

DARWIN CITY COUNCIL

TWENTY FOURTH ORDINARY MEETING OF THE TWENTIETH COUNCIL

TUESDAY, 28 APRIL, 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 L Elmer.

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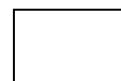
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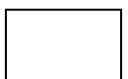
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1 LORD'S PRAYER

2 MEETING DECLARED OPEN

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

3.2 Leave of Absence Granted

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 Meeting held on Tuesday, 31 March, 2008, 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, 14 April, 2008, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (28/04/09)

7.2 Confirmation of the Previous Special Council Meeting

THAT the tabled minutes of the previous Special Council Meeting held on Saturday, 18 April 2009, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (28/04/09)

7.3 Business Arising from the Minutes of Previous Meeting/s

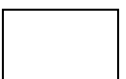
8 MOVING OF ITEMS FOR DISCUSSION

8.1 Closure to the Public for Confidential Items

Nil

8.2 Moving Open Items Into Confidential

8.3 Moving Confidential Items Into Open



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

1. Australian Early Development Index

Document Number 1542106 (17/03/09) Common No.1542106

Ms Anna King and Ms Sam Harley from Northern Territory Department of Education and Training were in attendance from 5.23pm – 5.46pm to brief the Community Services Committee on present statistics on The Australian Early Childhood Development Index in the Northern Territory.

- A. THAT the incoming correspondence from Early Childhood Services advising Council of the Australian Early Development Index In Darwin, Document Number 1542106, be received and noted.
- B. THAT the Presentation by Northern Territory Department of Education and Training, Ms Sam Harley and Anna King for Early Childhood Services, in relation to Establishing Statistics on The Australian Early Childhood Development Index in the Northern Territory, be received and noted

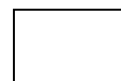
DECISION NO.20\() (28/04/09)

2 Grant Application for Darwin Youth Precinct under Proceeds of Crime Act 2002 POCA

Document Number 1544418 (20/03/09) Common No. 1428185

- A. THAT the Grant Application for Darwin Youth Precinct under Proceeds of Crime Act 2002 POCA, Document Number 1544418, be received and noted.
- B. THAT Council endorse the 2009 Grant Application to the Attorney General's Department under the Proceeds of Crime Act (2002) for the purpose of funding the progression of detailed design plans for the proposed development of a Youth Energy Place (youth centre).

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

3. Urban Enhancement Playgrounds 2009
Common No. 1545181

THAT the Report to Chief Officers Group regarding Urban Enhancement Playgrounds 2009 (**Attachment A**) Document Number 1545181, be received and noted.

DECISION NO.20\() (28/04/09)

4. Regulatory Services Statistical Report – January, February and March 2009
Report No.09C0051 DN:mh (06/04/09) Common: No.1330602

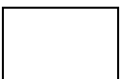
THAT Report Number 09C0051 entitled, Regulatory Services Statistical Report – January, February and March 2009, be received and noted.

DECISION NO.20\() (28/04/09)

5. Regulatory Services Monthly Update - March 2009
Report No.09C0052 DN:mh (06/04/09) Common No.1330602

THAT Report Number 09C0052 entitled, Regulatory Services Monthly Update - March 2009, be received and noted.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

6. Community Services Team Report - March 2009

Report No.09C0062 KH:mg (06/04/09) Common No.1517201

THAT the Report Number 09C0062 entitled, Community Services Team Report – March 2009, be received and noted.

DECISION NO.20\() (28/04/09)

7. Libraries Information Update for February 2009

Report No. 09P0004 KC:md (06/04/09) Common No.1518200

THAT Report Number 09P0004 entitled, Libraries Information Update for February 2009, be received and noted.

DECISION NO.20\() (28/04/09)

8. Libraries Statistical Report for January, February & March 2009

Report No.09P0005 KC:md (06/04/09) Common No.1518200

THAT Report Number 09P0005 entitled, Libraries Statistical Report for January, February & March 2009, be received and noted

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

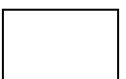
9. Youth Advisory Group Minutes 4 March 2009 and Appointment of New Members

Report No.09C0055 KL:ems (06/04/09) Common No.1552543

- A. THAT Report Number 09C0055 entitled, Youth Advisory Group Minutes 4 March 2009 and Appointment of New Members, be received and noted.
- B. THAT the Youth Advisory Group Minutes of 4 March 2009 attached to Report Number 09C0055 be received and noted.
- C. THAT Council appoint:-
 - i) Patrick McCann
 - ii) Liam Parry-Mills

as members of the Youth Advisory Group (YAG) for a 3 year term from 30 April 2009 to 29 April 2012 in accordance with Section 54 of the NT Local Government Act 2008.
- D. THAT Council receive the resignation of:-
 - i) Amy McKay

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

10. International Women's Day March and Corporate Membership of United Nations Association of Australia Northern Territory (UNAANT) Inc
Report No.09C0059 NM:ems (06/04/09) Common No.1519344

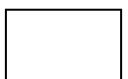
- A. THAT Report Number 09C0059 entitled, International Women's Day March and Corporate Membership of United Nations Association of Australia Northern Territory (UNAANT) Inc, be received and noted.
- B. THAT the International Women's Day March and Morning Tea be supported by Council annually and jointly facilitated by United Nations Association of Australia Northern Territory (UNAANT), Multicultural Council of the Northern Territory (MCCNT) and Darwin City Council.
- C. THAT Council accept the invitation to become a corporate member of United Nations Association of Australia Northern Territory (UNAANT) Inc. at the cost of \$65.00 annually.

