

DARWIN CITY COUNCIL

THIRTY FOURTH ORDINARY MEETING OF THE TWENTIETH COUNCIL

TUESDAY, 29 SEPTEMBER, 2009

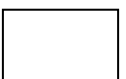
MEMBERS: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member J D Bailey; Member R T Dee; Member R K Elix; Member H I Galton; Member G M Jarvis; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg.

OFFICERS: Acting Chief Executive Officer, Mr J Banks; General Manager Corporate Services, Mr F Crawley; Acting General Manager Infrastructure, Mr D Lelekis; Committee Administrator, Ms L Elmer.

Enquiries and/or Apologies: Linda Elmer
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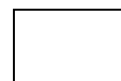
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1 LORD'S PRAYER

2 MEETING DECLARED OPEN

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

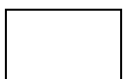
3.2 Leave of Absence Granted

- 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 30 June 2009 for the period 11 – 27 September 2009.
- B. THAT it be noted that Member R K Elix is an apology due to a Leave of Absence being previously granted on 25 August 2009 for the period 20 - 30 September 2009.
- C. THAT it be noted that Member R T Dee is an apology due to a Leave of Absence being previously granted on 22 September 2009 for the period 29 September – 8 October 2009.

DECISION NO.20\() (29/09/09)

3.3 Leave of Absence Requested

4 ELECTED MEMBERS CONFLICT OF INTEREST DECLARATION



5 PUBLIC QUESTION TIME**5.1 Usage of Solar Panels on Darwin City Council Buildings**

Document No. 1657375 (24/09/09) Common No. 1657374

Name: Mr Rodney Shepherd**Address:** Resident of Karama**Question**

Has Darwin City Council consider the long term benefits of installing solar panels and inverter system on the roof of its 3 main sites being Civic Centre, Bishop Street and Casuarina Library.

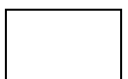
Answer

Council had applied for funding from the Australian Govt in 2008 to install a array of photovoltaic cells on the roof of the civic centre in order to reduce its carbon footprint and to raise awareness of solar power generation. The application was unsuccessful. The CC&E section will continue to look for funding opportunities in order to implement similar alternative/renewable energy projects.

At the moment with current technology available it is unfeasible to expect to power a building such as Civic Centre with solar power. Instead the power generated from solar would be fed back into the power grid and council would receive a rebate and carbon credits from PAWA depending on what type of agreement is reached between the two parties.

This year, Darwin City Council did consider the use of using solar panels and an inverter system when researching this prospect with specialists in the solar industry. It was deemed not viable at this time due to the loading requirements of the building and the battery storage capacity.

DECISION NO.20\() (29/09/09)



5 PUBLIC QUESTION TIME

5.2 Cleaning of Laneways

Document No. 1657376 (24/09/09) Common No. 1657374

Name: Mr Rodney Shepherd

Address: Resident of Karama

Question

If laneways are to be closed what will the extra man-hours involved in cleaning these laneways be utilised for.

Answer

The methodology is that by freeing up resource by maintaining less walkways a better of level of service will be achievable with those that remain open, i.e. Improved lighting, fencing, cleanliness and more pedestrian traffic. This will help to discourage anti-social behaviour through the fundamental principles of CPTED (Crime Prevention through Environment Design).

DECISION NO.20\() (29/09/09)



5 PUBLIC QUESTION TIME**5.3 Laneway Closures - Allocation of CCTV in Laneways**

Document No. 1657377 (24/09/09) Common No 1657376

Name: Mr Rodney Shepherd**Address:** Resident of Karama**Question**

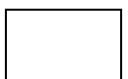
Has Darwin City Council investigated the installation of lighting and CCTV cameras in laneways it is planning to close. And rather than move the anti social behaviour and disadvantage those members of the public who legitimately use laneways look at addressing the anti-social problems and also not reducing access.

Answer

Council new walkway proposes the upgrade of lighting in walkways. Council decision in August 2009 resolved to consider opening 8 walkways which it currently closes at night subject to an upgrade assessment of lighting and other attributes which conform to CPTED principles.

Those walkways proposed to be closed as detailed in the Walkway Assessment report and based on the principle they are surplus to the main desire lines and will not significantly impact on the pedestrian network.

DECISION NO.20\() (29/09/09)



6 MATTERS OF PUBLIC IMPORTANCE**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S****7.1 Confirmation of the Previous Ordinary Council Meeting**

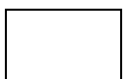
- A. THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 25 August, 2008, be received and confirmed as a true and correct record of the proceedings of that meeting.
- B. THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 15 September, 2008, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (29/09/09)

7.2 Confirmation of the Previous Special Council Meeting

- A. THAT the tabled minutes of the previous Special Council Meeting held on Tuesday, 8 September, 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 Tuesday, 22 September, 2009, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (29/09/09)

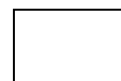
7.3 Business Arising from the Minutes of Previous Meeting/s

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

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>
C23.1	8(c)(i)	Information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

DECISION NO.20\() (29/09/09)

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

9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

1 Letter of Thanks for Support from Top End NAIDOC

Document No. 1620634 (22/07/09) Common Number 1577739

THAT the incoming letter from Top End NAIDOC, thanking Council for its support of the 2009 Top End NAIDOC Celebrations, Document Number 1620634, be received and noted.

DECISION NO.20\() (29/09/09)

2 Darwin Entertainment Centre 2008/2009 Fourth Quarter Funding Reports April to June 2009

Document No. 1625555 (04/08/09) Common Number 1625555

- A. THAT the Darwin Entertainment Centre 2008/2009 Fourth Quarter Funding Reports April to June 2009, Document Number 1625555, be received and noted.
- B. THAT Council undertake a review of the Darwin Entertainment Centre constitution in conjunction with the Board of the Darwin Entertainment Centre.

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



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

3 Minutes Bombing of Darwin & Military History Advisory Committee 19 August 2009

Document No. 1642433 (19/08/09) Common Number 1071899

- A. THAT the Minutes Bombing of Darwin & Military History Advisory Committee 19 August 2009, Document Number 1642433, be received and noted.
- B. THAT Darwin City Council endorse 70th Anniversary Commemoration as a major event in line with the objectives of the Advisory Committee.
- C. THAT the withdrawal of Major Events as a committee member be noted and that Darwin City Council invite Tourism Top End to become a committee member.

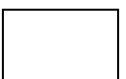
DECISION NO.20\() (15/09/09)

4 Community Services Team Report August 2009

Report No. 09C0149 KH:ems (07/09/09) Common No. 1517201

THAT Report Number 09C0149 entitled, Community Services Team Report – August 2009, be received and noted.

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



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

5 Regulatory Services Monthly Update August 2009

Report No. 09C0139 DN:mrg (07/09/09) Common No. 1330602

THAT Report Number 09C0139 entitled, Regulatory Services Monthly Update August 2009, be received and noted.

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

6 Libraries Information Update for August 2009

Report No. 09P0012 KC:md (07/09/09) Common No. 1518200

THAT Report Number 09P0012 entitled, Libraries Information Update for August 2009, be received and noted.

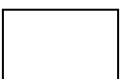
DECISION NO.20\() (15/09/09)

7 Minutes Youth Advisory Group 6 August 2009

Report No. 09C0140 KL:ems (07/09/09) Common No. 1639332

THAT it be a recommendation to Council that Report Number 09C0140 entitled, Minutes Youth Advisory Group 6 August 2009 be received and noted.

