial plan.

DECISION NO.20\() (24/02/09)

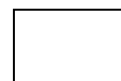
10 International Women's Day Walk – Sunday, 8 March 2009

Document No. 1519344 (03/02/09) Common No. 1519344

Addendum No 2

- A. THAT the Invitation from the United Nations Association of Australia & President, UNAA Northern Territory to participate in the International Women's Day Walk – 8 March 2009, Document Number 1519344, be received and noted.
- B. THAT Council support the International Women's Day Walk on Sunday, 8 March 2008, commencing at 10.30 am and concluding in the grounds of the Civic Park, Harry Chan Avenue, Darwin, themed as '*Women are our Future*', be endorsed by Council.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

11 Regulatory Services Monthly Update – December 2008 to January 2009
Report No. 09C0003 DN:kl Common No. 1520352

Addendum No.1

THAT Report Number 09C0003 entitled Regulatory Services Monthly Update - December 2008 to January 2009, be received and noted.

DECISION NO.20\() (24/02/09)

12 Community Services Team Report – January 2009
Report No. 09C0009 KH:kl Common No.1517201

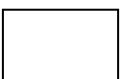
THAT Report Number 09C0009 entitled Community Services Team Report – January 2009, be received and noted.

DECISION NO.20\() (24/02/09)

13 Disability Advisory Committee Minutes of 11 December 2008
Report No. 08C0173 NMc:kl Common No.1503125

THAT Report Number 08C0173 entitled Disability Advisory Committee Minutes of 11 December 2008, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

14 Update on Darwin 200 Program of Events

Report No.09C0008 AR:kl Common No.1338781

THAT Report Number 09C0008 entitled Update on Darwin 200 Program of Events, be received and noted.

DECISION NO.20\() (24/02/09)

15 Amended and New Animal Management Policies

Report No.08C0171 JB:kl Common No. 355416

- A. THAT Report Number 08C0171 entitled Amended and New Animal Management Policies be received and noted.
- B. THAT the following amended and new Animal Management policies as attached to Report Number 08C0171 be adopted by Council –
 - I. Dog Registration Fees – Policy 122 (amended)
 - II. Cats – Registration – (new)
 - III. Dogs – Licenses to Keep More Than Two – Policy 126 (amended)
 - IV. Cats Number of Cats – Number of Cats Allowed (new)
 - V. Dog Exercise Areas – Policy 121 (amended)
 - VI. Dog Restriction Areas – policy 124 (amended)

DECISION NO.20\() (24/02/09)

9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

16 Final Youth Strategy Report 2009 – 2014

Report No. 09C0010 KH:kl Common No.1096115

- A. THAT Report Number 09C0010 entitled Final Youth Strategy Report 2009 - 2014 be received and noted.
- B. THAT the recommended strategies and actions contained within the draft youth strategy 2009-2014 be endorsed in principle.
- C. THAT the following actions be prioritised and associated costs referred to the 2009/2010 budget process:
 - I. Gig gear initiative \$18,500 (one off).
 - II. Youth centre facility development (costs to be determined).
 - III. Establishment of Young Women's Health & Wellbeing outreach program \$70,000 annually.
 - IV. Establishment of a Youth Leisure/Activities Officer and program implementation costs \$120,000 annually.
 - V. Capital works program to include the purchase of x 1 capital item biennially specifically catering for young people's leisure requirements:
 - \$60,000 – 2010
 - \$60,000 – 2014.
- D. THAT Council communicates its appreciation to the GRIND and Youth Advisory Group members for their valuable contribution and voluntary efforts in assisting Council develop its new youth policy.
- E. THAT Council launches *Loud & Clear* during National Youth Week 2009, in partnership with the Youth Advisory Group.

DECISION NO.20\() (24/02/09)

9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

17 Sister Cities Community Committees Meeting Schedule for February to June 2009

Document No. 1489887 (27/11/08) Common No. 1489887

THAT the Sister Cities Community Committees Meeting Schedule for February to June 2009, Document Number 1489887, be received and noted.

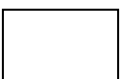
DECISION NO.20\() (24/02/09)

18 Status Update of Sister Cities Projects and Calendar of Events January – March 2009

Report No.09C0005 Common No.1181508

THAT Report Number 09C0005 entitled Status Update of Sister Cities Projects and Calendar of Events January - March 2009, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

19 Minutes of the Haikou Sister City Community Committee Meeting held on 1 December 2008 with Recommendations

Report No. 08C0170 SF:kl Common No. 1494750

- A. THAT Report Number 08C0170 entitled Minutes of the Haikou Sister City Community Committee Meeting held on 1 December 2008 with Recommendations, be received and noted.
- B. THAT the Lord Mayor writes to the Mayor of Haikou, Haikou Foreign Affairs Office and the Dongfang Municipal Government to wish them a Happy Chinese New Year for the 26 January 2009, and to make mention that Australia Day will also be celebrated on this day.
- C. THAT an advertisement be placed in the NT News Chinese New Year special feature for 2009, and a copy be sent to Haikou Foreign Affairs Office and the Dongfang Municipal Government for their information.
- D. THAT Haikou Sister City Community Committee supports in principle the facilitation of a combined Sister Cities fundraising event on Thursday 2 July 2009, to coincide with National Sister Cities Day.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

20 Minutes of the Ambon Sister City Community Committee Meeting held on 2 December 2008 with Recommendations

Report No.08C0169I Common No.1498093

THAT Report Number 08C0169 entitled Minutes of the Ambon Sister City Community Committee Meeting held on 2 December 2008 with Recommendations, be received and noted.

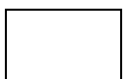
DECISION NO.20\() (24/02/09)

21 Minutes of the Anchorage Sister City Community Committee Meeting held on 4 December 2008 with Recommendations

Report No. 08C0168 Common No. 1496359

- A. THAT Report Number 08C0168 entitled Minutes of The Anchorage Sister City Community Committee Meeting Held on 4 December 2008 with Recommendations, be received and noted.
- B. THAT the donation of children's books be gifted from Council to Rabbit Creek Elementary School in Anchorage, Alaska, be endorsed by Council.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (09/02/09)****Presentation of Report by Acting Chairman - Member A R Mitchell**

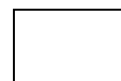
Recommendations from the Community Services Committee Meeting held on Monday, 9 February, 2009

22 Minutes of the Dili Sister City Community Committee Meeting held on 25 November 2008 with Recommendations

Report No. 08C0167 Common No. 1491689

- A. THAT Report Number 08C0167 entitled Minutes of the Dili Sister City Community Committee held on 25 November 2008 with Recommendations, be received and noted.
- B. THAT the Dili Sister City Community Committee supports in principle the facilitation of a combined Sister Cities fundraising event on Thursday 2 July 2009, to coincide with National Sister Cities Day, be endorsed by Council.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.2 ENVIRONMENT & INFRASTRUCTURE (16/02/09)****Presentation of Report by Chairman - Member R K Elix**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 16 February, 2009

1 Streetscape Landscaping Issues

Report No. 09TS0020 KS:lc Common No.990367

- A. THAT Report Number 09TS0020 entitled, Streetscape Landscaping Issues be received and noted.
- B. THAT Council approves the following in relation to street trees located at 22 Undoolya Street and 30 Calvert Street, Tiwi.
- C. THAT the three existing African Mahoganies be removed immediately following notification of residents in the street via a letter drop.
- D. THAT prior to removal any nesting sites within the trees be relocated, were a nest can not be relocated that the tree remain until the nest is inactive.
 - THAT Council replant an appropriate number of trees and of a suitable species within the precinct as it is considered impractical to replant trees in this location given that the verge contains infrastructure and is of insufficient size.

