

**DARWIN CITY COUNCIL**

MINUTES OF THE THIRTY-EIGHTH ORDINARY MEETING OF THE TWENTIETH COUNCIL HELD IN CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE, DARWIN ON TUESDAY 15 DECEMBER 2009, COMMENCING AT 5.00 P.M.

PRESENT: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member R T Dee; Member R K Elix; Member H I Galton; Member G M Jarvis; ; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg (left at 7.47 p.m.).

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; Manager Strategic Projects, Mr D Lelekis; Design Section Officer, Mr D Cash; Manager Communications & Marketing, Mr G Fenton; Manager Business Services, Mr L Carroll; Committee Administrator, Ms L Elmer.

APOLOGY: Member J D Bailey; Member G A Lambert.

MEDIA: Ms Gina Marich – ABC Radio.

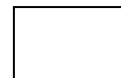
OBSERVER: Mr Peter Nelson – Tract Consulting.

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**\* \* \* I N D E X \* \* \***

- 1 LORD'S PRAYER**
- 2 MEETING DECLARED OPEN**
- 3 APOLOGIES AND LEAVE OF ABSENCE**
- 4 ELECTED MEMBERS CONFLICT OF INTEREST DECLARATION**
- 5 PUBLIC QUESTION TIME**
- 6 MATTERS OF PUBLIC IMPORTANCE**



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

- |     |                                       |   |
|-----|---------------------------------------|---|
| 7.1 | Ordinary Council Meetings             | 24/11/09                                  |
| 7.2 | Special Council Meeting               | 17/11/09 & 30/11/09                       |
| 7.3 | Confidential Ordinary Council Meeting | 24/11/09 <b>(Moved from Confidential)</b> |
| 7.4 | Business Arising                      |   |

**8 CONFIDENTIAL ITEMS**

- 8.1 Closure to the Public for Confidential Items
- 8.2 Moving Open Items Into Confidential
- 8.3 Moving Confidential Items Into Open

**9 REPORTS OF COMMITTEES**

**10 MATTERS REFERRED TO COUNCIL**

**11 PETITIONS**

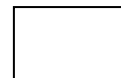
**12 NOTICES OF MOTION**

**13 OFFICER'S REPORTS**

- 13.1 Review of Constitutional Arrangements (Electoral Review)
- 13.2 Policy Review – Progress Report
- 13.3 Supply and Maintenance of On-Street Car Parking Meters
- 13.4 MY0800 City Revitalisation Project – Update December 2009 (Entire Project)
- 13.5 MY0800 City Revitalisation Project – Colour Palette
- 13.6 Licence Agreement for the Installation and Maintenance of CCTV between Darwin City Council and the Northern Territory Government
- 13.7 CBD Parking Advisory Committee - Community Representatives
- 13.8 Shenannigans Irish Pub – Alfresco Dining Permit
- 13.9 Petitions – Bicycle Path Lee Point Road
- 13.10 Tree Removal Freshwater Road Jingili

**14 REPRESENTATIVES REPORTS**

**15 QUESTIONS BY MEMBERS**



**16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

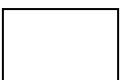
- 16.1 Call for Nominations for the NT Weeds Advisory Committee (LGANT)

**17 GENERAL BUSINESS**

- 17.1 Timing of Special Council Meetings  
17.2 Child Protection Inquiry  
17.3 Mr John Bradford - 'The Bombing of Darwin: Demystifying the Controversies and Myths'

**18 CLOSURE OF MEETING TO THE PUBLIC**

**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**



**1 LORD'S PRAYER**

**2 MEETING DECLARED OPEN**

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

**3 APOLOGIES AND LEAVE OF ABSENCE**

**3.1 Apologies**

(Galton/Marrone)

THAT the apology from Member G A Lambert, be received and a Leave of Absence be granted.

DECISION NO.20\2338 (15/12/09) Carried

**3.2 Leave of Absence Granted**

(Jarvis/Elix)

THAT it be noted that Member J D Bailey is an apology due to a Leave of Absence being previously granted on 13 October 2009 for the period 8 December 2009 – 20 January 2010.