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



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

8 Art Exhibitions in Council Buildings

Report No. 09C0148 AR:ens (07/09/09) Common No. 1644871

- A. THAT Report Number 09C0148 entitled, Art Exhibitions In Council Buildings, be received and noted.
- B. THAT Council endorse the conduct of the project entitled, Art Exhibitions in Council Buildings.

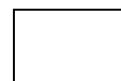
DECISION NO.20\() (15/09/09)

9 Minutes Disability Advisory Committee Meeting 13 August 2009 for Information

Report No. 09C0150 NM:kl (08/09/09) Common No. 1628050

THAT Report Number 09C0150 entitled Minutes Disability Advisory Committee Meeting 13 August 2009 For Information, be received and noted

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



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

10 Minutes Dili Sister City Community Services Committee Meeting 18 August 2009 for Information

Report No. 09C0142 SF:ems (07/09/09) Common No. 1631533

THAT Report Number 09C0142 entitled, Minutes Dili Sister City Community Committee Meeting 18 August 2009 for Information, be received and noted.

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

11 Informal Meeting Notes Haikou Sister City Community Committee Meeting 16 August 2009 for Information

Report No. 09C0141 SF:ems (07/09/09) Common No. 1631533

THAT Report Number 09C0141 entitled, Informal Meeting Notes Haikou Sister City Community Committee Meeting 16 August 2009 for information, be received and noted.

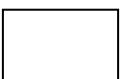
DECISION NO.20\() (15/09/09)

12 Informal Meeting Notes Anchorage Sister City Committee Meeting 27 August 2009 for Information

Report No. 09C0144 SF:ems (07/09/09) Common No. 1637204

THAT Report Number 09C0144 entitled, Informal Meeting Notes Anchorage Sister City Committee Meeting 27 August 2009 for Information, be received and noted

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



9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

13 Informal Meeting Notes Kalymnos Sister City Community Committee Meeting 3 September 2009 for Information

Report No. 09C0146 SF:ems (07/09/09) Common No. 1637162

THAT Report Number 09C0146 entitled, Informal Meeting Notes Kalymnos Sister City Community Committee Meeting 3 September 2009 for Information, be received and noted.

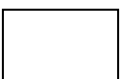
DECISION NO.20\() (15/09/09)

14 Minutes Ambon Sister City Community Committee Meeting 20 August 2009 with Recommendation – National Sister Cities Day

Report No. 09C0143 SF:ems (07/09/09) Common No. 1637162

- A. THAT Report Number 09C0143 entitled, Minutes Ambon Sister City Community Committee Meeting 29 August 2009 with Recommendation – National Sister Cities Day, be received and noted.
- B. THAT the Ambon Sister City Community Committee recommends that a combined Sister Cities Fundraising event be held annually to coincide with National Sister Cities Day on 5 July.

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



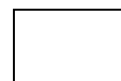
9 REPORTS OF COMMITTEES**9.1 COMMUNITY SERVICES (14/09/09)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community Services Committee Meeting held on Monday, 14 September, 2009

15 Feedback Report from Community Representative at the 2009 Sister Cities Australia National Conference Tamworth NSW 19-22 July 2009
Report No. 09C0145 SF:ems (07/09/09) Common No. 1565447

THAT Report Number 09C0145 entitled, Feedback Report from Community Representative at the 2009 Sister Cities Australia National Conference Tamworth NSW 19 - 22 July 2009, be received and noted.

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



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

1 Corporate Services Monthly Report – August 2009
Report No. 09A0161 (11/09/09) Common No 339108

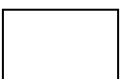
THAT Report Number 09A0161 entitled Corporate Services Monthly Report – August 2009, be received and noted.

DECISION NO.20\() (29/09/09)

2 Listing of Cheques/EFT Payments, August 2009
Report No. 09A0159 (11/09/09) Common No 339125

THAT Report Number 09A0159, Listing of Cheques / EFT Payments August 2009 be Received and noted.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

3 Financial Report to Council – August 2009

Report No. 09A0160 (11/09/09) Common No 339122

THAT Report Number 09A0160 entitled, Financial Report to Council – August 2009, be received and noted.

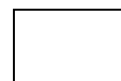
DECISION NO.20\() (29/09/09)

4 Invitations Accepted or Declined by the Lord Mayor during August 2009

Report No. 09TC0053 BD:fm (03/09/09) Common No 381402

THAT Report Number 09TC0053 entitled, Invitations Accepted or Declined by the Lord Mayor During August 2009, be received and noted.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

5 Minutes of the Audit Committee meeting held on 28 August 2009

Report No. 09A0164 (11/09/09) Common No 353196

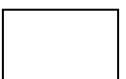
(Bailey/Galton)

COMMITTEE'S RECOMMENDATION

THAT it be a recommendation to Council:-

- A. THAT Report Number 09A0164 entitled, Minutes of the Audit Committee meeting held on 28 August 2009, be received and noted.
- B. THAT Report Number 09A0152 entitled, Control Self Assessment Process, be received and noted.
- C. THAT Report Number 09A0149 entitled, Control Self Assessment – Compliance with Local Government Act 2009, Regulations and Guidelines, be received and noted.
- D. THAT Report Number 09A0151 entitled, External Audit Plan for the year ended 30 June 2009, be received and noted.
- E. THAT Report Number 09A0153 entitled, Outstanding Audit Issue No. 111 – Car Parking Management Review, be received and noted.
- F. THAT the following Outstanding Audit Issues be transferred to the Audit Committee Completed Issues Register:
 - Issue No. 2.A.1 Cancellations Policy and Payment Options (only)
 - Issue No. 2.B.1
 - Issue No. 2.B.2
 - Issue No. 2.B.3
 - Issue No. 2.B.4
 - Issue No. 2.B.5
 - Issue No. 2.B.6
 - Issue No. 2.B.7

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9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

5 Minutes of the Audit Committee meeting held on 28 August 2009

Report No. 09A0164 (11/09/09) Common No 353196

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- Issue No. 2.B.8
- Issue No. 2.B.9
- Issue No. 2.B.10
- Issue No. 2.B.11
- Issue No. 2.B.12
- Issue No. 2.B.13
- Issue No. 2.B.16
- Issue No. 2.C.1
- Issue No. 2.C.2
- Issue No. 2.D.2
- Issue No. 2.D.3
- Issue No. 2.D.7

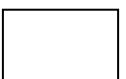
G. THAT the following Outstanding Audit Issues have the agreed completion date amended as follows:

- Issue No. 2.D.4 Inaccurate Cancellation of Occupancy – Amend to Dec 09
- Issue No. 2.D.5 Cash Variances not Reported – Amend to Dec 09
- Issue No. 2.D.6 Include Graphs in Monthly Reporting – Amend to June 2010

H. THAT Report Number 09A0146 entitled Internal Audit Plan 2009 – Progress Report, be received and noted.

I. THAT the compliance engagement 'Compliance with Local Government Act' be deleted as this review has been undertaken internally as part of the Control Self Assessment Process.