DECISION NO.20\() (24/02/09)

2 Information Report - Mahogany Tree Tamarind Park Lot 432 12) Knuckey Street, Darwin

Report No. 09TS0017 KS:nh Common No. 1469454

THAT Report Number 09TS0017 entitled, Information Report - Mahogany Tree Tamarind Park Lot 3432 (12) Knuckey Street, Darwin, be received and noted.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.2 ENVIRONMENT & INFRASTRUCTURE (16/02/09)****Presentation of Report by Chairman - Member R K Elix**

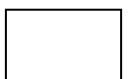
Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 16 February, 2009

3 Drainage Easement Through Parap Tennis Courts Lot 5292 (77) Ross Smith**Avenue, Parap**

Report No.09TS0003 TV:cb Common No.1450219

- A. THAT Report Number 09TS0003 entitled, Drainage Easement through Parap Tennis Courts, Lot 5292 (77) Ross Smith Avenue, Parap, be received and noted.
- B. THAT Council consent to the creation of a stormwater easement vested to Council and construction of stormwater drainage system through Lot 5292 by the developer of Lot 5606 at no cost to Council, subject to payment of \$21,700 to Council.
- C. THAT Council authorises the Lord Mayor and Chief Executive Officer to sign and seal under the Council's Common Seal all relevant documents associated with the creation of the stormwater easement over Lot 5292, and receipt of the specified compensation.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.4 TOWN PLANNING (04/02/09)****Presentation of Report by Chairman - Member J D Bailey**

Recommendations from the Town Planning Committee Meeting held on Wednesday, 4 February, 2009

1 Building Height and Volumetric Controls for the Darwin CBD

Report No. 09TS0008 Common No. 1481987

- A. THAT Report Number 09TS0008 entitled Building Height and Volumetric Controls for the Darwin CBD, be received and noted.
- B. THAT the draft letter to the Department of Planning and Infrastructure, Document Number:

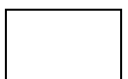
DECISION NO.20\() (24/02/09)

2 Strategic Town Planning Policy Priorities

Report No. 09TS0007 Common No.1267297

- A. THAT Report Number 09TS0007 entitled Strategic Town Planning Policy Priorities be received and noted;
- B. THAT a priority list for the development of policies regarding town planning matters be established as follows:
 - I. Setbacks of development in residential areas;
 - II. Setbacks of development in the Darwin Central Business (CB) zone;
 - III. Small lot subdivisions in new neighbourhoods;
 - IV. Car parking, Public Transport and alternative transport requirements;
 - V. The height, bulk and over development of land in the Darwin CB zone;
 - VI. Public and private vehicular and pedestrian access into new City developments;
 - VII. Service and waste vehicular access into new developments
 - VIII. Environment and Climate Change issues - water conservation and
 - IX. Alternative energy uses
 - X. Preservation of public open space.

DECISION NO.20\() (24/02/09)



9 REPORTS OF COMMITTEES**9.4 TOWN PLANNING (04/02/09)****Presentation of Report by Chairman - Member J D Bailey**

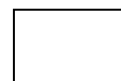
Recommendations from the Town Planning Committee Meeting held on Wednesday, 4 February, 2009

3 Lots 1067 & 1720 (31 & 29 Stuart Highway, Stuart Park – Town of Darwin – Takeaway Restaurant with Drive Through Access

Report No.09TS0012 Common No. 1509328

- A. THAT Report Number 09TS0012 entitled, Lots 1067 & 1720 (31 & 29) Stuart Highway, Stuart Park – Town of Darwin – Takeaway Restaurant with Drive Through Access, be received and noted.
- B. THAT the letter to the Development Consent Authority, Document Number: 1515147 (Attachment B), advising of Council's concerns regarding Lots 1067 & 1720 (31 & 29) Stuart Highway, Stuart Park, be endorsed by Council.

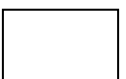
DECISION NO.20\() (24/02/09)



10 MATTERS REFERRED TO COUNCIL

11 PETITIONS

12 NOTICES OF MOTION



ENCL: YES

DARWIN CITY COUNCIL

DATE: 18/02/09

REPORT

TO: 2ND ORDINARY COUNCIL/OPEN

APPROVED: LC

FROM: GENERAL MANAGER INFRASTRUCTURE

APPROVED: BD

REPORT NO: 09TS0024

APPROVED:

COMMON NO: 316857

SUBJECT: SMITH STREET CONNECTION

ITEM NO:13.1**SYNOPSIS:**

The Northern Territory Government has been in discussion with Council for a period of time regarding the construction of the Smith Street Connection from Esplanade Road to Bennett Street. On the 10th December 2008 the Government made a presentation to Council regarding the modified proposal following feedback received. The Government is now seeking to proceed with construction of the connection.

GENERAL:

Following the December 2008 meeting, a number of discussions and meetings have occurred between Council and Government Officers. The Government is ready to proceed with the construction of the connection once approval for the project is received.

Attached to this report are briefing notes and images provided by Government to supplement their December presentation. **(Attachments A and B).**

The project complements Council's Federal Funding Application under the Regional and Local Community Infrastructure Program – Strategic Projects for revitalisation of the Smith Street Mall, Smith Street (West) to China Town and Kunckey Street. The Government proposal completes the pedestrian walkway linkage at the Eastern end of the City.

The Government is seeking to commence works as soon as practical following Council approval. Subject to Councils approval, it is anticipated that Stage 1 works will be completed by end of June 2009. The scope of works for Stage 1 will include all pavement, structural, services, lighting and landscaping works within Smith Street as well as some landscaping works within State Square.

Stage 2 will include the balance of landscaping and public art. The process of art development etc will commence during Stage 1 construction.

PAGE: 2
 REPORT NUMBER: 09TS0024
 SUBJECT: SMITH STREET CONNECTION

Consideration has been given to minimising loss of parking with in the street and a rationalisation of driveways into the State Square Precinct will occur.

A summary of the effect on parking is as follows:

<u>Type</u>	<u>Existing Spaces</u>	<u>Proposed New Spaces</u>
Taxi Zone	3	2
Coach Bus Bay	3	3
Car Parks	37	35
Motorcycle Spaces	13	10

Council must decide whether it supports this type of revitalisation work within the City.

Issues for consideration by Council prior to granting approval of works are:-

1. Capital Cost of Project.
2. Ongoing Costs of Project.
3. Project Final Design and Finishes.
4. Public Art.

Capital Costs of Project

The Northern Territory Government will be responsible for the entire capital costs of delivering this project. As the actual design is still in progress final costs are not known however, it is estimated to be several million dollars. The project is in keeping with recent Council funding submissions and masterplans developed for the City Centre whilst still retaining a variance in character.

It is recommended that Council approves the works within the road reserves.