DECISION NO.20\() (28/04/09)

11. YWCA Darwin Brothers Project Straw Bale Mosaic Seat in Holzerland Park, Malak
Report No.09C0060 AR:ems (06/04/09) Common No.1514581

- A. THAT Report Number 09C0060 entitled, YWCA Darwin Brothers Project Straw Bale Mosaic Seat in Holzerland Park, Malak, be received and noted.
- B. THAT Council grant permission for the installation of a straw bale mosaic seat in Holzerland Park, Malak, at the site identified, with the understanding that all relevant safety and access issues will be addressed by the YWCA Darwin Brothers Project.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

12. Sponsorship for Origins Event And Public Launch of Charles Darwin Commemorative Artwork (Beagle Ship Bell Chime)

Report No.09C0061 AR:mrg (06/04/09) Common No.1338781

- A. THAT Report Number 09C0061 entitled, Sponsorship for Origins Event and Public Launch of Charles Darwin Commemorative Artwork (Beagle Ship Bell Chime), be received and noted.
- B. THAT Council provide sponsorship of \$10,000 cash and \$5,000 in-kind towards the *Origins* event, which will incorporate the launch of the Charles Darwin Commemorative Artwork from existing budget allocations.
- C. THAT Darwin City Council Commission the Charles Darwin Commemorative Artwork (Beagle Ship Bell Chime) prior to the 1 July 2009 at a date to be advised.

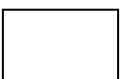
DECISION NO.20\() (28/04/09)

13. Supplementary Parking Regulation of the Northern Suburbs

Report No.09C0063 DN:mh (06/04/09) Common No.1330602

THAT Report Number 09C0063 Entitled, Supplementary Parking Regulation of the Northern Suburbs, be received and noted, be received and noted.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

14. 2008 - 2010 Kalymnos Sister City Community Committee Action Plan
Report No.09C0058 SF:ems (06/04/09) Common No.302550

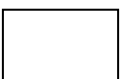
THAT Report Number 09C0058 entitled, 2008 – 2010 Kalymnos Sister City Community Committee Action Plan, be received and noted.

DECISION NO.20\() (28/04/09)

15. Minutes of the Ambon Sister City Community Committee Meeting held on Thursday 26 March 2009 with Recommendations
Report No.09C0056 SF:ems (06/04/09) Common No.302554

- A. THAT Report Number 09C0056 entitled Minutes of the Ambon Sister City Community Committee Meeting Held on Thursday 26 March 2009 With Recommendations, be received and noted.
- B. THAT the carry forwards funds of \$2000 from the 2007/2008 budget already allocated towards sponsoring artists from Ambon to travel to Darwin to perform at cultural events now be re-allocated to fund travel expenses to bring students from SMU5 in Ambon on a short exchange in Darwin.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (15/04/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Wednesday, 15 April, 2009

16. Informal meeting notes of the Dili Sister City Community Committee Meeting held on 1 April 2009 with Recommendations

Report No.09C0057 SF:ems (06/04/09) Common No.232546

- A. THAT Report Number 09C0057 entitled Informal Meeting Notes of the Dili Sister City Community Committee Meeting Held on 1 April 2009 With Recommendations, be received and noted.
- B. THAT Council supports the upcoming canvas stretching workshop being held in Dili from the 13-17 April 2009 by funding the cost of accommodation and materials to the maximum value of \$500 from the Dili Sister City Community Committee budget for 2008/2009.
- C. THAT a report be presented to Council with respect to sending a delegation from Darwin to Dili to initiate a relationship between Dili Sister City Community Committee and Fundasaun Hafoun Rai Timor.

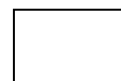
DECISION NO.20\() (28/04/09)

10.1 March 2009 - Corporate Services Directorate Monthly Report

Report No. 09A0066 FC:hs (10/04/09) Common No. 339108

THAT Report Number 09A0066 entitled March 2009 Corporate Services Directorate Monthly Report, be received and noted.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (21/04/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 21 April, 2009

1 Invitations Accepted or Declined by the Lord Mayor During March 2009
Report No. 09TC0015 BD:fm (30/03/09) Common No. 381402

THAT Report Number 09TC0015 entitled, Invitations Accepted or Declined by the Lord Mayor during March 2009, be received and noted.