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9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

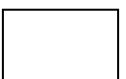
5 Minutes of the Audit Committee meeting held on 28 August 2009

Report No. 09A0164 (11/09/09) Common No 353196

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- J. THAT Report Number 09A0147 entitled Outstanding Audit Issue Nos. 95.1 and 103 (2.1 to 2.4) – Records Management and Disposal Schedule, be received and noted.
- K. THAT approval be granted for the suggested completion dates to suit staff arrangements and for completion of Outstanding Audit Issue No. 95.1.
- L. THAT Report Number 09A0143 entitled Outstanding Audit Issue No. 105 (2.5) – Remuneration and Rewards, be received and noted.
- M. THAT Outstanding Audit Issue No. 2.5 (1&2) be transferred to the Audit Committee Completed Issues Register.
- N. THAT Report Number 09A0148 entitled Outstanding Audit Issue No. 105 (2.6 (1&2) and 2.5 (3)) – Performance Management, be received and noted.
- O. THAT Outstanding Audit Issue No. 105 (2.6 (1&2) and 2.5 (3)) be transferred to the Audit Committee Completed Issues Register.
- P. THAT Report Number 09A0138 entitled Outstanding Audit Issue No. 107 (2.7) – Land Valuation Upload Process – Application Controls Audit, be received and noted.
- Q. THAT Item Outstanding Audit Issue No. 107 (2.7) – Land Valuation Upload Process – Applications Control Audit be transferred to the Audit Committee Completed Issues Register.

(Continued on next page...)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

5 Minutes of the Audit Committee meeting held on 28 August 2009

Report No. 09A0164 (11/09/09) Common No 353196

(...Continued from previous page)

- R. THAT Report Number 09A0155 entitled Outstanding Audit Issue No. 104 – Allocation of Burial Plots, be received and noted.
- S. THAT Outstanding Audit Issue No. 104 (9.3) be transferred to the Audit Committee Completed Issues Register.
- T. THAT Report Number 09A0156 entitled, Outstanding Audit Issue No. 106 – Physical Security / Risk Management, be received and noted.
- U. THAT Report Number 09A0144 entitled, Outstanding Audit Issue No. 109 – Internal Control Findings – External Audit Issues, be received and noted.
- V. THAT item Outstanding Audit Issue No. 109 (4) and (6) be transferred to the Audit Committee Completed Issues Register.
- W. THAT the completion date for Outstanding Audit Issue No. 109 (1-3) and (5) be changed to February 2010.
- X. THAT Report Number 09A0145 entitled, Outstanding Audit Issue No. 107 – Application Controls – Internal Audit Issues, be received and noted.
- Y. THAT the completion date for Outstanding Audit Issue No. 107 (2.4(a) and 2.6) be changed to March 2010.
- Z. THAT Outstanding Audit Issue No. 107 (2.4(b)) be transferred to the Audit Committee Completed Issues Register.

(Continued on next page...)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

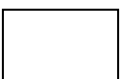
5 Minutes of the Audit Committee meeting held on 28 August 2009

Report No. 09A0164 (11/09/09) Common No 353196

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- AA. THAT Report Number 09A0154 entitled, Outstanding Audit Issue No. 110 – Management Responses to findings of Project Management Review, be received and noted.
- BB. THAT the Audit Committee Outstanding Issues Register be updated with the Responsible Officers and Due Dates.
- CC. THAT Report Number 09A0141 entitled, Outstanding Audit Issue No. 108 (2.8.1) – Network Security Controls of the Information Security Audit, be received and noted.
- DD. THAT item Outstanding Audit Issue No. 108 (2.8.1) – Network Security Controls of the Information Security Audit be transferred to the Audit Committee Completed Issues Register.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

6 Monthly On-Street and Off-Street Parking Statistics – August 2009

Report No. 09A0162 (11/09/09) Common No 376351

THAT Report Number 09A0162 entitled, Monthly On-Street and Off-Street Parking Statistics August 2009, be received and noted

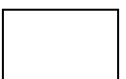
DECISION NO.20\() (29/09/09)

7 Walkway No. 166 – Maddock Court to Malak Park, Malak

Report No. 09A0170 (11/09/09) Common No 378343

- A. THAT Report Number 09A0170 entitled, Walkway No. 166 - Maddock Court to Malak Park, Malak be received and noted.
- B. THAT Council consider this matter in conjunction with the responses from the Walkway Community Consultation.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

8 Gardens Oval Sporting Complex Club/ Bar Facilities

Report No. 09A0169 (11/09/09) Common No 226536

- A. THAT Report Number 09A0124 entitled, Gardens Oval Sporting Club / Bar Facilities be received and noted.
- B. THAT delegation be granted to the Chief Executive Officer to finalise the lease with Waratah Football Club Inc and Waratah Cricket Club Inc for the occupation of the club/bar facility at Gardens Oval Sporting Complex for a period of one (1) year with a further four (4) year option based on a rental of \$3,000 each per annum and the Lord Mayor and Chief Executive Officer sign and seal the associated lease documentation.

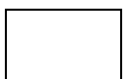
DECISION NO.20\() (29/09/09)

9 Vickers VIMY – 90 Year Anniversary 10 December Event

Report No. 09TC0054 GF:jp (07/09/09) Common No 1625231

- A. THAT Report Number 09TC0054 entitled, Vickers Vimy – 90 Year Anniversary 10 December Event, be received and noted.
- B. THAT Council support the Vickers Vimy – 90 Year Anniversary by providing \$10,000 in cash and up to \$5,000 in kind.
- C. THAT the provision the of \$10,000 in cash and up to \$5,000 in kind be referred to the 1st Quarter Budget Review.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

10 Christmas Street Decorations, Christmas Tree Event and Santa in The Mall Activity

Report No. 09TC059 GF:jp (10/09/09) Common No 936753

- A. THAT Report Number 09TC0059 entitled, Christmas Street Decorations, Christmas Tree Event & Santa In The Mall Activity, be received and noted.
- B. THAT Council continue with the Christmas Tree Lighting Event, Christmas Street Decorations and Santa in The Mall.
- C. THAT the cost of the Christmas Tree Lighting Event, Christmas Street Decorations and Santa in The Mall Activity, be referred to the 1st Quarter Budget Review.

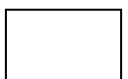
DECISION NO.20\() (29/09/09)

11 Carols by Candlelight – Request for Support

Report No. 09TC0060 GF:jp (15/09/09) Common No 1648206

- A. THAT Report Number 09TC0060 entitled, Carols by Candlelight – Request for Support, be received and noted.
- B. THAT the Carols by Candlelight Committee be advised to refer their request for support to the Community Grants Scheme.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.2 CORPORATE & ECONOMIC DEVELOPMENT (22/09/09)****Presentation of Report by Chairman - Member K M Moir**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 September, 2009

12 Residents' Publication

Report No. 09TC0061 GF:jp (15/09/09) Common No 342978

- A. THAT Report Number 09TC0061 entitled, Residents' Publication, be received and noted.
- B. THAT an amount of \$80,700.00 be referred to the 1st Quarter Budget Review.
- C. THAT subject to funding, Council proceed with the recommendations tabled in Report Number 09TC0061 GF:jp and endorse the production of three features in the Sunday Territorian commencing Sunday, 25 October 2009.