Ongoing Costs

Council would be aware via its Asset Management Strategies that the initial capital costs only represent around 20-30% of the whole of life cost of infrastructure.

Council has expressed concerns to the Government about:-

1. Financial impact of the project on Council, relating to whole of life.
2. Potential costs associated with vandalism.

The Government has noted these concerns and a number of options have been discussed in order to resolve these. These have included options such as Government fully or partly maintaining the facility for a period of time, Government contributing to the ongoing costs and design modifications prior to construction to reduce costs.

A number of design modifications are being considered following concerns raised by Council and these include the pavement finishes, consideration of energy efficient

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lighting, finishes to structural steel, shade sail material and design to allow easy maintenance.

Design changes already implemented giving consideration to ongoing maintenance issues include pavement design and finish to a singular finish and treatment in keeping with accepted treatments within the City Centre and this should not result in a requirement for a different maintenance regime to that applied to existing similar finishes in the City Centre. Originally consideration was being given to a use of various finishes such as were used in The Mall.

The Government has shown good faith in attempting to address Council's concerns to date. Further work is required to be undertaken and final designs to determine whole of life costs. Once these are determined discussion can be furthered with Government regarding these costs.

It is recommended that the agreement with Government allowing construction contain clauses requiring the following:-

1. Government has all responsibility for the nominated site during construction i.e. liabilities and management.
2. Government is required to maintain the development until a maintenance agreement to Council's satisfaction is reached.
3. That maintenance of the site will include all routine maintenance activities as well as specific activities such as repair of vandalism etc and operating costs such as power and water.

This process has previously been used by Council and is similar in principle to a permit to occupy.

Project Design and Finishes

It has been recommended that a Project Control Group (PCG) containing Council's General Manager Infrastructure and Department Planning and Infrastructure (DPI) representatives be established to determine final detailed design issues and acceptable finishes. These will be based on the plans provided to Council to date (**Attachment B**). This approach is supported. It is anticipated that the project will be constructed in rolling stages to avoid closure of the entire length of verge and minimise disruption.

Public Art

The Government has engaged Professor Paul Carter (Professor of Architecture and Planning at Melbourne University and a private consultant) to facilitate the development of the Public Art component of the project (Stage 2).

It has been recommended that a PCG be established as soon as possible containing Officers from Council, DPI and Professor Carter to develop a Public Art strategy and oversee the implementation.

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It is recommended that the agreement suggested earlier in the report also contain a clause committing the Government to the delivery of Public Art to Council's satisfaction within a given time frame and approval process.

FINANCIAL IMPLICATIONS:

There will be ongoing maintenance costs to Council as a result of the infrastructure and public art. These costs and ways to minimise them need to be considered bearing in mind that the initial capital costs represent only 20-30% of the whole of life cost.

The project is in keeping with Council's revitalisation plans for the City Centre and if to be delivered by Council would be unlikely to occur in the next five (5) years. The timing of this project in the current economic climate maybe seen as a stimulus.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond:-

- 1.1.3 Develop partnerships and joint projects with other levels of Government;
- 1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin's lifestyle;
- 2.1.2 Continue to implement the CBD Streetscape Strategy;
- 2.1.4 Provide a clean and liveable municipality;
- 3.1.1 Enhance public spaces and encourage greater use by the community;
- 6.2.1 Promote Darwin's history, particularly its WWII experiences;
- 6.2.2 Promote Darwin as a place for tourists and residents to enjoy a tropical lifestyle;
- 6.2.3 Celebrate the city's evolution.

LEGAL IMPLICATIONS:

Council requires legal advice on the development of a suitable Agreement to ensure issues covered in the report are adequately addressed. The Government has agreed to cover all costs associated with this.

ENVIRONMENTAL IMPLICATIONS:

Nil

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PUBLIC RELATIONS IMPLICATIONS:

The project and its public art will draw various opinions however the project is in keeping with the revitalisation and linking of the City Centre to major points.

COMMUNITY SAFETY IMPLICATIONS:

Nil

DELEGATION:

Nil

CONSULTATION:

Department of Planning and Infrastructure.
 Business Economic Manager.
 Strategic Town Planner.
 Design Team Leader.
 Development Team Leader.
 Manager Infrastructure Maintenance.
 Manager of Infrastructure Projects.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE

Nil

RECOMMENDATIONS:

- A. That Report Number 09TS0024 entitled Smith Street Connection, be received and noted.
- B. That Council approve the concept plans for the Smith Street Connection contained in **Attachments A & B** to Report Number 09TS0024 subject to all maintenance and operating activities being undertaken by the Northern Territory Government until an agreement to Councils satisfaction can be reached.
- C. That Darwin City Council pursuant to section 32(2)(d) of the Local Government Act 2008 hereby delegates to the Chief Executive Officer for the time being the power to establish an agreement with the Northern Territory Government to allow construction of the Smith Street Connection containing relevant clauses addressing the issues identified in Report Number 09TS0024.

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- D. That Darwin City Council pursuant to section 32(2)(d) of the Local Government Act 2008 hereby delegates to the Chief Executive Officer the power to approve the construction documentation associated with the Smith Street Connection.
- E. That the Northern Territory Government be advised that no work is to commenced on the Smith Street Connection until a suitable agreement as identified in Report 09TS0024 is finalised.

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

Any queries on this report may be directed to Luccio Cercarelli on 8930 0581

ATTACHMENT A

- Briefing Notes supplied by Northern Territory Government

The Walkway

A walkway is a connection between two places. A walkway is much more than a pavement: it is a sense of direction, an attractive place, an interesting adventure.

A covered walkway is not an enclosed tunnel. It is an assistance to walking. It shelters people without insulating them from the pleasures of the walk - the trees, the sounds, the colours. The design of a covered walkway should be as subtle as an umbrella, light, flexible and open.

These are the principles that inform the new Smith Street East Walkway. The Walkway connects the Waterfront and the CBD but it also connects pedestrians to the rich and sensuous environment of the State Square Precinct. By protecting the experience of walking, it makes walking a pleasure and the precinct a destination in its own right.

It offers the shelter that encourages you to linger, but it also frames and celebrates the counter-pattern of paths that stitch the Civic and State Squares together. Our Walkway is firmly designed to join walkers to the other walks that criss-cross the State Square Precinct.

The Walkway uses a combination of natural cover and shade cloth to provide pedestrians between the Waterfront and the CBD with weather protection. Protection against extreme weather conditions is provided by four rain refuge shelters, each 7 metres long, designed specifically to provide shelter from rain from any direction whilst discouraging long-term itinerant use.

Great care has been taken to ensure that the Walkway is a attractive feature in its own right. The vertical blades supporting the shade structures are elegant forms inspired by the pandanus leaf. The upper sections of the blades supporting the shade structures stand at different angles to the horizontal. In profile the Walkway structure presents a delicately undulating edge. The blades are highest at the entrances and exits to the shaded sections; lowest near the centre of these sections.

Each of these blades is designed to support discreet lengths of best quality shade cloth sourced from Europe. The shade cloth is rigged with stainless steel cabling and fittings used by racing yachts. The base of each of the blade panels will be raised above the finished paving level to allow for cleaning and prevent build up of dirt and leaves.