DECISION NO.20\() (28/04/09)

2. Listing of Cheques/EFT Payments March 2009
Report No. 09A0064 FC:ct (06/04/09) Common No. 339125

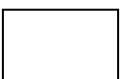
THAT Report Number 09A0064, Listing of Cheques/EFT Payments, March 2009 be received and noted.

DECISION NO.20\() (28/04/09)

3 March 2009 - Financial Report to Council
Report No. 09A0067 CT:md (03/03/09) Common No. 339122

THAT Report Number 09A0067, March 2009 - Financial Report to Council be received and noted

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (21/04/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 21 April, 2009

4. Monthly On-Street and Off-Street Parking Statistics – March 2009

Report No. 09A0069 NF:rb (14/04/09) Common No. 376351

THAT Report Number 09A0069, Monthly On-Street and Off-Street Parking Statistics – March 2009, be received and noted

DECISION NO.20\() (28/04/09)

5. Cruise Ship Shuttle Service

Report No. 09A0065 FC:lc (07/04/09) Common No. 1050523

A. THAT Report Number 09A00697, Cruise Ship Shuttle Service, be received and noted.

B. THAT Council contribute \$6,000 to Tourism Top End, to continue the Cruise Ship Shuttle Service for 2008/09.

DECISION NO.20\() (28/04/09)

6. Darwin Turf Club Sponsorship Proposal 2009 – 2012

Report No.09TC0012 GF:jp (06/04/09) Common No.1534511

A. THAT Report Number 09TC0012 entitled, Darwin Turf Club Sponsorship Proposal 2009 - 2012, be received and noted.

B. THAT Council decline the request for sponsorship of the Darwin Cup Carnival from the Darwin Turf Club.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (21/04/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 21 April, 2009

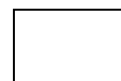
7. Sea Breeze Festival 2009

Report No. 09TC0019 BD:gf (16/04/09) Common No. 1547007

With the consent of the Corporate & Economic Development Committee the report including recommendations were moved from the Confidential Section into the Open Section of the meeting and was considered as item 10.8 in the open section of the meeting.

- A. THAT Report Number 09TC0019 entitled, Sea Breeze Festival 2009, be received and noted.
- B. THAT no additional funds be provided for Sea Breeze Festival 2009, beyond previous sponsorship levels.
- C. THAT a three year arrangement be offered to Sea Breeze Festival Organising Committee that allows Council to reduce it's cash contribution and supports and encourages the event to become self reliant and sustainable.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (21/04/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 21 April, 2009

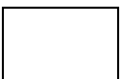
8. Brolga Awards 2009 – Sponsorship

Report No. 09TC0020 BD:gf (16/04/09) Common No. 1547007

With the consent of the Corporate & Economic Development Committee the report including recommendations were moved from the Confidential Section into the Open Section of the meeting and was considered as item 10.9 in the open section of the meeting.

- A. THAT Report Number 09TC0020 entitled Brolga Awards 2009 - Sponsorship, be received and noted.
- B. THAT Council commit \$10,000 + GST toward a combined sponsorship and advertising package.
- C. THAT further information be submitted by Communications and Marketing Section outlining the negotiated options for the 2009 Brolga Awards Sponsorship.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (20/04/09)****Presentation of Report by Chairman - Member R K Elix**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 20 April, 2009

1. 50th Anniversary 2 Control and Reporting Unit (RAAF)

Report No. 09TS0011KS:nh (22/01/09) Common No.1465309

- A. THAT Report Number 09TS0011 entitled, 50th Anniversary 2 Control and Reporting Unit (RAAF), be received and noted.
- B. THAT Council grant permission or the installation of a plaque on the Memorial Plinth and associated ceremony within Bi-Centennial Park to commemorate 50th Anniversary of the formation of 2 Control And Reporting Unit (RAAF) and those that served, on 20 September 2009, subject to standard Council conditions and requirements.

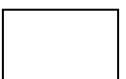
DECISION NO.20\() (28/04/09)

2. Raphael Road, Winnellie – Parking

Report No: 09TS0059 PC:cpd (15/24/09) Common No.1480282

- A. THAT Report Number 09TS0059 entitled, Raphael Road, Winnellie – Parking be received and noted.
- B. THAT Council endorses the provision of parking in the centre of Raphael Road, Winnellie in accordance with the concept shown in **Attachment A** of Report Number 09TS0059.
- C. THAT the amount of \$20,000 be referred to the 2009/2010 budget for the installation of centre median parking within Raphael Road, Winnellie.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (20/04/09)****Presentation of Report by Chairman - Member R K Elix**

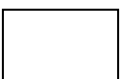
Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 20 April, 2009