DECISION NO.20\2340 (15/12/09) Carried

**3.3 Leave of Absence Requested**

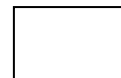
(Mitchell/Marrone)

A. THAT a Leave of Absence be granted for Member H D Sjoberg for the period 12 – 25 January 2010.

B. THAT a Leave of Absence be granted for Member H I Galton for the period 25 January – 1 February 2010.

C. THAT a Leave of Absence be granted for Member J L Sangster for the period 27 December 2009 – 28 January 2010.

DECISION NO.20\2341 (15/12/09) Carried



**4 ELECTED MEMBERS CONFLICT OF INTEREST DECLARATION**

Nil

**5 PUBLIC QUESTION TIME**

Nil

**6 MATTERS OF PUBLIC IMPORTANCE**

**6.1 National Archive Office – Darwin**

*Member H D Sjoberg sought to raise a Matter of Public Importance in relation to Council writing to the Hon Joe Ludwig, Cabinet Secretary and Special Minister of State, Warren Snowdon MHR, Damian Hale, MHR, Senator Trish Crossin and Senator Nigel Scullion deploring the decision to close the National Archives office in Darwin in 2010.*

*The Lord Mayor called for a Motion to admit the matter.*

(Sjoberg/Jarvis)

A. THAT the Matter of Public Importance be admitted for consideration.

Carried

(Sjoberg/Jarvis)

B. THAT Council write to the Hon Joe Ludwig, Cabinet Secretary and Special Minister of State, Warren Snowdon MHR, Damian Hale, MHR, Senator Trish Crossin and Senator Nigel Scullion deploring the decision to close the National Archives office in Darwin in 2010.

C. THAT Council write to the Chief Minister asking him to investigate the possibility of merging the records of Commonwealth Archives with the NT Archives if the Commonwealth does not rescind its decision to close the National Archive Office in Darwin.

Carried

DECISION NO.20\2342 (15/12/09)

ACTION:CEO



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

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

(Moir/Dee)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 24 November 2009, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\2343 (15/12/09) Carried

**7.2 Confirmation of the Previous Special Council Meeting**

(Jarvis/Galton)

- A. THAT the tabled minutes of the previous Special Council Meeting held on Tuesday, 17 November 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 Special Council Meeting held on Monday, 30 November 2009, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\2344 (15/12/09) Carried

**7.3 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.*

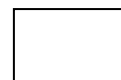
(Galton /Sangster)

- A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 24 November 2009, 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.20\2345 (15/12/09) Carried

**7.4 Business Arising from the Minutes of Previous Meeting/s**

Nil



## **8 MOVING OF ITEMS FOR DISCUSSION**

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

(Lesley/Elix)

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 including Confidential Committee Items, and the following Items:-

| <u>Item</u> | <u>Regulation</u> | <u>Reason</u>  |
|-------------|-------------------|--|
| C21.1       | 8(c)(ii)          | Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law. <b>(Moved out of Confidential)</b> |
| C23.1       | 8(c)(iv)          | Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.                               |
| C23.2       | 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\2346

(15/12/09)

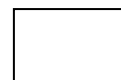
Carried

### **8.2 Moving Open Items Into Confidential**

Nil

### **8.3 Moving Confidential Items Into Open**

Nil



**9        REPORTS OF COMMITTEES**

Nil

**10       MATTERS REFERRED TO COUNCIL**

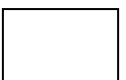
Nil

**11       PETITIONS**

Nil

**12       NOTICES OF MOTION**

Nil





### **13 OFFICER'S REPORTS**

#### **13.1 Review of Constitutional Arrangements (Electoral Review)**

Report No. 09TC0079 BD (10/12/09) Common No. 192542

(Sjoberg/Lesley)

- A. THAT Report Number 09TC0079 entitled, Review of Constitutional Arrangements, be received and noted.
- B. THAT the Chief Executive Officer write to the Electoral Commission advising that the Council proposes to commence an electoral review pursuant to the Local Government Act and asking the Commission to advise the Council by 30th January 2010 of any requirements the Commission seeks to have considered as part of the review.
- C. THAT the Chief Executive Officer call for Submissions from organisations and individuals experienced in conducting electoral reviews based on the draft Terms of Reference contained in Report Number 09TC0079 entitled, 'Review of Constitutional Arrangements' with authority to modify the Terms of Reference where appropriate in the light of any suggestions from the Electoral Commission, and/or parties interested in conducting the review.
- D. THAT a further report be submitted to Council containing:
- Name of the proposed consultant
  - Cost
  - Revised Terms of Reference if applicable
  - Proposed community consultation process; and
  - Indicative timelines

DECISION NO.20\2347 (15/12/09)

Carried

ACTION: CEO



**13 OFFICER'S REPORTS**

**13.2 Policy Review – Progress Report**

Report No. 09TC0078 BD:ah (09/12/09) Common No. 1612461

(Elix/Sjoberg)

- A. THAT Report Number 09TC0078 entitled, Policy Review – Progress Report, be received and noted.
- B. THAT the Draft Policy Manual be submitted to the Ordinary Council Meeting on 27 January 2010 for consideration.