The location of the blades and shade structures along Smith Street east has been designed to frame, articulate and strengthen connections between State square and Civic Square: walkways are allowed for, and the places where they cross through the Walkway will be sites set aside for major public art commissions where local artists will be invited to install temporary works or permanent ground art, including ceramics, lighting and special landscaping.

The development of the public arts program for the Smith Street Walkway, Civic Square and the greater State Square is proposed under a joint committee comprising Darwin City Council and Territory Government Officers together with other stakeholder such as Brown's Mart.

The development of this public art and the proposed cultural interpretation embedded in the Walkway (see below) will be guided by Professor Paul Carter. Professor Carter is renowned for many internationally acclaimed artworks, including the design of a plaza pattern and ground writing in Melbourne's Federation Square

A major goal of the new Walkway is to act as a template for the development of an integrated State Square Precinct: not to divide Civic and State Squares but to reconnect and revitalise them. This is the function of the panels attached to the vertical blades, the linear ground art and the fourteen programmable LED faces that are all integral to the Walkway. These elements are treated as three different ways of orienting visitors to the character of Darwin, celebrating its heritage, appreciating its character, envisioning its future.

The vertical panels use materials that are associated with key Darwin communities. They use other materials that are typical of Darwin's building traditions. featured materials include: timber finishes synonymous with Chinese architecture and Chinatown, a mother of pearl marbled finishes reflecting the Pearling Industry, etched steel finishes associated with the Bombing of Darwin; and a Porcellenite stone finish.

The choice of finish is determined by the different physical and cultural associations found along the Walkway route: mother of pearl finishes predominate towards the Waterfront end, timber finishes become more common towards the former site of Chinatown; porcellenite is used adjacent to the Palmerston Town Hall Ruins and Brown's Mart.

Each of the blade panels will be illuminated with state of the art up-lighting connected to a separate dedicated circuit, which can be programmed for special lighting effects associated with events such as Festival of Darwin and Christmas.

Fifty of the panels carry a further design. The design consists of a word or phrase that evokes a key attribute of Darwin's identity. These words and phrases are written in a variety of scripts that reflect Darwin's cultural diversity - Cantonese, Greek, Tagalog, Japanese, as well as Roman script. They will be inspiring examples of calligraphy, intriguing, dignified, playful but respectful.

The ground pattern treats the 'journey' between the Waterfront and the CBD as a chance to commemorate the journeys that have created Darwin. The three 'rents' in the pavement evoke the historical, cultural and commercial links to India (via the Malacca Straits) to Canton (via the China Sea) and to Makassar (via the Arafura Sea) These three serpentine tears or rents recover the double meaning of the word 'passage': the archipelago of jewel-like 'islands' inlaid into the rents use the graphic language of old sea charts to evoke the straits or passages by means of which the people of Darwin are connected to their region, to south-east Asia and to the world; but these ground maps are also stories, or parts of stories (like passages extracted from the book of Darwin's history).

The shaded walkway will be complimented by an avenue of new tree plantings in tree bays adjoining the kerbline on both sides of the street. The tree species will be as nominated by DCC Landscaping specialists.

The Development of the State Square Precinct

There is a whole-of-community aspiration to develop the State Square Precinct. This is the context in which the Walkway has been designed. The intention of the design is to strengthen the connections between Civic Square and State Square. The challenge of the Walkway has been to reconcile its longitudinal structure, potentially creating a barrier between the two Squares, with the larger aspiration of improving lateral communication between them.

The location of the covered sections of the Walkway assists this lateral communication by ensuring that existing and proposed pathways crossing between Civic Park and State Square are protected. More than this, the proposal to celebrate these crossing-places with public artwork underscores the role of the Walkway in framing these crossing-places.

It is the same vision of the future development of the State Square Precinct that inspires the ground patterns, the inlaid panels and the LED screens built into the Walkway. All of these celebrate the great storylines that converge on the State Square Precinct. They are like the Contents page of a book - the book of Darwin's history and identity, whose spine is Smith Street East.

In order to ensure that the future development of the State Square Precinct proceeds in a way that preserves and further articulates the rich historical and spatial identity of the place, a Design Options Framework has been commissioned. This will ensure that the design principles embodied in the Walkway are carried forward into the other projects through which the development of the State Square Precinct is delivered.

The Design Options Framework will ensure that the development of the State Square Precinct reflects and contributes to the evolution, communication and realisation of the Building Darwin's Future vision; that all components of the development contribute to the Precinct's past, present and future 'sense of place', and that the development of the Precinct engages the community through the programming of events that communicate the heritage of the place, by this and other means building a new pride and identification with the Precinct's future development.

The Department of Planning and Infrastructure has commissioned the design Options Framework because it wants to foster a new spirit of cooperation and common purpose. Consultation is critical to this, but so is an awareness of Darwin's rich multicultural diversity, strong creative foundations and unique environment. The challenge is to bring these vital but less tangible ingredients of successful place-making into the process through which the State Square is developed.

Key deliverables of the DOF will include the establishment of two major (Refuge and Prospect) alignments through the Precinct; the identification of the Chan Building as a key site for medium to long term adaptive reuse; the utilisation of the Prospect axis to uncover connections between currently unrelated spaces and facilities.; the recognition and interpretation of the Precinct's hidden spaces.; the development of the Smith Street east Walkway as a key vehicle for relating (without homogenising) the two major divisions of the present State Square Precinct; the extension of these design principles beyond the boundaries of the Precinct to influence a range of design and programming decisions occurring in the adjacent Waterfront and CBD

Professor Paul Carter, who is advising us in this process, and who has contributed to the design concept and artwork for the Walkway has indicated that the whole-of-community approach to securing the Precinct's unique cultural, environmental and social value will have an important multiplier-effect in terms of increased cultural tourism, greater engagement of the creative industries sector and new research opportunities for Charles Darwin University.

As Professor Carter notes, 'The buildings, landscapes and institutions of the State Square Precinct are the open book of our collective heritage. The challenge of the State Square Precinct development, the challenge of the Northern Territory Government and the Darwin City Council working together - is to make them readable for future generations - to interpret them so that Darwin's future sense of place is clearly identified with our attachment to this place and its stories. If this is done, Building Darwin's Future and the development of Australia's last great 'seat of government' public space will be two expressions of a single vision.'

ENCL: YES

DARWIN CITY COUNCIL
REPORT

DATE: 24/02/09

TO: 2nd ORDINARY COUNCIL /OPEN

APPROVED: LC

FROM: STRATEGIC TOWN PLANNER

APPROVED: PL

REPORT NO: 09TS0021 PL:cpd

APPROVED: LC

COMMON NO: 1509287

SUBJECT: RESTAURANT IN CWA BUILDING, LOTS 2319 & 3432 (10-12)
KNUCKEY STREET, INCLUDING ALFRESCO DINING, TIMBER DECK
AND VERANDAH, AND DEMOUNTABLE COOLROOM
FEBRUARY 2009

ITEM NO:13.2**SYNOPSIS:**

A proposal to establish a restaurant in the Country Women's Association (CWA) building in Knuckey Street is the subject of a Development Application received from Development Assessment Services on 15 January 2009. A response on the Development Application was considered at the Town Planning Committee meeting of 4 February 2009 and a further report was requested on matters associated with the proposed new use of the heritage building which includes a deck over part of Tamarind Park.

