

CITY OF DARWIN

NINTH ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 14 AUGUST 2012

MEMBERS: The Right Worshipful, Lord Mayor, Ms Katrina Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member R Lesley; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B Dowd; Acting General Manager Corporate Services, Ms K Stidworthy; General Manager Infrastructure, Mr L Cercarelli; Acting General Manager Community & Cultural Services, Ms K Hearn; Executive Manager, Mr M Blackburn; Committee Administrator, Ms L Elmer.

GUESTS: Ms Evey Temple-Bree, President; Ms Clare Jones, Treasurer; Ms Davina Smith, Secretary; and Ms Sandra Howlin, member; of the Parap Family Management Committee, accompanied by Ms Rezalyn Krook, Director of Parap Family Centre and Mr Steven Ehrlich, Director, MKE Architects will be in attendance from 5.15 p.m. to brief the Council on Parap Family Centre.

Enquiries and/or Apologies: Linda Elmer
E-mail: l.elmer@darwin.nt.gov.au PH: 89300 670



	<u>PAGE</u>
*** I N D E X ***	
1 ACKNOWLEDGEMENT OF COUNTRY	4
2 THE LORD'S PRAYER	4
3 MEETING DECLARED OPEN	4
4 APOLOGIES AND LEAVE OF ABSENCE	4
5 ELECTRONIC MEETING ATTENDANCE.....	4

6	DECLARATION OF INTEREST OF MEMBERS AND STAFF.....	4
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S	
7.1	Ordinary Council Meeting 31/07/12	5
8	BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S	
8.1	Business Arising	5
9	MATTERS OF PUBLIC IMPORTANCE	5
10	DEPUTATIONS AND BRIEFINGS	
10.1	Parap Family Centre	5
11	CONFIDENTIAL ITEMS	
11.1	Closure to the Public for Confidential Items	6
11.2	Moving Open Items Into Confidential	6
11.3	Moving Confidential Items Into Open	6
12	PETITIONS.....	6
13	NOTICES OF MOTION	6
14	OFFICERS REPORTS	
14.1	Nightcliff Foreshore Café/Restaurant – Update Number 1	7

15	INFORMATION ITEMS AND CORRESPONDENCE RECEIVED	
15.1	Notification of Name Change – Darwin City Council to City of Darwin.....	15
15.2	Call for Nomination - Heritage Council 2012.....	18
16	REPORTS OF REPRESENTATIVES.....	22
17	QUESTIONS BY MEMBERS	22
18	GENERAL BUSINESS.....	22
19	DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING... 	22
20	CLOSURE OF MEETING TO THE PUBLIC.....	22
21	ADJOURNMENT OF MEETING AND MEDIA LIAISON	22

1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

4.2 Leave of Absence Granted

THAT it be noted that Member J M Anictomatis is an apology due to a Leave of Absence being previously granted on 17 July 2012 for the period 25 July 2012 to 14 August 2012.

DECISION NO.21\() (14/08/12)

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S**7.1 Confirmation of the Previous Ordinary Council Meeting**
Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 31 July 2012, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\() (14/08/12)

8 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S**8.1 Business Arising****9 MATTERS OF PUBLIC IMPORTANCE****10 DEPUTATIONS AND BRIEFINGS****10.1 Parap Family Centre**
Common No. 2260687

Ms Evey Temple-Bree, President; Ms Clare Jones, Treasurer; Ms Davina Smith, Secretary; and Ms Sandra Howlin, member; of the Parap Family Management Committee, accompanied by Ms Rezalyn Krook, Director of Parap Family Centre and Mr Steven Ehrlich, Director, MKE Architects will be in attendance from 5.15 p.m. to brief the Council on Parap Family Centre.

THAT the presentation from the Parap Family Centre, be received and noted.

DECISION NO.21\() (14/08/12)

11 CONFIDENTIAL ITEMS**11.1 Closure to the Public for Confidential Items**
Common No. 1944604

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>
C22.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C26.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

DECISION NO.21\() (14/08/12)

11.2 Moving Open Items Into Confidential**11.3 Moving Confidential Items Into Open****12 PETITIONS**

Nil

13 NOTICES OF MOTION

Nil

14 OFFICERS REPORTS

14.1 Nightcliff Foreshore Café/Restaurant – Update Number 1 Report No. 12TS0133 (14/08/12) Common No. 2191683

Report Number 12TS0133 attached.