3. Short Term Free Car Parking in the Central Business District

Report No: 09TS0049 BS:cb (03/04/09) Common No.1462346

- A. THAT Report Number 09TS0049 entitled, Short Term Free Car Parking in the Central Business District, be received and noted.
- B. THAT the following short term free 15 minute car parking bays be removed and replace within long term bays of equivalent time periods and zone charges to those bays adjacent:
- Mitchell Street – four (4) bays adjacent to Lot 1763 (old National Australia Bank);
 - Smith Street – seven (7) bays in adjacent to Lot 413 (old Commonwealth Bank) and;
 - Searcy Street – six (6) bays in adjacent to Lot 1519 (new Commonwealth Bank).
- C. THAT the following short term free 15 minute car parking bays be installed:
- Peel Street – five (5) bays adjacent to the Australian Central Credit Union Lot 2187 and Six (6) bays adjacent to the National Australia Bank Lot 7586.

DECISION NO.20\() (28/04/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (20/04/09)****Presentation of Report by Chairman - Member R K Elix**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 20 April, 2009

4. Agile Wallaby Census East Point Reserve

Report No 09TS0046 KS:nh (23/03/09) Common No.201133

- A. THAT Report Number 09TS0046 entitled, Agile Wallaby Census – East Point Reserve, be received and noted.
- B. THAT Council continue with the existing program supporting the East Point Agile Wallaby Population Program in the 2009 dry season, consisting of water troughs, irrigated grass and fertilisation.

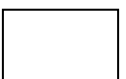
DECISION NO.20\() (28/04/09)

5. Parks User Satisfaction Survey August 2008 to March 2009

Report No: 09TS0060 NK (14/04/09) Common No.251433

THAT Report Number 09TS0060 entitled, Parks User Satisfaction Survey August 2008 to March 2009, be received and noted.

DECISION NO.20\() (28/04/09)



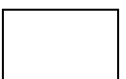
10 MATTERS REFERRED TO COUNCIL**10.1 Draft Darwin Harbour Regional Management Strategic Framework 2009 – 2013**

Report No.09TS0056 PL:cb (07/04/09) Common No.465791

*The Environment & Infrastructure Committee Meeting, at its meeting on Monday, 20 April 2009, referred Report Number 09TS0056 PL:cb to this meeting for consideration.**Report Number 09TS0056 has been distributed separately with the Business Papers.*

- A. THAT Report Number 09TS0056 entitled, Draft Darwin Harbour Regional Management Strategic Framework 2009 – 2013, be received and noted.
- B. THAT Council write to the Darwin Harbour Advisory Committee to express support for the founding principles, goals and guidelines that underpin the Draft Darwin Harbour Regional Management, Strategic Framework 2009 – 2013.

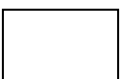
DECISION NO.20\() (28/04/09)



11 PETITIONS

Nil

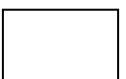
12 NOTICES OF MOTION



13 OFFICER'S REPORTS

13.1 Confidential Items

Report No. 09TC0021 BD:jp (22/04/09) Common No. 1544637



ENCL: YES

DARWIN CITY COUNCIL**DATE:** 22/04/09**REPORT****TO:** 2ND ORDINARY COUNCIL/OPEN**APPROVED:** BD**FROM:** CHIEF EXECUTIVE OFFICER**REPORT NO:** 09TC0021 BD:JP**COMMON NO:** 1544637**SUBJECT:** CONFIDENTIAL ITEMS**ITEM NO: 13.1****SYNOPSIS:**

Council has a range of legislative responsibilities in relation to the handling of confidential information.

This report considers Council's treatment of items that may be considered as confidential and recommends the deletion of Policy No 73 "Confidential Business – Grants, Sponsorship and Appointments" and an amendment to Policy No.82 "Council and Committee Meetings – Confidential Business Papers".

In addition, it recommends a policy incorporating a review of confidential reports and decisions on a six monthly basis and where possible and appropriate, the transfer from "Confidential" to "Open".

GENERAL:

At the Council Meeting held on 17 March 2009, Council resolved as follows:

"THAT the Chief Executive Officer undertake a review of the Darwin City Council Policies and Procedures on '*Confidential Items*' with a view to maximising open and transparent governance within the limitations of the NT Local Government Act and Regulations".

The treatment of matters before Council which may be considered as confidential is governed by a range of legislation and policy including the:

1. Local Government Act 2008;
2. Local Government (Administration) Regulations 2008; and
3. Policies of Council.

PAGE: 2
 REPORT NUMBER: 09TC0021 BD:JP
 SUBJECT: CONFIDENTIAL ITEMS

Further details of relevant provisions are as follows:

1. LOCAL GOVERNMENT ACT 2008

The Local Government Act 2008 contains a range of provisions relating to the treatment of items which may be considered as confidential. These include:

Section 65 Meetings to be open to the public and in particular, Section 65(2):

- “(2) However, the public may be excluded while business of a kind classified by the regulations as confidential business is being considered.”
(underlining inserted)

Section 67 Minutes and in particular, the “Note” to Section 67(4):

“Note

Confidential matter may be suppressed from the material that is made publicly available under section 201.”