GENERAL:**Applicant:** Nilufer Kavouklis. **Area:** 212 square metres.**Zone:** Central Business Darwin and Public Open Space.**Attachment A:** Site plan and elevations.

The proposal is to establish the "Istanbul Kebab Café" in the CWA building. The Development Application shows a deck over Tamarind Park on the Knuckey Street frontage of the site. Alfresco dining is proposed on the deck and along the Knuckey Street footpath. A demountable building and car parking spaces are located at the rear of the CWA building. The demountable is partly located on Council land. **Attachment B** shows the relationship of the proposal to Lot 2319 which is Council owned land.

The CWA building has been declared a heritage place and is listed on the NT Heritage Register under the Heritage Conservation Act 1991. The proposal for the restaurant respects the value of the building as a heritage place.

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 REPORT NUMBER: 09TS0021 PL:cpd
 SUBJECT: RESTAURANT IN CWA BUILDING, LOTS 2319 & 3432 (10&12) KNUCKEY STREET & LOT 3943 (23) WEST LANE, INCLUDING ALFRESCO DINING, TIMBER DECK AND VERANDAH & DEMOUNTABLE COOLROOM FEBRUARY 2009

Previous Decision

Council's resolution 20\0790 (30/09/2008):

THAT Council supports in principle a permit to provide tables and chairs within Tamarind Park for the purpose of unlicensed dining, subject to:

- i. The permit being an annual permit.
- ii. There being no more than 5 tables and a maximum of 20 chairs.
- iii. All outstanding issues being resolved to the satisfaction of the Chief Executive Officer.

An issue requiring attention during the assessment of this project has been the stabilisation of the large tree in Tamarind Park. The installation of a root barrier to control the tree root has now been completed.

Proposed Timber Deck

The Development Application shows a proposed timber deck of approximately 100 square metres with a roof extending into Tamarind Park. Council's decision of 30 September gave approval for 5 tables and 20 chairs to be placed on the grass of Tamarind Park but did not support the construction of a timber deck.

A significant benefit of allowing the restaurant to extend into the Park by way of a deck is its potential to reduce anti-social behaviour that takes place from time to time in this area of the CBD. The CPTED principle of "eyes on the street and the park" would be achieved by allowing patrons to dine on the deck which extends into the Park.

At the Town Planning Committee meeting of 4 February, discussion took place which suggested that a timber deck reduced in area to accommodate 5 tables and 20 chairs over Tamarind Park may be an acceptable solution. If a deck is approved, final design would be submitted for approval by the General Manager of Infrastructure, Darwin City Council showing no impact on the existing tree.

It is recommended that Council support a deck with a roof over Tamarind Park

Alfresco Dining

The approval of the outdoor dining area is subject to Council's alfresco dining requirements. The proposed alfresco dining has been assessed and is not an issue, subject to the proposal obtaining a Development Permit.

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Demountable Structure

A demountable building 6 metres by 2.5 metres and 3.5 metres high is located at the rear of the CWA Building partly on Council owned land. The demountable building is to function as a coolroom for the café. There are examples of demountables being used to supplement storage capability of some developments in the CBD. The N T Planning Scheme requires that the Consent Authority adds permit conditions to ensure a demountable structure is visually consistent with nearby development by way of landscaping or screening.

The proposed demountable for the Istanbul Café is mostly located on Council land. The small site available at the rear of the CWA building limits the opportunity for any alternative location that would reduce its visual impact. The demountable will detract from the amenity of the Darwin CBD and Tamarind Park unless it is appropriately screened. A refusal of the coolroom on site may mean the restaurant would not be able to function effectively. If the demountable is approved, Council requests that the following criteria are met:-

1. The proposal for the demountable building should meet the requirements of the Northern Territory Planning Scheme.
2. The demountable building should be clad with an approved material, painted a uniform colour in keeping with the adjacent CWA heritage building.
3. The demountable building should comply with the NT Building Act.
4. The whole of the area at the rear of the CWA building including car parking and the demountable should be screened by a 1.8 metre high fence to Council approval.

Car Parking

The NT Planning Scheme requires that a monetary contribution is paid to Council in accordance with its Car Parking Contribution Plan in lieu of any on-site car parking shortfall as a result of this development. The amount of car parking required depends on the net amount of floor area used for the dining area including alfresco dining. The car parking short fall in the Application as it stands is 5 spaces. This short fall would be reduced if the deck dining area is reduced or not allowed. The Development Application notes the close location of the West Lane and Mitchell Plaza Car Parking Stations. Customers to the café are likely to be city workers, tourists, or local Darwin CBD residents and the café is unlikely to be their single destination in the City.

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Council requests the Authority to determine if a monetary contribution is required to be paid to Council in accordance with its Car Parking Contribution Plan in lieu of an on-site car parking shortfall.

Waste Disposal

Waste bin storage has not been indicated on the Applicant's plans. Waste bin storage and pick up shall be provided in accordance with Council's Waste Bin Policy.

General Conditions

Councils relevant standard conditions will apply to the proposed development of this site and are included in the letter to Development Assessment Services at **Attachment C**.

Land Tenure

Council will require the applicant to enter into a permit / licence agreement for components of the proposal that are located over Council road reserve and freehold land. If the development is approved the permit / licence agreement will need to take into account an alfresco fee for the deck over Tamarind Park and Council land at the rear of the CWA building which includes the demountable building and some of the loading and car parking spaces.

FINANCIAL IMPLICATIONS:

All costs resulting from the application would be borne by the applicant. It is acknowledged that the cost of restoring heritage buildings can be quite substantial. The retention of heritage buildings in the Darwin CBD cannot be underestimated in the value they provide to the urban landscape. The applicant should be encouraged in taking on what has turned out to be quite an ambitious project which not only required the approval and support of a number of government agencies but also the stabilising of a substantial tree in Tamarind Park.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

- 1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin
- 1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin's lifestyle
- 2.1 Improve urban enhancement around Darwin
- 3.1 Promote the use of public spaces

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3.1.1 Enhance public spaces and encourage greater use by the community

LEGAL IMPLICATIONS:

This issue is not considered confidential.

PUBLIC RELATIONS IMPLICATIONS:

Not assessed.

COMMUNITY SAFETY IMPLICATIONS:

Passive observation of Tamarind Park may have a positive effect on reducing the incidence of anti-social behaviour in the area and improve community safety.

DELEGATION:

To the Chief Executive Officer

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil.

APPROPRIATE SIGNAGE

Not applicable.