DECISION NO.20\() (29/09/09)

13 Council's Media Advertising Expenditure

Report No. 09TC0062 GF:jp (16/09/09) Common No 1625053

THAT the Report Number 09TC0062 entitled, Media Advertising Expenditure, be received and noted.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (21/09/09)****Presentation of Report by Acting Chairman - Member G A Lambert**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 September, 2009

1 Smith Street Connection - Progress Report September 2009

Report 09TS0152DL:DC (07/09/09) Common No 316857

THAT Report Number 09TS0152 entitled, Smith Street Connection - Progress Report September 2009, be received and noted.

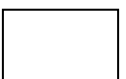
DECISION NO.20\() (29/09/09)

2 Woolner Road Black Spot Project Progress Report – September 2009

Report No 09TS0151DL (07/09/09) Common No. 497836

THAT Report Number 09TS0151 entitled, Woolner Road Black Spot Project Progress Report - September 2009, be received and noted.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (21/09/09)****Presentation of Report by Acting Chairman - Member G A Lambert**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 September, 2009

3 Parks User Satisfaction Survey Round 14 April 2009 To August 2009
Report 09TS0139NK (17/08/09) Common No 251433

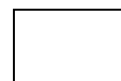
- A. THAT Report Number 09TS0139 entitled, Parks User Satisfaction Survey Round - 14 April 2009 To August 2009, be received and noted.
- B. THAT a report be prepared regarding alternative Park Users Satisfaction Surveys which take into consideration service level provision, community satisfaction and cost input.

DECISION NO.20\() (29/09/09)

4 My0800 City Revitalisation - Update September 2009 (Entire Project)
Report No 09TS0154DL (10/09/09) Common No. 1486204

THAT Report Number 09TS0154 entitled, MY0800 City Revitalisation - Update September 2009 (Entire Project), be received and noted.

DECISION NO.20\() (29/09/09)



9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (21/09/09)****Presentation of Report by Acting Chairman - Member G A Lambert**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 September, 2009

5 Bagot Oval Upgrade - Update September 2009

Report 09TS0153DL:DC (07/09/09) Common No 1254709

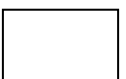
THAT Report Number 09TS0153 entitled, Bagot Oval Upgrade - Update September 2009 be received and noted.

DECISION NO.20\() (29/09/09)

6 Nightcliff Foreshore And Cliffs Asbestos Materials Dumped Around The Time Of World War II And Cyclone Tracey

Report No 09TS0134MRF:nh (14/09/09) Common No. 996234

- A. THAT Report Number 09TS0134 entitled, Nightcliff Foreshore and Cliffs Asbestos Materials Dumped Around the Time of World War II and Cyclone Tracy, be received and noted.
- B. THAT Council continue it's inspection and monitoring program of the Nightcliff Foreshore area as identified in Report Number 09TS0134 entitled, Nightcliff Foreshore and Cliffs Asbestos Materials.
- C. THAT signage advising of the danger of climbing on the cliff face be erected.
- D. THAT a further report be prepared following the conclusion of the Parsons Brinkerhoff Australia Pty Limited investigation and study regarding a Plan of Management (including options for removal) for the asbestos at the Nightcliff Foreshore.



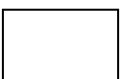
9 REPORTS OF COMMITTEES**9.3 ENVIRONMENT & INFRASTRUCTURE (21/09/09)****Presentation of Report by Acting Chairman - Member G A Lambert**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 September, 2009

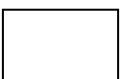
7 Concern of apparent Lack of Response from PowerWater Corporation Regarding Safety issues associated with Underground Power Work Sites

THAT Council contact the PowerWater Corporation over the apparent lack of response in relation to concerns raised by Council about the fencing of underground power work sites regarding the lack of public safety concern with respect to the fencing around underground work sites and associated hazards, particularly for children playing in the area.

DECISION NO.20\() (29/09/09)



10 MATTERS REFERRED TO COUNCIL



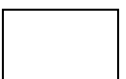
11 PETITIONS**11.1 Petition - Request for a Safe Bike Path, Lee Point Road, North**

Document No.1652632 (24/08/09) Common No. 1596231

Alderman G A Lambert will present the Petition

- A. THAT the Petition, Document Number 1652632, in relation to a request for a safe bike path along Lee Point Road, North, be received and noted.
- B. THAT the Petition, Document Number 1652632, be referred to the next Environment & Infrastructure Committee Meeting.

DECISION NO.20\() (29/09/09)



BIKE PATH PRIORITY

WE THE UNDERSIGNED REQUEST THE DARWIN CITY COUNCIL TO PROVIDE A SAFE PATH FOR BIKE RIDERS AND WALKERS IN LEE POINT ROAD. NORTH


PRINT NAME

ADDRESS

SIGNATURE

35

35

E.T. Woodward 22 Pinner Ave Windsor Qld 587 

M. DUCANE 15 DENNIS AVE PAKEMAN, 8810 


D. MCCOY 287 BAY 2752 Darwin D.M. COY 


R. DAVIS 28 TRADE AV P/Pt Gold Coast 

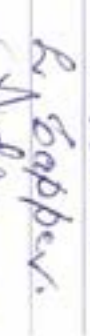
I. Wallace Sylvania, Tas 


A. HUNT Lee Point Resort L.P. 


J. HUNT Paul Rd 

R. BAILES ABC Box 126 Bayview REE POINT VILLAGE RESORT 


A. CAPPER Lee Point Village Resort, L. Capper. 


C. DOBBS 48 LYNDA ST YARRAMBA VIC 

A. HERBERT 24 AVERY CRES SEAVIEW DAILYS 


M. POPE 2 Foreman St Moruya. 


J. MALKER 76 CUMMING ST BLACKWOOD. SA. 

G. ROBIN 193 Lee Pt Park 

K. HANK Site 107 

J. HANK Site 107 

D. BALLARD Lee Point Tourist Resort 

S. WADBY Lee Point Tourist Resort 

K.I. PETRAS Lee Point Tourist Resort. 


B.C. WOODHOUSE LEE POINT TOURIST RESORT 

J. PURSEN THE HORSESHOE WARDI WA. 


T. MADDIX Lee Point 

A. JOICE Lee Point 


KAREY NELSON Lee Pt Rd, Lee Point 

SANDRA HANNOPEL Amfdenweg 13, 65614 Badst. Germany - Wuppertal S. Germany 

CANDY FITZPATRICK Lee Point Resort 

KENY GREGORY Lee Point Resort 

CAROL RICKENWAY Lee Point Resort. 

S. PATTERSON " " 

C. STOFF Wageningen, The Netherlands 

P. VANWAGENEN " " 

RICHARD SIMON 47 Houghton Rd Kilmarnock, 2357. 