Section 75 Improper disclosure of information and in particular, Section 75(1):

- (1) A person who discloses confidential information acquired as a member of a council, a local board or council committee is guilty of an offence.

Fault elements:

- (a) the person makes the disclosure intentionally or recklessly; and
- (b) the person knows or ought to know that the information is confidential.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

Section 108 Disclosure of confidential information and in particular, Section 108(1):

- (1) A staff member must not disclose confidential information obtained in the course of the staff member’s work except as may be required for the staff member’s official duties.

Fault elements:

- (a) the staff member makes the disclosure intentionally or recklessly; and
- (b) the staff member knows or ought to know that the information is confidential.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

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 REPORT NUMBER: 09TC0021 BD:JP
 SUBJECT: CONFIDENTIAL ITEMS

Section 201 Suppression of certain information and in particular, Section 201(1):

- (1) The CEO must suppress from publicly available material information classified under the regulations as confidential.

Schedule 2 Code of conduct – core provisions and in particular, Item 7:

7 Respect of confidences

A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

2. LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS

The Local Government (Administration) Regulations contain the following provisions in **Part 4 "Confidential information and business"**:

8 Classes of confidential information

The following information is classified as confidential:

- (a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;
- (b) information about the personal circumstances of a resident or ratepayer;
- (c) information that would, if publicly disclosed, be likely to:
 - (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or
 - (ii) prejudice the maintenance or administration of the law; or
 - (iii) prejudice the security of the council, its members or staff; or
 - (iv) prejudice the interests of the council or some other person;
- (d) information subject to an obligation of confidentiality at law, or in equity;
- (e) information provided to the council on condition that it be kept confidential.

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9 Closure of meetings for confidential business

For section 65(2) of the Act, business involving the discussion of confidential information is classified as confidential business.

3. COUNCIL POLICIES

Three Council policies contain direct reference to confidential items, being:

Policy No.73 – Confidential Business – Grants, Sponsorships and Appointments **(Attachment A)**.

Policy No.82 – Council and Committee Meetings – Confidential Business Papers **(Attachment B)**.

Policy No.92 – Council Meetings – Order of Business and Procedures **(Attachment C)**.

Policy No. 73 Confidential Business – Grants, Sponsorships and Appointments contains the following provision:

“THAT for the purpose of protecting the interests of individuals and organisations involved in the following matters of Council business, the Council will, as policy, treat the discussion on the matters as confidential pursuant to Regulation 13(1)(j) of the Local Government (Administration) Regulations:

- (i) applications for grants, donations, sponsorship and other forms of financial and other support;
- (ii) appointment to Council Advisory Committees and similar organisations.”

It is recommended that this policy be deleted.

Suggested changes to Policy No.82 Council and Committee Meetings – Confidential Business Papers to reflect position title changes and a rewording to what was formerly referred to as “Restricted” is included in **Attachment D**. It is recommended that the changes in **Attachment D** be endorsed.

Policy No.92 Council Meetings – Order of Business and Procedures has been included in **Attachment B** for information only at this stage. A review of this policy will be undertaken prior to the end of the calendar year.

Finally, it is recommended that the Policy in **Attachment E** be endorsed which recommends that a six monthly review of confidential reports and decisions be undertaken and where possible and appropriate the transfer from “Confidential” into “Open”.

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 REPORT NUMBER: 09TC0021 BD:JP
 SUBJECT: CONFIDENTIAL ITEMS

FINANCIAL IMPLICATIONS:

Nil.

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':-

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.1 Effective governance

Key Strategies

7.1.2 Minimise exposure of Council through effective risk management practices

LEGAL IMPLICATIONS:

Council has legislative responsibilities in relation to the handling of confidential information. Legislative provisions include but are not limited to the Local Government Act 2008 and Local Government (Administration) Regulations 2008.

ENVIRONMENTAL IMPLICATIONS:

Nil.

PUBLIC RELATIONS IMPLICATIONS:

Positive.

COMMUNITY SAFETY IMPLICATIONS:

Nil.

DELEGATION:

Nil.

CONSULTATION:

Nil.

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REPORT NUMBER: 09TC0021 BD:JP
SUBJECT: CONFIDENTIAL ITEMS

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil.

APPROPRIATE SIGNAGE

Nil.

RECOMMENDATIONS:

- A. THAT Report Number 09TC0021 BD:JP entitled Confidential Items, be received and noted.
- B. THAT Policy No.73 Confidential Business Grants, Sponsorships and Appointments be deleted.
- C. THAT Policy No.82 Council and Committee Meetings – Confidential Business Papers be amended as per **Attachment D** to Report Number 09TC0021 BD:JP entitled Confidential Items.
- D. THAT Council endorse the Confidential Decisions – Periodic Review Policy contained in **Attachment E** to Report Number 09TC0021 BD:JP entitled Confidential Items.