DECISION NO.20\2348

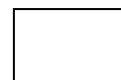
(15/12/09)

Carried

ACTION: MGR STRATEGIC & OUTCOMES

NOTE: CEO

NOTE: CA



**13 OFFICER'S REPORTS**

**13.3 Supply and Maintenance of On-Street Car Parking Meters**

Report No.09A0199 FC:lc (03/12/09) Common No. 1674439

(Lesley/Elix)

- A. THAT Report Number 09A0199 entitled, Supply and Maintenance of On-Street Car Parking Meters, be received and noted.

Carried

(Lesley/Elix)

- B. THAT a tender be called for 275 pay and display meters with a communication management system, a 3+3 years maintenance component and a statement from tenderers that includes the estimated useful life of the meters.

Carried

(Lesley/Elix)

- C. THAT credit card facilities not be provided with the meters.

Carried

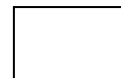
(Lesley/Elix)

- D. THAT credit card facilities be trialled within the off-street car parks when those machines are replaced.

Carried

DECISION NO.20\2349 (15/12/09)

ACTION: GM CORP  
NOTE: MGR BUSINESS SVCS



**13 OFFICER'S REPORTS**

**13.4 MY0800 City Revitalisation Project – Update December 2009 (Entire Project)**

Report No. 09TS0222 DC:lm (24/11/09) Common No. 1486204

(Sjoberg/Galton)

- A. THAT Report 09TS0222 DC:lm entitled, MY0800 City Revitalisation Project – Update December 2009 (Entire Project), be received and noted.

Carried

(Sjoberg/Galton)

- B. THAT Council proceed with detailed design and documentation, cost estimate, tender and construction for works in The Mall, Smith Street (West) and Raintree Park in accordance with the MY0800 Concept Design The Mall, Smith Street (West) and Raintree Park December 2009 document **Attachment D** to Report Number 09TS0222 DC:lm and details outlined within this report.

Carried

(Sjoberg/Galton)

- C. THAT Council endorses the removal of trees as part of the MY0800 City Revitalisation Project as identified in Report Number 09TS0222 DC:lm.

Carried

Member J L Sangster called for a division:

| FOR  | AGAINST                           |
|--|-----------------------------------|
| Lord Mayor<br>Jarvis<br>Sjoberg<br>Elix<br>Mitchell<br>Marrone<br>Galton | Sangster<br>Moir<br>Dee<br>Lesley |

**Foreshadowed Motion**

(Sangster)

- C THAT Council not endorse the removal of African Mahogany trees as part of the MY0800 City Revitalisation Project as identified in Report Number 09TS0222 DC:lm.

Motion Lapsed

DECISION NO.20\2350

(15/12/09)

ACTION: GM INFRAS  
ACTION: MGR COMM & MARKETING

### 13 OFFICER'S REPORTS

#### 13.5 MY0800 City Revitalisation Project – Colour Palette

Report No. 09TS0223 DC:lm (24/11/09) Common No. 1486204

(Lesley/Galton)

- A. THAT Report Number 09TS0223 entitled, MY0800 City Revitalisation Project – Colour Palette, be received and noted.
- B. THAT Council endorse the colour palette for the MY0800 City Revitalisation Project as per **Attachments A** to Report 09TS0223 DC:lm.