FORWARD TO DARWIN CITY COUNCIL

BIKE TRACK PRIORITY

WE THE UNDERSIGNED REQUEST THE DARWIN CITY COUNCIL TO PROVIDE A SAFE PATH FOR BIKE RIDERS AND WALKERS IN LEE POINT ROAD NORTH

PRINT NAME

ADDRESS

SIGNATURE

36
TOMY McMANUS

80 LAKESIDE LAKE TERRS 3909

36
O. McManus

SUE NELSON

25501 R Glenmore Park 2745

36
Sue Nelson

Shirley Nichols

16 COPLES STREET WILLAKOO ST. MICHOLS

36
Shirley Nichols

Brian Nicholls

" " " " ST. BULLOCK

36
Brian Nicholls

JOHN BELL

24 BUNFORD ST. ELIZABETH DOUGLAS SA.

36
John Bell

Les Goodwin

44 Piddington St Watson ACT.

36
Les Goodwin

Judy Goodwin

" " " " " "

36
Judy Goodwin

GEORGE JOHNSTON

22 FULLERTON DRIVE PAYNEVILLE

36
George Johnston

KUN JOHNSTON

22 FULLERTON AVE PAYNEVILLE R. JOHNSTON

36
Kun Johnston

MARY DICKS

214 NORMANS ST VIC 3350

36
Mary Dicks

Helen WOODMAN

106 CORNISH ST Broken Hill

36
Helen Woodman

MIKE FOUTLER

10 Bridge Ave Oak Flats

36
Mike Foutler

ALLAN ROSSA

WILSON. PO Box 2028. Sydney NSW 1513

36
Allan Rossa

SIM LYNN

12 GLEN RISE ENDERBURY VIC 3802

36
Sim Lynn

ROGER CUTTING

PT. MAC DONNELL SA 5291

36
Roger Cutting

SANDY CORNB

LEE ROAD CP

36
Sandy Cornb

HELEN DEANS

7 LYONS ST Lake VIC 3250

36
Helen Deans

BARRY BOWMAN

P.O. Box 126 Pyrawille VIC 3880

36
Barry Bowman

JOAN MURRAY

76 CUMMING ST BLACKWOOD SA 5051

36
Joan Murray

BRIAN CROOK

8 GLEN LANE NORTHERN VIC 314

36
Brian Crook

GARY DOONAN

80 GRIFFITH AVE GUNNIE VIC 474

36
Gary Doonan

KAREN MARRIS

8 BAXTER RD CAMDEN S. N.S.W.

36
Karen Marris

WILL CUTTING

PRINCE DONNELL SA 5291

36
Will Cutting

DIANNE ATKINSON

10 BOMBORA ALEXANDER HILL NSW 2475

36
Dianne Atkinson

BRENDA WILKINSON

8 BIDEYARD RD CAMDEN 2810

36
Brenda Wilkin

MARGARET McMANUS

80 LAKESIDE DR LAKETOWN BEACH

36
Margaret McManus

JANICE & PAUL PHILIPS

HILLSIDE VIC

36
Janice & Paul Philips

SIM TILLEY

COONGA VIC

36
Sim Tilley

HELEN HOWARD

COONGA VIC

36
Helen Howard

WENDY MAY

COONGA VIC

36
Wendy May

BOD HOGAN

KINGSLAND NSW

36
Bod Hogan

KEN ATKINSON

10 BOMBORA PLACE, LEMMON 2475

36
Ken Atkinson

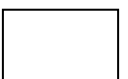
KATHY ZAFIRION

24 BUNFORD ST. ELIZ. DOUGLAS 5113

36
Kathy Zafirion

PLEASE FORWARD TO DARWIN CITY COUNCIL

12 NOTICES OF MOTION

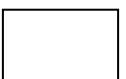


13 OFFICER'S REPORTS

13.1 SkyCity Darwin – Little Mindil Access

Report No.09TS0164 LC:KB (18/09/09) Common No. 1167748

Report Number 09TS0164 attached with Attachments distributed separately.



ENCL: YES

DARWIN CITY COUNCIL
REPORT

DATE: 18/09/2009

TO: 2ND ORDINARY COUNCIL/OPEN

APPROVED: LC

FROM: GENERAL MANAGER INFRASTRUCTURE

REPORT NO: 09TS0164 LC:KB

COMMON NO: 1167748

SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

ITEM NO: 13.1**SYNOPSIS:**

This report was considered by the Chief Officer's Group on 22 September 2009 and now referred to 2nd Ordinary Council Meeting for consideration.

On the 10 August 2009 correspondence was received by Council, from SkyCity regarding access to Little Mindil (Lot 7651) via an access easement through part of Lot 5772 (Council owned land).

SkyCity presented its proposal to Council on 11 August 2009 and an interim report was received and noted by Council on 25 August 2009. The report identified the need for further investigation into the SkyCity proposal.

This report recommends that Council does not support permanent access to Little Mindil (Lot 7651) through Lot 5772 as per SkyCity's request but will consider alternatives as identified.

GENERAL:

Lot 5772 is bordered by Casino Drive, Gilruth Avenue, Little Mindil (Lot 7651) and the SkyCity Casino (Lot 5244). (**Attachment A**) The lot is zoned TC (Tourist Commercial) as defined within the NT Planning Scheme. The zoning makes provision for a wide range of tourist, commercial, accommodation, restaurant and recreational uses.

Lot 5772 is located within the Gardens Precinct as defined by Darwin City Council Gardens Precinct MasterPlan (2006). The area is an important and alternative "hub" for tourists and locals. Lot 5772 has high visibility and is readily accessible therefore is an important and valuable site within the precinct.

SkyCity Casino currently has a licence over Lot 5772 which expires in 2015. The licence contains an option for an additional 15 years which could be exercised.

PAGE: 2
REPORT NUMBER: 09TS0164LC:KB
SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

SkyCity has previously been in discussions with Council regarding the purchase of a portion of Lot 5772 (Car Park) however, on the 6 August 2009 Council received correspondence from SkyCity advising that at this junction it does not wish to pursue the purchase.

On 10 August 2009 correspondence was received from SkyCity regarding access to their Little Mindil Development (Lot 7651) via a right of way/easement over Lot 5772. (**Attachment B**) This proposal formed part of their presentation to Council on 11 August 2009.

Further correspondence was received from SkyCity on 31 August 2009 providing additional information, (**Attachment C**). Several meetings and discussions have occurred between Darwin City Council and SkyCity representatives since that time.

Given the importance of the site and the numerous issues surrounding the proposal of the easement on Council land, Council commissioned "Masterplan" who are, Northern Territory based planning consultants to undertake a review. Their full assessment and findings can be found at **Attachment D**.

Four options were considered when looking at the development potential for Lot 5772 and these were as follows.

Option 1 shown in Figure 1 of Attachment D assumes the relocation of easements to adjacent lot boundaries, leaving no (easement) constraints along the Gilruth Avenue boundary, 3.0 metres along the Casino Drive and western boundary's and 10 metres along the southern boundary, as well as the retention of Liveris Drive as a public road reserve.

Option 2 shown in Figure 2 of Attachment D assumes the identical easement relocation as Figure 1, but incorporates Liveris Drive (which effectively functions as part of Lot 5772), thus increasing the useable area of Lot 5772.

Option 3 shown in Figure 3 of Attachment D assumes identical easement relocations as Figures 1 and 2, as well as the incorporation of Liveris Drive, and includes consideration of permanent vehicular access through Lot 5772, as proposed by SkyCity.

Option 4 shown in Figure 4 of Attachment D assumes an identical arrangement as Figure 2, but incorporates alternative access arrangement as indicated by Tonkin Consulting in Attachment A to The MasterPlan report.

PAGE: 3
 REPORT NUMBER: 09TS0164LC:KB
 SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

The effect of each option on the development footprint of the site is as follows:

	Option 1	Option 2	Option 3	Option 4
Land Area	1.37 hectares	1.49 hectares	1.49 hectares with permanent easement (as proposed)	1.49 hectares with permanent easement (alternative – Attachment C)
Development footprint	8,594 square metres	9,811 square metres	5,914 square metres	9,733 square metres
% of Land area	62%	66%	40%	65%

Note: The above information is preliminary in nature and further detailed planning of the site would be required to determine final development opportunities.