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 REPORT NUMBER: 09TS0021 PL:cpd
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RECOMMENDATIONS:

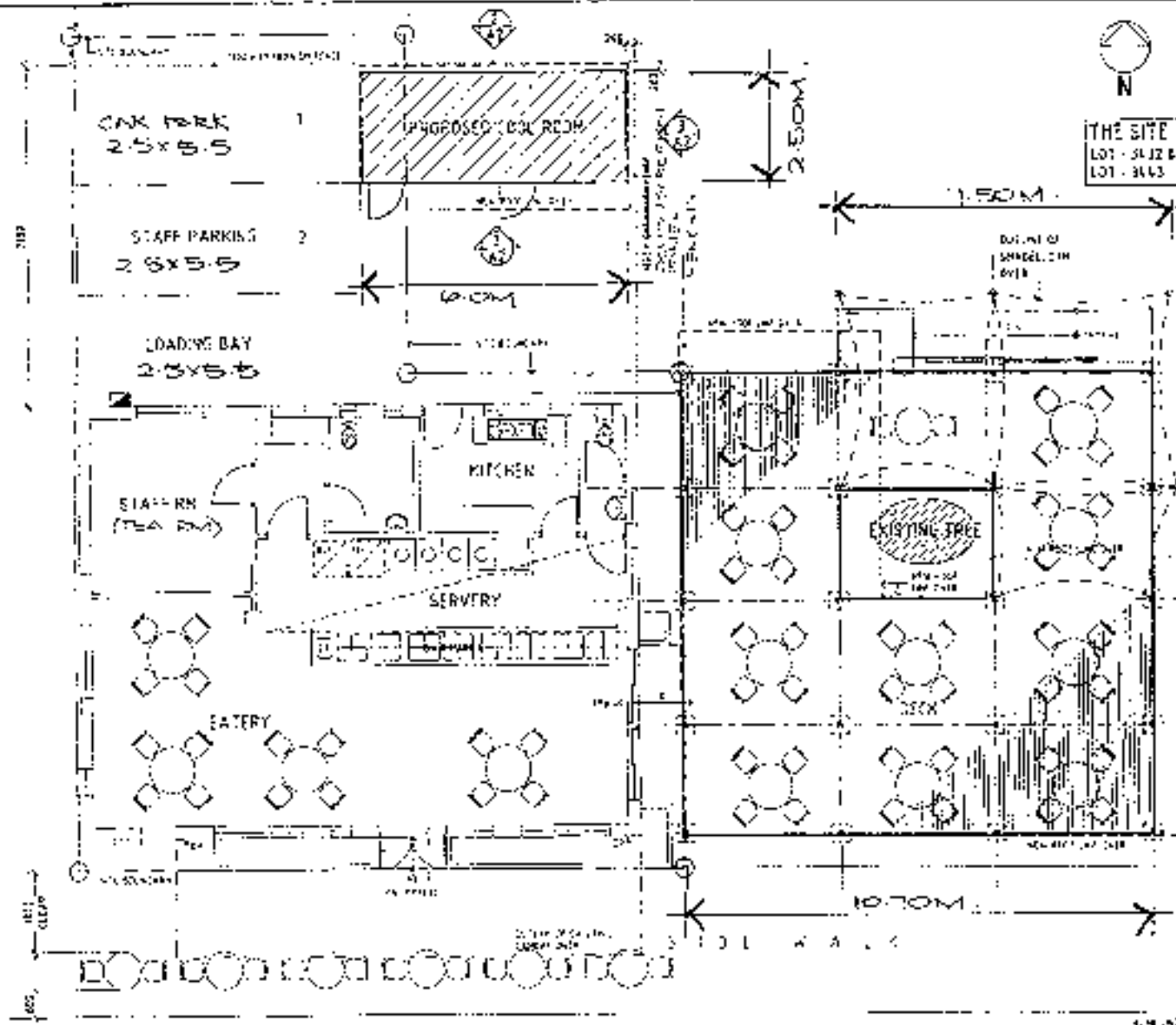
- A. THAT Report Number 09TS0021 PL:cpd entitled Proposed Restaurant CWA Building, Knuckey Street, be received and noted;
- B. THAT the letter at **Attachment C** to Report Number 09TS0021 PL:cpd, indicating Council's endorsement of a deck over Tamarind Park and a coolroom over Council land at the rear of the CWA building be endorsed and forwarded to the Development Consent Authority;
- C. THAT the applicant be advised a permit / licence agreement will need to be established for components of the project over Council road reserve and freehold land; and
- D. THAT Darwin City Council pursuant to section 32(2)(d) of the Local Government Act 2008 hereby delegates to the Chief Executive Officer the power to approve final design issues and the establishment of a permit / licence agreement for the subject development in the event of a Development Permit being granted.

PETER LINDWALL
STRATEGIC TOWN PLANNER

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

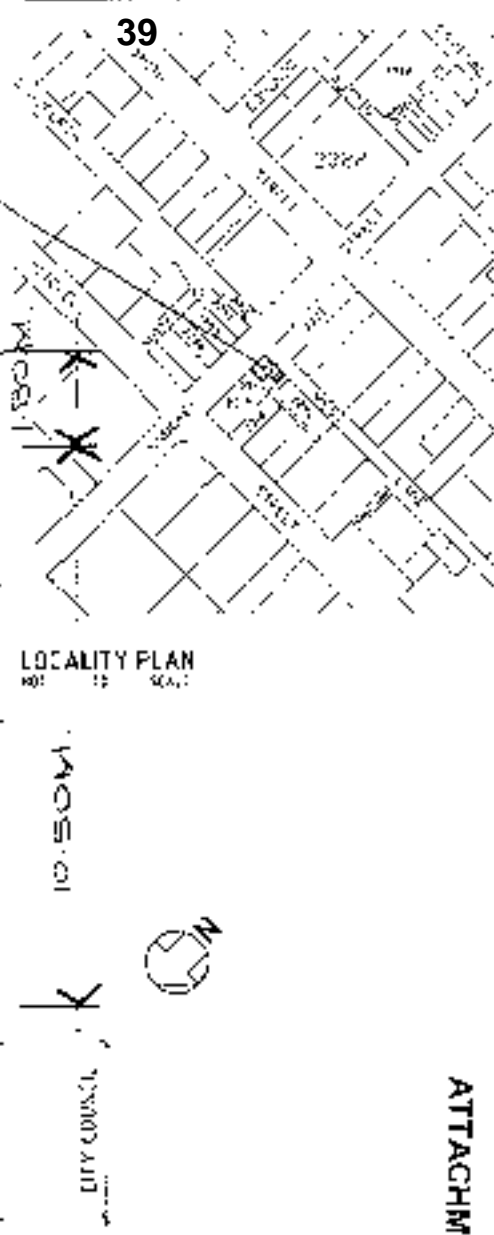
Any queries on this report may be directed to Peter Lindwall on 89300528.