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

Any queries on this report may be directed to Brendan Dowd on 5505



Title: Confidential Business Grants, Sponsorship and Appointments
 Policy No: 73
 Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	History
1	19\2691	28/03/06	Adopted
2	19\4604	12/06/07	Reviewed
3			
4			

THAT for the purpose of protecting the interests of individuals and organisations involved in the following matters of Council business, the Council will, as policy, treat the discussion on the matters as confidential pursuant to Regulation 13(1)(j) of the Local Government (Administration) Regulations:

- (i) applications for grants, donations, sponsorship and other forms of financial and other support;
- (ii) appointment to Council Advisory Committees and similar organisations.

Title: Council And Committee Meetings - Confidential Business Papers
Policy No: 82
Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	History
1	17/1228	21/02/97	Adopted - Version 1
2	19/4604	12/06/07	Reviewed and Amended
3			
4			

In an endeavour to protect confidentiality and at the same time facilitate the administration of confidential matters, Council restricts the distribution of confidential Council business papers.

PROCEDURE

- Normal 'Confidential' Council and Committee agendas, reports and minutes will be restricted to -

- ✓ Lord Mayor
- ✓ Aldermen
- ✓ Chief Executive Officer
- ✓ Director Technical Services
- ✓ Director Corporate Services
- ✓ Director Community Services
- ✓ Records Manager
- ✓ Middle Managers
- ✓ Departmental Secretaries
- ✓ Managers Secretaries
- ✓ Committee Administrator
- ✓ Assistant Committee Secretary

- 'Restricted' (ie highly sensitive confidential) Council and Committee agendas, reports and minutes will be restricted to -

- ✓ Lord Mayor
- ✓ Aldermen
- ✓ Chief Executive Officer
- ✓ Director Technical Services
- ✓ Director Corporate Services
- ✓ Director Community Services
- ✓ Committee Administrator
- ✓ Records Manager

- In the case of above, the agendas, reports and minutes will be delivered in sealed envelopes.

Title: Council Meetings Order Of Business And Procedures
Policy No: 92
Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	History
1	17\1228	25/02/97	Adopted
2	18\2094	30/07/01	Amended
3	18\2565	13/11/01	Amended Version 3
4	19\3927	30/01/07	Amended Council Pledge replaces Lords Prayer Version 4
5	19\4005	13/02/07	Amended Resolution Motion successfully replaces Council Pledge with Lords Prayer Version 5
6	19\4604	12/06/07	Reviewed and Amended

There will be an established order of business and operating procedures for the conduct of Ordinary Council Meetings.

PROCEDURE

The first Ordinary Council meeting in each month, is established for the purpose of:-

- considering matters previously referred to the Governance Committee and the Public Safety Committee;
- receiving delegations, briefings and representations from organisations and/or individuals that would require presentation to the full Council;
- strategic planning;
- dealing with other matters of urgency that would have otherwise required a special meeting.

The order of business for the conduct of the First Ordinary Council Meeting in each month will be as follows :-

1. The Lords Prayer
2. Meeting Declared Open
3. Apologies and Leave of Absence
4. Declaration of Interest of Members
5. Confidential Items
6. Matters of Public Importance
7. Public Safety Information Items
8. Public Safety Officers Reports
9. Public Safety General Business
10. Governance Information Items
11. Governance Officers Reports
12. Governance General Business

13. Delegations and Deputations
14. Aquatic Facilities Upgrade Project
15. Mall Revitalisation Project
16. Information Items and Correspondence Received
17. Officer's Reports (matters requiring urgent or full Council attention)
18. Questions by Members
19. General Business
20. Closure of Meeting to the Public
21. Confidential Business

The order of business and general operating procedures for the conduct of the Second Ordinary Council Meeting scheduled for the last Tuesday in each month will be as follows -

1. THE LORDS PRAYER

Formal – at the opening of all Ordinary Meetings of Council.

As a member of the Darwin City Council, I declare that I will conscientiously and to the best of my ability fulfil the duties of the office and of such other office as the Council may, from time to time, resolve.