SkyCity's proposal requests an easement/right of way over Lot 5772 as it is the most suitable path of access to Lot 7651, access for delivery and emergency vehicles, avoidance of existing public utilities and sacred burial grounds.

In relation to the access bridge to the future Little Mindil development (Lot 7651), it appears that the proposed location of the bridge is the only viable solution given the constraints of the site including sacred sites, existing infrastructure and development proposed for Little Mindil.

MasterPlan engaged Tonkin Consulting to review the access proposal and in summary the advice includes:

"That the proposal access is not the only functional access option.

*Alternative access arrangements are contained within **Attachment C** (of the Masterplan Report) and provide appropriate access with minimal impact on Lot 5772. Advice also identifies potential traffic movement issues with the access way as proposed, namely:*

- the transformation of the current parking aisle into a circulation roadway, with associated design and safety implications;*
- increase in traffic numbers potentially unsuitable for current circulation area design;*
- direct access of southern and western portion car parks to proposed circulation roadway; and*
- provision of only one access point for a car park with more than 200 parking spaces.*

Accordingly, it can be concluded that, although the access as proposed may be the most direct and economical arrangement for SkyCity to formalise access to Lot 7651, there are alternative options through SkyCity land that can be constructed to ensure safe vehicle movement with minimal disruption to Council Land."

PAGE: 4
 REPORT NUMBER: 09TS0164LC:KB
 SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

It should be noted that the Gardens MasterPlan (2006) did identify the possibility of access via lot 5772. Given the recent investigations which demonstrate the importance of the site and the potential for further development, potential traffic issues as well as the fact that reasonable alternative access can be provided it is considered reasonable that Council may have a varying opinion to that of 2006 MasterPlan now, given things may have sufficiently changed since the 2006 plans and Council now has an updated detailed study of the area and access proposal.

An alternative has been identified which appears to provide a reasonable outcome and requires Council to allow access through a small portion of Lot 5772 adjacent to the proposed new bridge (Figure 4, MasterPlan Report **Attachment D**). This can be achieved via an easement or direct land sale of this small area however, the issue requires further investigation into traffic movements, size of area required and land disposal and tenure options prior to a final decision being made. It is recommended that alternative arrangements for access be explored by SkyCity.

It is clear that even if an alternative access is provided it is highly likely that the public will access the Little Mindil development via Lot 5772 (Darwin City Council car park) whilst the area remains as it is and the SkyCity licence applies.

Based on their review, MasterPlan have made the following recommendations:

- a. That Council maintain the development potential of Lot 5772 which would become available at the expiration of the lease.
- b. Should Lot 5772 be subject to future development proposals, that Council advise SkyCity that they will need to consider the provision of casino car parking elsewhere at the conclusion of the lease.
- c. That Council not support the formalisation of permanent access over Lot 5772 in favour of Lot 7651 as proposed due to the implications on the future potential of Lot 5772 and importance of Lot 5772 to the Gardens Precinct. Interim formal access arrangements following the proposed route may be appropriate, providing that SkyCity demonstrate access that is properly integrated with the existing car park (Lot 05772), without detriment to the public interest and safety, prior to development approval (of Lot 7651), to the satisfaction of Council.
- d. That Council request that SkyCity investigate alternative access arrangements as suggested in Attachment C for Lot 7651 and that these be substantiated in a full Traffic Management Plan for Lot 5244.
- e. That any alternate access arrangements through Lot 5244 to Lot 7651 should not result in any reduction to the existing provision of on-site car parking (within Lot 5244), unless Council can be satisfied of alternate arrangements.

Officer's agree that access via Lot 5772 as currently proposed by SkyCity should not be supported and subject to further consideration, that Council consider allowing access via Lot 5772 as detailed in Option 4 of the MasterPlan's report.

PAGE: 5
 REPORT NUMBER: 09TS0164LC:KB
 SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

FINANCIAL IMPLICATIONS:

The SkyCity proposal could have a significant impact on the value of Councils land and the potential future development of Lot 5772.

Any alternatives proposed by SkyCity will need to take into consideration compensation to Council.

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

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.1 Effective governance

Key Strategies

7.1.3 Manage Council's affairs based on a sustainable financial strategy

LEGAL IMPLICATIONS:

SkyCity currently has a licence which will expire on 30 June 2015. The licence contains an option for extension to 2030 which could be exercised.

Legal issues relating to alternatives that SkyCity may present will be dealt with at that time.

ENVIRONMENTAL IMPLICATIONS:

Positioning of the access bridge is limited due to various issues relating to the creek, sacred sites and existing infrastructure.

PAGE: 6
REPORT NUMBER: 09TS0164LC:KB
SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

PUBLIC RELATIONS IMPLICATIONS:

Various

COMMUNITY SAFETY IMPLICATIONS:

Advice received from Tonkin Consultants identifies the following potential issues and safety concerns with the access way as proposed:

- the transformation of the current parking aisle into a circulation roadway, with associated design and safety implications;
- increase in traffic numbers potentially unsuitable for current circulation area design;
- direct access of southern and western portion car parks to proposed circulation roadway; and
- provision of only one access point for a car park with more than 200 parking spaces.

DELEGATION:

Nil

CONSULTATION:

Chief Officer's Group
Masterplan / Tonkin Consulting

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE

Nil

PAGE: 7
 REPORT NUMBER: 09TS0164LC:KB
 SUBJECT: SKYCITY DARWIN - LITTLE MINDIL ACCESS

RECOMMENDATIONS:

THAT it be a recommendation to Council:-

- A. THAT Report Number 09TS0164LC:KB entitled SkyCity Darwin - Little Mindil Access, be received and noted.
- B. THAT Council advise SkyCity Darwin that their proposal for permanent access through Lot 5772 (Darwin City Council car park), as indicated in their correspondence dated 7 and 31 August 2009 is not approved.
- C. THAT Council advise SkyCity:
 - i.) THAT SkyCity should seek alternative access arrangements for Lot 7651;
 - ii.) THAT any alternative be substantiated by a full Traffic Management Plan for Lot 5244;
 - iii.) THAT Council may consider the use of small portion of Lot 5772 for permanent access to Lot 7651 as identified in Report Number 09TS0164LC:KB subject to SkyCity's alternative proposal details, compensation, land tenure option and size of area being restrict to reduce impact on Lot 5772.
 - iv.) THAT Council will not support any alternative access arrangements that result in any reduction to the existing provision of on-site parking (within Lot 5244 and 5772) unless Council can be satisfied of alternate parking arrangements.

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

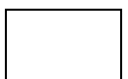
Any queries on this report may be directed to Luccio Cercarelli on 89300581 or Email l.cercarelli@darwin.nt.gov.au

13 OFFICER'S REPORTS

13.2 Development Application Lot 7651 Gilruth Avenue, The Gardens, Town of Darwin Leisure and Recreation (including Outdoor Entertainment, Landscaping and Car parking)

Report No. 09TS0147 PL:sv (07/09/09) Common No. 1643629

Report Number 09TS0147 attached with Attachment A distributed separately.