1ST ORDINARY COUNCIL MEETING/OPEN

AGENDA ITEM: 14.1

NIGHTCLIFF FORESHORE CAFE/ RESTAURANT - UPDATE NUMBER 1

REPORT No.: 12TS0133 LC:lm COMMON No.: 2191683

DATE: 14/08/2012

Presenter: General Manager Infrastructure, Luccio Cercarelli

Approved: Chief Executive Officer, Brendan Dowd

PURPOSE

The purpose of this report is to update Council on the Nightcliff Foreshore Café/ Restaurant Capital Works project contained within the 2012/2013 Council Budget.

LINK TO STRATEGIC PLAN

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

3 Assist Individuals and the Community Stay Connected with the Darwin Region

Outcome

3.1 Promote the use of public spaces

Key Strategies

3.1.1 Enhance public spaces and encourage greater use by the community

KEY ISSUES

- The City of Darwin 2012/2013 Budget contains \$150,000 to commence the Nightcliff Foreshore Café/ Restaurant project.
- Lot 8657, 259 Casuarina Drive, Nightcliff has been identified as a possible site for the facility.
- Lot 8657 is currently zoned Organised Recreation (OR) and contains the Nightcliff Public Swimming Pool and at grade car parking.
- The report explores issues to be considered and a process to procure this project.

RECOMMENDATIONS

- A. THAT Report Number 12TS0133 LC:lm entitled Nightcliff Foreshore Cafe/ Restaurant - Update Number 1, be received and noted.
- B. THAT Council endorse Lot 8657, 259 Casuarina Drive, Nightcliff as its preferred location for the proposed Nightcliff Foreshore Café/ Restaurant.

PAGE: 2
 REPORT NUMBER: 12TS0133 LC:lm
 SUBJECT: NIGHTCLIFF FORESHORE CAFÉ/ RESTAURANT – UPDATE NUMBER 1

- C. THAT Council endorse in principle the process for a public call of Expressions of Interest from interested parties for the design and construction of the Nightcliff Foreshore Café/ Restaurant as outlined in Report Number 12TS0133 LC:lm.
- D. THAT an Expression of Interest document be developed in accordance with Report Number 12TS0133 LC:lm for endorsement by Council.

BACKGROUND

As part of the 2012/2013 Council budget process, Council considered a new initiative submitted by the Chan Ward Alderman, to develop a café/ restaurant on the Nightcliff Foreshore adjacent to the Nightcliff Public Swimming Pool.

The proposal was that Council construct a café/ restaurant on the Nightcliff Foreshore for \$1,500,000 including all design and construction costs. It was identified that the building would need to have an internal area of 250 square metres and would be leased out therefore returning an income to Council.

The site that was identified was Lot 8657, 259 Casuarina Drive, Nightcliff (**Attachment A**). This site is currently zoned Organised Recreation (OR) and contains the Nightcliff Public Swimming Pool and an at grade car park.

The 2012/2013 adopted Council Budget includes an allocation of \$150,000 towards this project.

DISCUSSION

The following report is intended to consider various issues associated with this project and to commence the process.

Further detailed reports will be presented as the project progresses. To date estimates of cost, likely income and issues associated with design and construction process have been based on the new initiative submission.

Lot 8657 zoning of Organised Recreation (OR) identifies a restaurant use as discretionary under the Northern Territory Planning Scheme, therefore planning approval would need to be obtained.

In addition, if Council was to enter into a lease beyond 12 years then a subdivision would also be required.

Any development on this site would require the provision of services such as sewerage, water and power to the final location of the café/ restaurant. These do not currently exist and would need to be included within the budget allocation.

Currently there are two potential locations within lot 8657 which could accommodate this development being the car parking areas to the east and public swimming pool. Each site has merits and the brief will request the applicants identify their preferred

PAGE: 3
 REPORT NUMBER: 12TS0133 LC:lm
 SUBJECT: NIGHTCLIFF FORESHORE CAFÉ/ RESTAURANT – UPDATE NUMBER 1

location on site with associated reasons.

During Council discussions regarding this project it was identified that an option to progress this project was to undertake the following process:

- Calling of Expressions of Interest from interested parties to design and construct.
- Short listing applicants.
- Further development and consideration of proposals and designs.
- Awarding of design and construction to preferred applicant for a fixed cost to Council.
- Council seeks interested parties to lease the premises.

Likely outcomes from the initial EOI would be concept designs, written submissions on merits of submissions, the 'term' and costs.

Alternatives to this process could include:

- Council under takes the planning and design directly and calls tenders for the construction and then lease the site
- Council simply offer, for long term lease, a parcel of land for use as a café/ restaurant. Council has no significant involvement in design and all design and construction costs are met by the applicant.