WEST LANE



GENERAL FLOOR PLAN PLAN

KNUCKEY STREET



LOCALITY PLAN

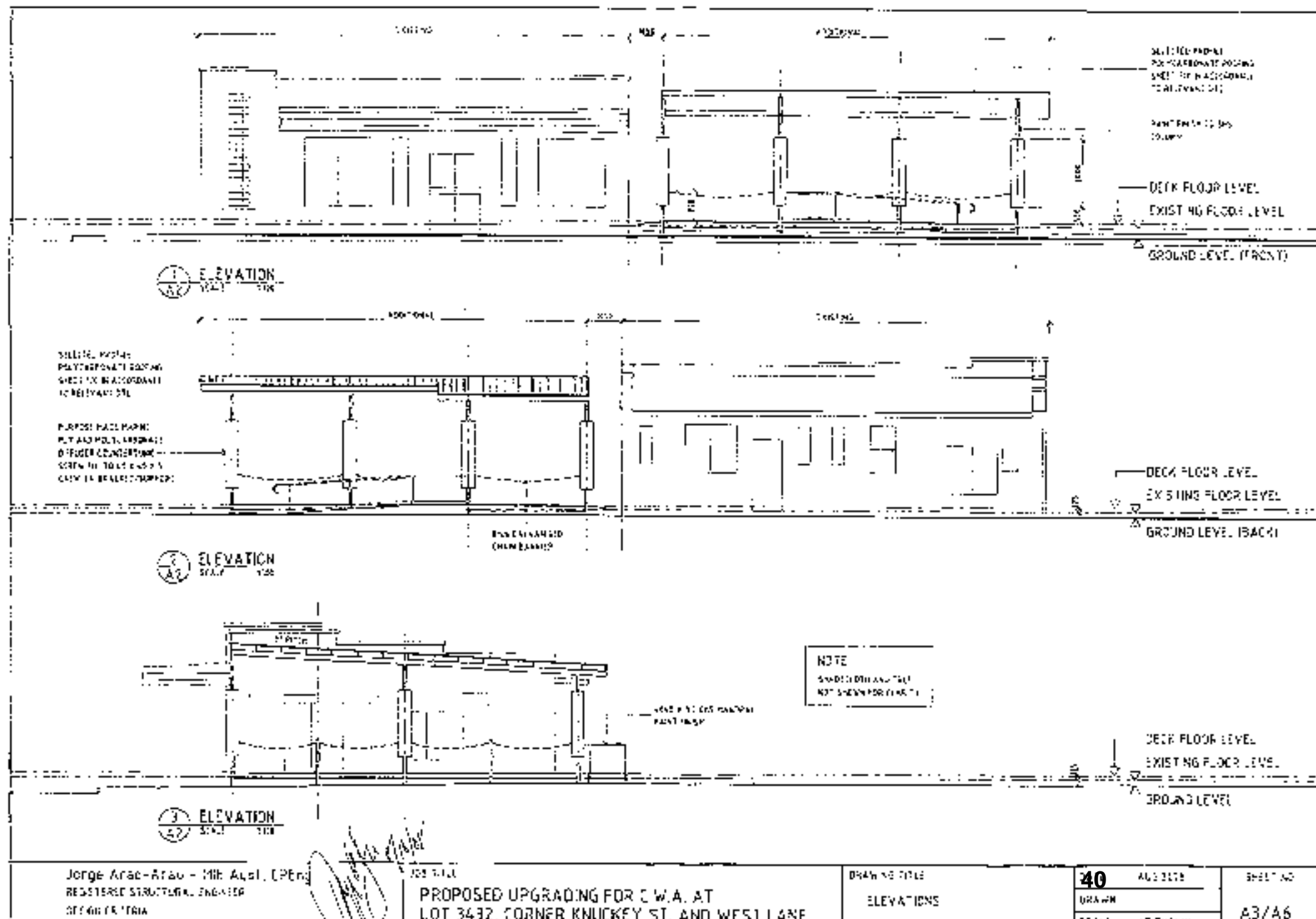
ATTACHMENT A

PROJECT
PROPOSED OUTDOOR SEATING PLAN FOR C.W.A. AT
LOT 3432, #12 KNUCKEY ST. CORNER WEST LANE

DRAWING TITLE
GENERAL FLOOR PLAN

DATE NOV 2022
DRAWN
39 AS SHOWN
DWG NO 5825-218

SHEET NO
A1/A2



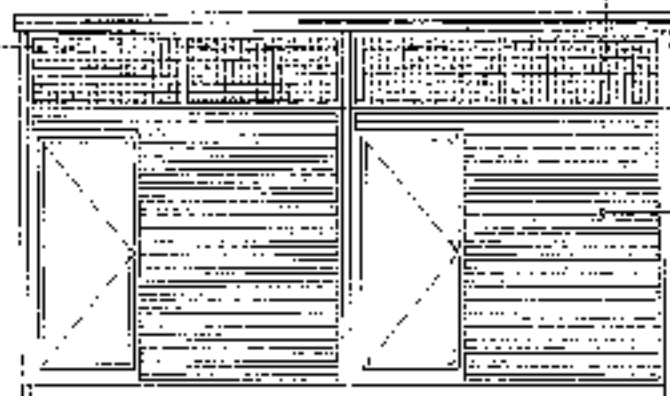


For further information
contact: CLAUDE FRIED
VOLUME 11

121	118	115	112	109	106	103	100	97	94	91	88	85	82	79	76	73	70	67	64	61	58	55	52	49	46	43	40	37	34	31	28	25	22	19	16	13	10	7	4	1
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SECTION OF (DW) & VER
EXISTING GROUND LEVEL