ENCL: YES

**DARWIN CITY COUNCIL
REPORT**

DATE: 07/09/09

TO: 2ND ORDINARY MEETING OPEN A

APPROVED: CT

FROM: GENERAL MANAGER INFRASTRUCTURE

APPROVED: PL

REPORT NO: 09TS0147 PL:sv

APPROVED: LC

COMMON NO: 1643629

SUBJECT: DEVELOPMENT APPLICATION
LOT 7651 GILRUTH AVENUE, THE GARDENS, TOWN OF DARWIN.
LEISURE AND RECREATION (INCLUDING OUTDOOR
ENTERTAINMENT, LANDSCAPING AND CAR PARKING)

ITEM NO: 13.2

SYNOPSIS:

A Development Application for Lot 7651 Gilruth Avenue, The Gardens, Town Of Darwin has been referred to Council for comment pursuant to Section 48 of the Planning Act. The following report addresses relevant Council issues and recommends that Council endorses comments provided to the Development Consent Authority by staff.

GENERAL:

Applicant: June D'Rozario & Associates Pty Ltd

Zone: TC (Tourist Commercial)

Area: 5.13 hectares approx

Proposal:

The proposal is to develop an outdoor entertainment and recreation area, comprising the following:

1. A 'gala' lawn area of approximately 1.35 hectares, to be used for events currently held on the casino lawns of the Skycity complex. These events include concerts and the Darwin Cup Carnival Ball.
2. Connection of water and electrical services at 4 service points around the edge of the lawn area, to provide services such as food and beverages, sound and lighting at functions.
3. Revegetation of the tidal creek running through the land and construction of a walkway along the creek.

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4. Construction of a 230 bay car park in the eastern part of the site.
5. Construction of a combined vehicle and pedestrian bridge over the creek from Council owned Lot 5772, to give access to the car park.
6. Construction of a service bridge over the creek to permit vehicle access to the service points and to allow goods required during events to be brought to the site from the casino complex: and
7. Lighting of the car park and pedestrian walkways.

A plan of the proposal is shown on **Attachment A**.

Lot 7651 cannot be accessed directly from Gilruth Avenue due to the relatively steep grade between the Smith Street roundabout and Casino Drive. Therefore the applicant is proposing vehicle access to the new car park through the existing car park on Lot 5772. Lot 5772 is owned by Darwin City Council and Skycity has a license agreement with Council to use the car park for casino parking. The license agreement runs until 30 June 2015.

The development agreement between Skycity and the Northern Territory Government requires construction of a foreshore walkway as part of the development of the site. The foreshore walkway is to provide a link from the Nurse's Walk steps to Mindil Beach. As the works will be on Council land adjacent to Lot 7651, they do not form part of this development application, but will require Council approval.

Site and Surrounds

Lot 7651 has an area of approximately 5.13 hectares, with a boundary to Gilruth Avenue of 121 metres and a boundary to Darwin Harbour of approximately 220 metres. The site lies between the Myilly Point escarpment and the site of Skycity Casino. The site is within the Primary Storm Surge Area.

A tidal creek runs along the northern boundary of the site and there is a registered Sacred Site (5073-89) adjoining the creek. The applicant has advised that the Aboriginal Areas Protection Authority has issued a certificate over Lot 7651 for a purpose described as "*Landscape development including planting of new vegetation, construction and maintenance of paths, bridges and associated services, to support entertainment functions and general recreation.*" The applicant has further advised that the Sacred Site (5073-89) will be designated as a restricted works area and will be protected by a perimeter fence and lockable gate. There will be no disturbance of the site or planting of new vegetation on it. Larrakia custodians have also requested the retention of a Chinese Plum tree located near the south-west corner of the site, and access to its fruit.

There are several easements running across the site. There are electricity supply easement running across the southern part of the site, with high voltage overhead cables and an electricity substation. The electricity supply easements and

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substation forms a separate land parcel, Lot 7656. Electronic communication easements also run across the site from Gilruth Avenue to Lot 7656 and the foreshore boundary of the site.

Northern Territory Planning Scheme:

The land is zoned TC (Tourist Commercial) under the NT Planning Scheme. The primary purpose of the zone is to provide for uses or development servicing tourism.

The proposed development appears to fall within the definitions of 'leisure and recreation' and 'car parking area' under the Planning Scheme. 'Leisure and recreation' and 'car parking area' are discretionary uses within the TC zone, subject to the development requirements of clauses 6.4 (Plot Ratio); 6.5.1 (Parking Requirements); and 8.2 (Commercial and Other Development).

Clause 6.4 (Plot Ratio)

There are no buildings proposed for the site, apart from 2 small shelters in the car park.

Clause 6.5.1 (Parking Requirements)

The proposal includes 230 new car parking spaces. As the table to clause 6.5.1 does not specify a parking ratio for the type of outdoor entertainment proposed by the development application, the number of spaces will be determined by the Authority under clause 6.5.1.3. of the Planning Scheme. It is assumed that the new car parking spaces will also be available for general casino use when outdoor functions are not taking place.

Clause 8.2 (Commercial and Other Development)

This clause does not apply as no buildings are being constructed on the site, with the exception of the 2 small shelters in the car park.

Disability Discrimination Legislation:

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

Council Issues:

Vehicle Access

There is no direct vehicle access to the site from Gilruth Avenue and vehicle access is dependent upon a formal agreement being in place for a right of way vehicle access in favour of Lot 7651, across adjacent Lot 5772, which is owned by Darwin City Council. Council has not approved the use of part of Lot 5772 as a "right of way". Sky City currently has a lease with options over Lot 5772 with Council which will expire in 2015. Vehicles need to access Lot 5772 from Casino Drive and then

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drive across the car park constructed on part of Lot 5772, to access the proposed vehicle bridge to Lot 7651. Council has received a request for a “right of way” from Sky City. This request is currently being considered and may or may not receive support from Council. Therefore no development permit for the subject proposal should be issued until this matter is resolved to the satisfaction of Darwin City Council and the Northern Territory Government.

Other options for vehicular access into Lot 7651 need to be explored to ensure safe vehicle movement with minimal disruption to adjacent Council land. Potential traffic issues with the subject proposal include: the safety implications with the use of the current parking aisle as a circulation roadway; the proposed vehicular circulation area being unsuitable for an increase in traffic numbers; and the provision of only one access point for the 230 space car park.

The proposal to establish a car park with an additional 230 car spaces needs to be fully examined by way of a traffic management plan. Council understands that the subject site will be used mostly as a public open space area with a number of events taking place during the year that will generate a peak car parking demand on parking facilities. Council is concerned that 230 car spaces will not be adequate to meet the peak demand of major events. Council recommends that a traffic management plan be prepared to clearly indicate how the impact of peak demand can be managed.

Works on Council Land

The development application plans indicate future works (not included as part of the development application) proposed for Council land, adjacent to the subject site. These works include an extension of the proposed landscaped car park on Lot 7651, to land within the Gilruth Avenue Road reserve and a landscaped boardwalk, including a pedestrian bridge, along the Mindil Beach foreshore from the Nurse’s Walk Steps to Lot 5772. Council will request that the Authority advises the applicant that all these works will be subject to Council’s approval and the applicant will be expected to meet all Council’s requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

Stormwater Drainage

The stormwater drainage plan for the sealed car park appears to meet Council requirements. The plan shows the car park gradient falling towards the tidal creek, with stormwater sheet flow directed to the creek.

Easements

There are electricity supply easements and electronic communications easements running across the site, as outlined above, but it appears that there are no easements in favour of Darwin City Council on the site.