2. MEETING DECLARED OPEN

Formal

3. APOLOGIES AND LEAVE OF ABSENCE

Formal

4. DECLARATION OF INTEREST OF MEMBERS

Formal

5. PUBLIC QUESTION TIME

According to established procedures

6. MATTERS OF PUBLIC IMPORTANCE

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

- 7.1 Ordinary Council Meeting
- Special Council Meeting

- 7.2 Business Arising
- Formal*

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. COMMITTEE REPORTS

- 9.1 Community Services
- 9.2 Corporate & Economic
- 9.3 Environment & Infrastructure
- 9.4 Town Planning
- 9.5 Sister Cities Management
- 9.6 Thorak Regional Cemetery

Each Committee Report will be taken separately and dealt with in accordance with the following procedure:

1. *The Committee Chairman will move the receipt and adoption of the Committee Report and give an up to 5 minute resume of the Committee's recommendations highlighting any particular items of interest.*
2. *The Lord Mayor will call on individual Aldermen to nominate the particular item numbers he or she wishes to have withdrawn for consideration. This is to be done without comment or debate.*
3. *The Lord Mayor will then put the receipt and adoption of the remaining Committee Recommendations to the vote and these are then taken as Carried by General Consent.*
4. *The Lord Mayor, taking each withdrawn item in numerical order, will first invite a mover and seconder for the Committee's recommendation in the order that the status and integrity of such recommendation will be maintained.
In the case of a new recommendation the Alderman is to write the motion out on the form provided and hand it to the Lord Mayor who will pass it on to the Committee Administrator.*
5. *The mover has no longer than 10 minutes to speak to his/her motion.*
6. *The Lord Mayor will then ask for a seconder to the motion who will have no longer than 5 minutes to speak.*
7. *The Lord Mayor will then ask if anyone is against the motion. If no-one is against the motion it will be put without further debate.*
8. *If there are speakers against the motion the Lord Mayor will proceed to oversee the debate with speakers for and against having no longer than 5 minutes each.*
9. *At the conclusion of the debate the mover of the motion will have the right to reply, to matters raised in the debate, for no longer than 5 minutes.*
10. *The Lord Mayor will then put the motion.*

10. MATTERS REFERRED TO COUNCIL BY COMMITTEES



The normal rules of debate will apply with no items being discussed until they are formally moved and seconded.

11. PETITIONS

Petitions will be presented and dealt with in accordance with By Law 153 of the Darwin City Council By Laws.

12. NOTICES OF MOTION

Notices of Motion which may include resolution motions or matters for consideration, of which Notice of Business has been given by a Member in accordance with By Law 151, will be dealt with in accordance with the normal rules of debate including the motion being moved and seconded before it is debated.

13. OFFICERS REPORTS

Officer's Reports referred to the meeting by the Lord Mayor or the Chief Executive Officer will be dealt with in accordance with the normal rules of debate including the motion being moved and seconded before it is debated.

14. REPRESENTATIVES REPORTS

The Lord Mayor will invite each Alderman in turn to report to Council on any outside Committee or organisation on which the member represents Council. The reports will be confined to matters of substance which the member believes is of interest to Council and up to 5 minutes only will be allowed for reports in respect of each particular Committee or organisation.

15. QUESTIONS BY MEMBERS

To allow members to ask questions of each other and staff. No debate to be allowed on questions and members to appreciate that some detailed questions may need to be put on notice.

16. INFORMATION ITEMS & CORRESPONDENCE RECEIVED

17. GENERAL BUSINESS

The Lord Mayor will invite each Alderman in turn to introduce any General Business. The procedure will be that any general business must be introduced by the moving of a motion which will be handed up to the Lord Mayor on the form provided. The normal rules of debate will then apply with the motion only being discussed if seconded. Any questions on various matters should be asked outside of the meeting.

18. CLOSURE OF MEETING TO THE PUBLIC

Resolution to close the meeting to the public to consider certain matters prescribed as confidential.

19. ADJOURNMENT OF MEETING and MEDIA LIAISON

Five minute break for media liaison.

20. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING.

Formal

21. CONSIDERATION OF CONFIDENTIAL ITEMS (as per open section)

Title: Council And Committee Meetings - Confidential Business Papers

Policy No: 82

Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	History
1	17\1228	25/02/97	Adopted – Version 1
2	19\4604	12/06/07	Reviewed and Amended
3			
4			

In an endeavour to protect confidentiality and at the same time facilitate the administration of confidential matters, Council restricts the distribution of confidential Council business papers.

PROCEDURE

- Normal 'Confidential' Council and Committee agenda, reports and minutes will be restricted to -
 - Lord Mayor
 - Aldermen
 - Chief Executive Officer
 - General Manager Infrastructure
 - General Manager Corporate Services
 - General Manager Community and Cultural Services
 - Corporate Information Manager
 - Middle Managers
 - Departmental Secretaries
 - Managers Secretaries
 - Committee Administrator
 - Assistant Committee Administrator
- Highly sensitive confidential Council and Committee agendas, reports and minutes will be restricted to -
 - Lord Mayor
 - Aldermen
 - Chief Executive Officer
 - General Manager Infrastructure
 - General Manager Corporate Services
 - General Manager Community and Cultural Services
 - Committee Administrator
 - Corporate Information Manager
- Highly sensitive confidential Council and Committee agendas, reports and minutes will be delivered in sealed envelopes.