DECISION NO.20\2351

(15/12/09)

Carried

ACTION: GM INFRAS  
ACTION: MGR COMM & MARKETING

#### 13.6 Licence Agreement for the Installation and Maintenance of CCTV between Darwin City Council and the Northern Territory Government

Report No. 09TS0218 LC:ks (17/11/09) Common No.1461949

(Lesley/Sjoberg)

- A. THAT Report Number 09TS0218 entitled, Licence Agreement for the Installation and Maintenance of CCTV Between Darwin City Council and the Northern Territory Government, be received and noted.
- B. THAT Darwin City Council, hereby authorises the Lord Mayor and Chief Executive Officer to sign under the common seal the Licence Agreement for the Installation and Maintenance of CCTV Between Darwin City Council and the Northern Territory Government, **Attachment A** to Report 09TS0218 KS, with the additional provision that either party can withdraw from the agreement unilaterally with the provision of specified notice.

DECISION NO.20\2352

(15/12/09)

Carried

ACTION: GM INFRAS  
NOTE: CEO PA  
NOTE: LM EA  
NOTE: MGR COMM & MARKETING  
NOTE: GM CORP



**13 OFFICER'S REPORTS**

**13.7 CBD Parking Advisory Committee – Community Representatives**

Report No. 09TS0227LC:kb (08/12/09) Common No. 428253

(Elix/Sjoberg)

- A. THAT Report Number 09TS0227 LC:kb entitled, CBD Parking Advisory Committee - Community Representatives, be received and noted.

Carried

(Jarvis/Sjoberg)

- B. THAT Council endorses Ms Robin Knox as the Community representative to the Darwin City Council CBD Parking Advisory Committee for a period of 15 December 2009 to 30 June 2011.

Carried

(Elix/Sjoberg)

- C. THAT the composition of Darwin City Council CBD Parking Advisory Committee be modified to include one (1) representative from the Urban Development Institute of Australia Northern Territory (UDIA NT).

Carried

(Elix/Sjoberg)

- D. THAT Council endorse the nomination of Mr David Cvirn or their delegate as the representative of UDIA NT for a period of 15 December 2009 to 30 June 2011.

Carried

DECISION NO.20\2353 (15/12/09)

ACTION: GM INFRAS  
NOTE: MGR COMM & MARKETING



**13 OFFICER'S REPORTS**

**13.8 Shenannigans Irish Pub – Alfresco Dining Permit**

Report No. 09A0222 FC:lc (13/12/09) Common No. 370508

**Procedural Motion**

(Sangster/Elix)

THAT this item lay on the table pending a review of Council's Alfresco Dining Policy (Policy No.11) in light of changes to smoking laws which are being introduced by the Northern Territory Government.

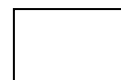
Carried

ACTION: GM CORP  
ACTION: GM INFRAST

- A. THAT Report Number 09A0222 entitled, Shenannigans Irish Pub – Alfresco Dining Permit, is received and noted.
- B. THAT Council approve the renewal of Shenannigans Irish Pub Alfresco Dining Permit to 21 August 2016 with a five year option to 21 August 2021.
- C. THAT Council approve the attached varied Alfresco Dining Policy to reflect the current conditions of the Liquor Licensing Commission to allow patrons to stand within the alfresco dining area provided seating is available for a minimum of 80% of patrons within the licensed area and that a limited number of bar stools and raises tables also be allowed comprising no more than 10% of the total required seating.

DECISION NO.20\2354 (15/12/09)

ACTION: GM CORP  
NOTE: MGR BUSINESS SVCS



**13 OFFICER'S REPORTS**

**13.9 Petitions – Bicycle Path Lee Point Road**

Report No. 09TS0229 LC:kb (09/12/09) Common No. 1596231

(Elix/Sangster)

- A. THAT Report Number 09TS0229 entitled, Petitions - Bicycle Path Lee Point Road, be received and noted.
- B. THAT Council continue to investigate the provision of a cycle path along Lee Point Road from Tambling Terrace North bound with a further report to Council's Environment and Infrastructure Committee Meeting in February 2010.

DECISION NO.20\2355

(15/12/09)

Carried

ACTION: GM INFRAST

**13.10 Tree Removal Freshwater Road Jingili**

Report No. 09TS0228KS (09/12/09) Common No. 1698539

(Lesley/Marrone)

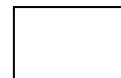
- A. THAT Report Number 09TS0228 entitled, Tree Removal Freshwater Road - Jingili, be received and noted.
- B. THAT Council approves the removal of the Mahogany tree opposite 66 Freshwater Road Jingili without delay due to it's decline in health and safety concerns and that two Tamarind trees be planted within the verge in near proximity.