② ELEVATION
M.L.E. 1.50



2007 27th TD MATCH -
5/21/07

NEW WILFRED MICHON
KALAM FRANK PROVED
JESUS ACCESS RAMP TO
SUNNY COMPRESSION

COLLEGE OF EDUCATION
KING JAMES PRITCHARD
25 JUL 1970

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EXISTING GROUND LEVEL

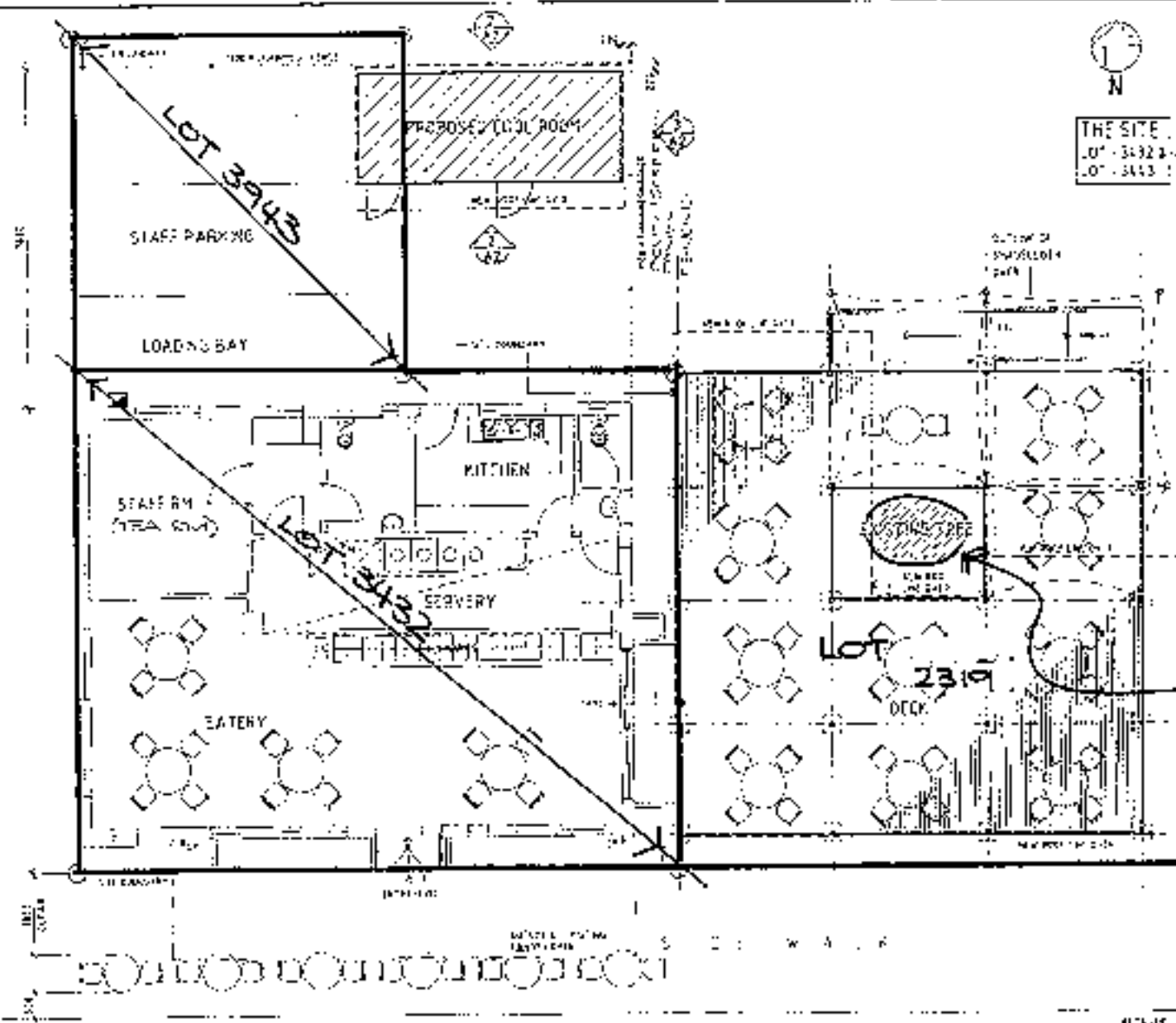
① ELEVATION



③ SIDE ELEV (TYD.)
A1 156

JOB TITLE PROPOSED OUTDOOR SEATING PLAN FOR C.W.A. AT LDT 3432, #12 KNUCKEY ST. CORNER WEST LANE	DRAWING TITLE COOLROOM ELEVATIONS	DATE NOV 2008 DRAWN A11 AS SHOWN ENG NO 5808 015	SHEET NO A7/A7
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WEST LANE



LOCALITY PLAN
NOT TO SCALE

SIGNIFICANT
EXISTING TREE

GENERAL FLOOR PLAN PLAN
22/11

KNUCKEY STREET

ATTACHMENT B

JOB TITLE

PROPOSED OUTDOOR SEATING PLAN FOR C.W.A. AT
LOT 3432, #12 KNUCKEY ST CORNER WEST LANE

DRAWING TITLE

GENERAL FLOOR PLAN

DATE NOV 2008

DRAWN BY

42 AS SHOWN

DWG NO 8838-048

SHEET NO

A1/A2

DRAFT

Please quote: 1509287 PL:cpd

24 February 2009

Mr Doug Lesh
Manager Urban Planning
Development Assessment Services
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801

Dear Doug

**REVISED LETTER - Lots 2319 & 3432 (10 & 12) Knuckey Street and Lot 3943 (23) West Lane - Town of Darwin
Restaurant Including Alfresco Dining, Construction of Timber Deck and Verandah, and Demountable Structure (Coolroom)**

Thank you for the Development Application referred to this office 15th January 2009, concerning the above. Council's previous letter of 30th January 2009 was placed before Council's Town Planning Committee meeting of 4th February. Please accept this revised letter as Council's position on this Application.

The following issues are raised for consideration by the Authority:

Council supports in principle the granting of a Development Permit for the following reasons:

- a). The proposed restaurant provides a new use for a significant heritage building in Darwin's CBD; and
- b). The proposed use will improve the amenity of the adjacent area in Tamarind Park.

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

At its meeting of 30 September 2008, Council resolved as follows:

That Council supports in principle a permit to provide tables and chairs within Tamarind Park for the purpose of unlicensed dining, subject to:

- a) the permit being an annual permit;
- b) there being no more than 5 tables and a maximum of 20 chairs; and

- c). all outstanding issues being resolved to the satisfaction of the Chief Executive Officer,

Issues Associated with the Proposal

1. Proposed Timber Deck

The Development Application shows a proposed timber deck of approximately 100 square metres extending into Tamarind Park. Council's decision of 30 September gave approval for 5 tables and 20 chairs to be placed on the grass of Tamarind Park but did not support the construction of a timber deck.

Council has reviewed its previous decision and is prepared to accept a timber deck over Tamarind Park which would accommodate a maximum of 5 tables and 20 chairs. If a deck is approved, final design should be submitted for approval by the General Manager of Infrastructure, Darwin City Council showing no impact on the existing tree in Tamarind Park. All costs in providing revised plans would be at the developers cost.

The approval of the outdoor dining area is subject to Council's alfresco dining requirements.

2. Demountable Structure

There are examples of demountables being used to supplement storage capability of some developments in the CBD. The N T Planning Scheme requires that the Consent Authority adds permit conditions to ensure a demountable structure is visually consistent with nearby development by way of landscaping or screening.

The proposed demountable for the Istanbul Café is mostly located on Council land. The demountable will detract from the amenity of the Darwin CBD unless it is appropriately screened. The demountable building is to function as a cooler room for the café. If the demountable is approved, Council requests that the following criteria are met:-

- The proposal for the demountable building should meet the requirements of the Northern Territory Planning Scheme.
- The demountable building should be clad with an approved material, painted a uniform colour in keeping with the adjacent CWA heritage building.
- The demountable building should comply with the NT Building Act.
- The whole of the area at the rear of the CWA building including car parking and the demountable should be screened by a 1.8 metre high fence to Council approval.

3. Car Parking

As a result of this development Council requests the Authority to determine if a monetary contribution is required to be paid to Council in accordance with its Car Parking Contribution Plan in lieu of an on-site car parking shortfall.

4. Land Tenure

Council will require the applicant to enter into a permit / licence agreement for components of the proposal that are located over Council road reserve and freehold land. If the development is approved the permit / licence agreement will need to take into account an alfresco fee for the deck over Tamarind Park and Council land at the rear of the CWA building which includes the demountable building and some of the loading and car parking spaces.

5. Waste Disposal

Waste bin storage has not been indicated on the Applicant's plans. Waste bin storage and pick up shall be provided in accordance with Council's Waste Bin Policy.

6. Development

Should this application be approved, the following conditions pursuant to the Planning Act and Council's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense.
- The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
- Sight lines shall be provided at crossovers to public streets to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be linemarked and sealed with an impervious material.
- All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council.

In considering this application, the Authority is requested to take into account any implications of the Disability Discrimination Act (Cth) or the Anti Discrimination Act (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application please feel free to contact me on 8930 0528.

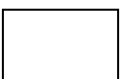
Yours faithfully

PETER LINDWALL
STRATEGIC TOWN PLANNER

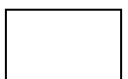
cc: Project Building Certifiers Pty Ltd

14 REPRESENTATIVES REPORTS

15 QUESTIONS BY MEMBERS



16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED



17 GENERAL BUSINESS**18 CLOSURE OF MEETING TO THE PUBLIC**

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\() (24/02/09)

19 ADJOURNMENT OF MEETING and MEDIA LIAISON**20 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**

THAT the next Ordinary Meeting of Council be held on Tuesday, 17 March, 2009, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.20\() (24/02/09)