Waste Bin Storage

There is no waste bin storage area proposed for the site.

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It is recommended that waste bin facilities are provided for the open space / lawn areas of the site as the development application report advises that site will be available for recreation and leisure use by the general public, when it is not being used by Skycity for private functions.

FINANCIAL IMPLICATIONS:

Not assessed.

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 Improve relations with all levels of Government
 - 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
- 1.2 Effectively engage with Community
 - 1.2.1 Increase involvement of the Business Community for developing solutions to local issues
- 2.1 Improve urban enhancement around Darwin
 - 2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs
- 3.1 Promote the use of public spaces
 - 3.1.1 Enhance public spaces and encourage greater use by the community

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not assessed.

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DELEGATION:

To the Chief Executive Officer to provide standard Development Permit conditions as appropriate.

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE:

Not Applicable.

RECOMMENDATIONS:

THAT it be a recommendation of the Council:-

- A. THAT Report Number 09TS0147 PL:sv entitled Development Application Lot 7651 Gilruth Avenue, The Gardens, Town Of Darwin. Proposed Development - Leisure and Recreation (including Outdoor Entertainment, Landscaping and Car Parking), be received and noted.
- B. THAT Council endorse the letter to the Development Consent Authority in **Attachment B** to Report Number 09TS0147 PL.sv.

PETER LINDWALL
STRATEGIC TOWN PLANNER

DROSSO LELEKIS
A/GENERAL MANAGER INFRASTRUCTURE

Any queries on this report can be directed to Peter Lindwall on 8930 0528 or email p.lindwall@darwin.nt.gov.au

Please quote 1043629 PL:sv

18 September 2009

Mr Doug Losh
 Manager Urban Planning
 Development Assessment Services
 Department of Planning and Infrastructure
 GPO Box 1080
 DARWIN NT 0801

Dear Doug

REVISED LETTER

Lot 7651 Gllruth Avenue, The Gardens, Town Of Darwin
Proposed Development - Leisure And Recreation (Including Outdoor
Entertainment, Landscaping and Car Parking)

I thank you for the Development Application referred to this office 3 September 2009, concerning the above. This letter may be placed before Council's Town Planning Committee at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **Council cannot support this application until the following issues are resolved:**

Vehicle Access to Lot 7651

- a). There is no direct vehicle access to the site from Gllruth Avenue and vehicle access is dependent upon a formal agreement being in place for a right of way vehicle access in favour of Lot 7651, across adjacent Lot 5772, which is owned by Darwin City Council. Council has not approved the use of part of Lot 5772 as a "right of way". Sky City currently has a lease with options over Lot 5772 with Council which will expire in 2015. Vehicles need to access Lot 5772 from Casino Drive and then drive across the car park constructed on part of Lot 5772, to access the proposed vehicle bridge to Lot 7651. Council has received a request for a "right of way" from Sky City. This request is currently being considered and may or may not receive support from Council. Therefore no development permit for the subject proposal should be issued until this matter is resolved to the satisfaction of Darwin City Council and the Northern Territory Government.

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- b). **Other options for vehicular access into Lot 7651 need to be explored to ensure safe vehicle movement with minimal disruption to adjacent Council land.** Potential traffic issues with the subject proposal include: the safety implications with the use of the current parking aisle as a circulation roadway; the proposed vehicular circulation area being unsuitable for an increase in traffic numbers; and the provision of only one access point for the 230 space car park.
- c). **The proposal to establish a car park with an additional 230 car spaces needs to be fully examined by way of a traffic management plan.** Council understands that the subject site will be used mostly as a public open space area with a number of events taking place during the year that will generate a peak car parking demand on parking facilities. Council is concerned that 230 car spaces will not be adequate to meet the peak demand of major events. Council recommends that a traffic management plan be prepared to clearly indicate how the impact of peak demand can be managed.

Issues that need to be addressed include:

- i. The effect of car parking in relation to a major event;
- ii. How car parking is to be managed in a peak event;
- iii. How the public is going to be notified of major events on the site; and
- iv. How public transport is going to be made available to assist in responding to peaks in demand for access to major events on this site.

The Traffic Management Plan will need to be endorsed by Darwin City Council and the Northern Territory Government.

- ii). **Should the above issue be adequately addressed, Council offers the following comments:**
 - b). **Council notes that the development application plans indicate future works (not included as part of the development application) proposed for Council land, adjacent to the subject site.** Those works include an extension of the proposed landscaped car park on Lot 7651, to land within the Glinuth Avenue Road reserve and a landscaped boardwalk, including a pedestrian bridge, along the Mindil Beach foreshore from the Nurse's Walk Steps to Lot 5772. **The applicant should be advised that all these works will be subject to Council's approval and the applicant will be expected to meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.**

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- c) **The Development Application fails to provide any information regarding the treatment and appearance of the 'lawn/gala' area of the site when it is being used for Skycity functions.** The site is presented as a car park and an 'open space' area with electricity and water service points in place for entertainment and social functions. The application report states that the grassed area will be open to the general public for leisure and recreation use when it is not being used for a Skycity function. However, the application fails to address how the site will be closed off to the general public when it is in private use. Council submits that consideration should be given to both the safety issues and aesthetic issues associated with temporary fencing, particularly in such a prominent location visible from Mylly Terrace, Burnett Place and Gilruth Avenue and adjacent to a public beach.
- d) **The Development Application fails to provide any information regarding provision of toilet facilities for patrons attending private functions located on the 'gala' lawns.** The distance from the centre of the 'gala' lawn to the Casino building via the pedestrian bridge is approximately 600 metres, so it must be assumed that temporary toilet facilities will be installed for private functions, which again raises issues associated with the appearance of the site from adjacent roads and properties along the Mylly Terrace and Burnett Place escarpment. In addition toilets will need to be provided to address the normal day to day use of the open space area by the community.
- e) **The Development Application fails to provide any information regarding noise attenuation measures for adjacent properties, particularly those located along the Mylly Terrace and Burnett Place escarpment which overlook the site.** The Development Application report refers to jazz concerts and 'Black Tie' events being held on the 'gala' lawns which would involve live amplified music being played in the evening in close proximity to residential dwellings. The existing casino lawns to the north east of the casino site are located away from private dwellings.
- f) **Finally, the Development Application plans do not include any waste bin facilities for the site.** Whilst it is expected that the Casino management will provide temporary waste bin facilities for private functions, it is also recommended that waste bin facilities are provided for general public use on the open space / lawn areas of the site. The development application report advises that site will be available for recreation and leisure use by the general public, when it is not being used by Skycity for private functions.
- g) **The stormwater drainage plan for the proposed sealed car park appears to meet Council requirements.**

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.

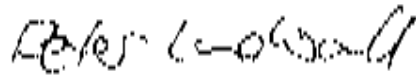
- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense.
- The location, design and specifications 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 Director of Technical Services, Darwin City Council. No wall, fence or tree exceeding 0.8 metres in height shall be constructed or planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70 (5) of the Planning Act a monetary contribution shall be paid to Darwin City Council for any determined parking shortfall.
- 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.
- Waste bin storage and pick up shall be provided in accordance with Council's Waste Bin Policy.

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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: June D'Rozario & Associates Pty Ltd

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\() (29/09/09)

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, 13 October, 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\() (29/09/09)