Title: Confidential Decisions – Periodic Review

Policy No:

Responsibility: Chief Executive Officer

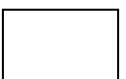
Version	Decision Number	Decision Date	History
1			
2			
3			
4			

That in order to promote openness and transparency beyond the requirements of the Local Government Act 2008 and Local Government (Administration) Regulations 2008, Council will:

- (i) undertake a review of confidential reports and decisions in June and December of each year; and
- (ii) where possible and appropriate, transfer relevant reports and decisions from "Confidential" to "Open".

13 OFFICER'S REPORTS

13.2 Reptile and Biodiversity Sanctuary - East Point Reserve Report No. 09TS0064 PR (23/04/09) Common No. 1203230



ENCL: NO

DARWIN CITY COUNCIL**DATE:** 22/04/2009**REPORT****TO:** 2ND ORDINARY COUNCIL/OPEN**APPROVED:** PR**FROM:** CLIMATE CHANGE AND ENVIRONMENT
MANAGER**APPROVED:** BD**REPORT
NO:** 09TS0064 PR**COMMON
NO:** 1203230**SUBJECT:** REPTILE AND BIODIVERSITY SANCTUARY - EAST POINT RESERVE**ITEM NO: 13.2****SYNOPSIS:**

East Point Reserve is a significant biodiversity and habitat sanctuary asset.

Functionally linking and buffering 'islands' of naturally contiguous lands and environmental programs is the way to achieve a long term outcome for lasting ecosystems.

GENERAL:

Cane Toads are a significant threat to the remaining numbers of goannas and frill neck lizards on East Point Reserve.

New research has shown the benefits of fencing out areas such as East Point Reserve in specific locations to best support the retention of good habitat and keep both mature and young Cane Toads out.

Beyond the environmental outcomes of such actions, there is the additional opportunity to increase the social and economic benefits of East Point Reserve by the improved opportunities for tourism.

The 'spin off' of improving nature walks linked with the Museum in the area would also profile Darwin City Council as leaders in world standard Connectivity Conservation associated with natural, cultural, economic and social assets.

Approx 1 KM of Colivas Road which already has fencing in place requires appropriate screening to achieve this outcome and a new product of woven shade cloth to a height of 600ml would be required.

This woven material is in the style of a black flywire screen look and is not a full block out material.

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 REPORT NUMBER: 09TS0064 PR
 SUBJECT: REPTILE AND BIODIVERSITY SANCTUARY - EAST POINT RESERVE

Whilst the fenceline in question has only minimal residential exposure some objections may be received in relation to installing woven cloth at this location. That said, the habitat and biodiversity benefits from installing such a barrier are significant

FINANCIAL IMPLICATIONS:

There would be no cost to Darwin City Council for at least 2 years as the material is already purchased through the Zero Toads and Frogwatch funding.

Further, it is not anticipated that there would be financial implications even after that time as the maintenance could be undertaken by Frogwatch or other existing programs such as Landcare.

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':-

Goal

4 Create and Maintain an Environmentally Sustainable City

Outcome

4.4 Enhance, preserve and protect the Darwin environment

Key Strategies

4.4.1 Preserve the Darwin Harbour

LEGAL IMPLICATIONS:

Nil

ENVIRONMENTAL IMPLICATIONS:

Conservation of biodiversity and wildlife and associated natural, cultural, economic and social assets.

It is a concept that can be used to inspire and guide land use and management for a better and healthier landscape. This is particularly important within the current climate change considerations.

PUBLIC RELATIONS IMPLICATIONS:

Enhanced opportunity for East Point Reserve to be a place of special significance for residents and tourists alike.

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 REPORT NUMBER: 09TS0064 PR
 SUBJECT: REPTILE AND BIODIVERSITY SANCTUARY - EAST POINT RESERVE

Opportunity exists for Darwin City Council media to undertake to demonstrate our approach to connectivity conservation and protection of habitat and wildlife showing priority action at a landscape/seascape level

COMMUNITY SAFETY IMPLICATIONS:

Nil

DELEGATION:

Nil

CONSULTATION:

Nil

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE

Not required at this stage. Can be linked with other signage proposed for East Point Reserve, if required

RECOMMENDATIONS:

- A. THAT Report Number 09TS0064 entitled, Reptile and Biodiversity Sanctuary – East Point Reserve, be received and noted.
- B. THAT Council endorse the long term vision of conserving the biodiversity and associated natural, cultural, economic and social assets at East Point Reserve.
- C. THAT approval be given to the erection of the 600mm high woven cloth along approx 1 KM of Colivas Road, adjoining East Point Reserve.

PAM ROBINSON
CLIMATE CHANGE AND
ENVIRONMENT MANAGER

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

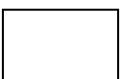
Any queries on this report may be directed to Pam Robinson on 89300530.

14 REPRESENTATIVES REPORTS

15 QUESTIONS BY MEMBERS

16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil



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\() (28/04/09)

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, 12 May, 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\() (28/04/09)