DECISION NO.20\2356

(15/12/09)

Carried

ACTION: GM INFRAST  
NOTE: MGR COMM & MARKETING





## **14 REPRESENTATIVES REPORTS**

- Member R Lesley reported on her recent trip to Honolulu to further relations in respect to the Bombing of Darwin Commemorations.
- Member K M Moir reported on NT Government 2030 document.
- Member G M Jarvis reported on the activities of the Festival of Darwin Committee.
- Lord Mayor reported on the Capital Cities Committee and Council of Capital Cities Lord Mayors meetings.
- Member R Lesley reported on her attendance at the Library Funding Agreement meeting.

(Sangster/Elix)

THAT the Representatives Report, be received and noted.

DECISION NO.20\2357

(15/12/09)

Carried

## **15 QUESTIONS BY MEMBERS**

- A. Member R K Elix queried the status of the removal of materials that may become a cyclone hazard at the long term building site on Dick Ward Drive. General Manager Community & Cultural Services, Mr John Banks advised that the property is the subject of a Regulatory Order.
- B. Member H D Sjoberg raised a question in relation to the distribution of car parking zones General Manager Infrastructure, Mr L Cercarelli took the question on notice.
- C. Member R Lesley queried the status and use of the land adjacent to the rainforest on the corner of Tiger Brennan Drive and McMinn Street. General Manager Infrastructure, Mr L Cercarelli took the question on notice.
- D. Member J Sangster requested that Council have a role in the upcoming Northern Territory Child Protection inquiry. General Manager Community & Cultural Services, Mr John Banks advised he would attend to this.
- E. Member A R Mitchell requested the possibility of the Elected Members having the opportunity to view the CCTV monitoring room. General Manager Community & Cultural Services, Mr John Banks took the question on notice.

(Galton/Jarvis)

THAT the Questions By Members, be received and noted.

DECISION NO.20\2358

(15/12/09)

Carried

ACTION: GM COMM & CULT (A), (D), (E)



ACTION: GM INFRAST (B) & (C)

**16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**16.1 Call for Nominations for the NT Weeds Advisory Committee (LGANT)**

Document No. 1706136 (30/11/09) Common No. 1706136

(Sangster/Lesley)

- A. THAT the incoming Email from the Local Government Association of the Northern Territory (LGANT), regarding nominations for the NT Weeds Advisory Committee, Document Number 1706136, be received and noted.
- B. THAT Council advise LGANT that Alderman G M Jarvis has been nominated by Council for the position on the NT Weeds Advisory Committee.

DECISION NO.20\2359

(15/12/09)

Carried

ACTION: CEO PA

NOTE: LM EA

NOTE: CA



**17 GENERAL BUSINESS**

**17.1 Timing of Special Council Meetings**

(Sjoberg/Dee)

THAT a report on the timing of Special Council Meetings be presented to a future Council Meeting.

DECISION NO.20\2360 (15/12/09)

Carried

ACTION: CEO

**17.2 Child Protection Inquiry**

(Sangster/Dee)

THAT Council make a submission to the Northern Territory Child Protection Inquiry.

DECISION NO.20\2361 (15/12/09)

Carried

ACTION: GM COMM & CULT

**17.3 Mr John Bradford - 'The Bombing of Darwin: Demystifying the Controversies and Myths'**

Common No. 1261322

(Moir/Sangster)

Mr John Bradford, a member of the Darwin Defenders, be invited to present his research on the Bombing of Darwin to the Council.

DECISION NO.20\2362 (15/12/09)

Carried

ACTION: MGR COMM & MARKETING



**18 CLOSURE OF MEETING TO THE PUBLIC**

(Lesley/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 Confidential Items of the Agenda.

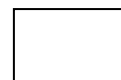
DECISION NO.20\2363 (15/12/09) Carried

**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**

(Mitchell/Moir)

THAT the next Ordinary Meeting of Council be held on Wednesday, 27 January, 2010, 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\2364 (15/12/09) Carried



The meeting moved into the Confidential Section at 7.48 p.m.

THE RIGHT WORSHIPFUL THE  
LORD MAYOR, MR G R SAWYER  
(CHAIRMAN) – 2<sup>ND</sup> ORDINARY  
COUNCIL MEETING –  
TUESDAY, 15 DECEMBER, 2009

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**Confirmed on:** **Wednesday, 27 January 2010**

**Chairman:** \_\_\_\_\_