Should Council resolve to progress with the calling of Expression of Interest (EOI) process, it will be recommended that staff develop a EOI document for Council's endorsement which will include the following minimum issues;

- That the total cost of planning, design, construction, certification and project management be \$1,500,000.
- The café/ restaurant interior floor area be a minimum of 250 square metres.
- The facility contain indoor and outdoor usage opportunities.
- The building be designed and constructed to be low maintenance.
- The building be designed to be sympathetic to the tropical environment and be energy efficient.
- That the building reflect the Darwin lifestyle and the character of the surrounding environment.
- Conform to the Northern Territory Planning Scheme, Building Code of Australia and all relevant legislative requirements.

The proposed timeframe is as follows:

- Council endorse process, principles and site – 14 August 2012
- Council endorses EOI brief– 25 September 2012
- Public call of EOI – October 2012
- Council shortlists and selects preferred applicant – November to December 2012

PAGE: 4
 REPORT NUMBER: 12TS0133 LC:lm
 SUBJECT: NIGHTCLIFF FORESHORE CAFÉ/ RESTAURANT – UPDATE NUMBER 1

This would mean that planning and design work could occur in early 2013 with a construction commencement date in the 2013 dry season.

In addition to the above technical timeframe Council will need to undertake community consultation and engagement in parallel to ensure construction by the 2013 dry season.

CONSULTATION PROCESS

In preparing this Report the following parties were consulted:

- City of Darwin, Strategic Town Planner
- City of Darwin, Finance Manager
- RLB Consultants
- Chan Ward Alderman

At this stage of the proposal a consultation plan has not been developed for the project, this will need to occur as the project progresses.

The Chan Ward Alderman have identified a willingness to undertake the community consultation.

POLICY IMPLICATIONS

Consideration must be given to City of Darwin Policy Number 010 – Land Acquisition, Disposal and Lease when considering the leasing of this facility.

The Policy deals with long term leases which it defines as “leases which exceed a period of 12 years or more inclusive of any renewal options”.

The Policy states:

“As a general rule, Council (as custodian of public assets) would dispose of all property interests in an open market format to ensure due probity of process and optimal financial return (and minimal risk).

However, one of Council’s roles of participating in the marketplace via land ownership is to facilitate desired goals and objectives to ensure the growth and prosperity of the City, which if left to the private marketplace alone, may not be achievable.

This may encompass a range of opportunities for Council’s involvement (i.e. site amalgamations with adjoining owners, facilitation of key projects etc) where property disposal activities based on an open market approach and due probity process alone will/may not achieve such objectives.”

The policy provides a framework and procedures regarding the leasing of Council assets. The full policy can be viewed at www.darwin.nt.gov.au.

PAGE: 5
 REPORT NUMBER: 12TS0133 LC:lm
 SUBJECT: NIGHTCLIFF FORESHORE CAFÉ/ RESTAURANT – UPDATE NUMBER 1

BUDGET AND RESOURCE IMPLICATIONS

The 2012/2013 City of Darwin Budget has a allocation of \$150,000 for this project.

The total value of the project at the time of establishing the budget was \$1,500,000.

Preliminary discussions with cost consultants RLB, have indicated that the cost to design, construct and fit out a café/ restaurant as proposed could be in the order of \$6000 per square metre (GST exclusive). This equates to a total cost of \$1,500,000 (GST exclusive) for a 250 m2 facility. It should be noted that this estimate does not include the cost to provide car parking that may be required and the total is on internal areas only.

Further refining of the costs will be required as the project progresses and detail developed.

Costs to develop and call an EOI are not considered to be significant.

How the project is to be fully funded has not been resolved at the time of writing this report and should be resolved 'in principle' by Council prior to the awarding of the EOI.

Council could consider funding the project via a loan, which would require Ministerial approval or from general revenue or a combination of both.

An initial analysis of loan funding based on a loan of \$1.35 million (\$1.5 million less the \$150,000) and interest rate of 7.12% indicates the loan repayments would be:

- Over a 10 year term - \$191,008 per annum.
- Over a 15 year term - \$147,908 per annum.
- Over a 20 year term - \$127,613 per annum.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

As the project progresses there are various risks including but not limited to escalating costs, public objections and slippage of timeframes.

Council will need to ensure that its EOI and procurement are in accordance with Councils Policy and legislative requirements. Legal advice will be sought as the EOI brief is developed to ensure requirements are met.

Various legal matters will need to be considered in the future leasing arrangement.

ENVIRONMENTAL IMPLICATIONS

The EOI will request that the building be designed to suit the tropical environment and be energy efficient.

PAGE: 6
REPORT NUMBER: 12TS0133 LC:lm
SUBJECT: NIGHTCLIFF FORESHORE CAFÉ/ RESTAURANT – UPDATE NUMBER 1

The final design and location will need to consider issues such as coastal erosion and residential amenity.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

For enquiries, please contact Luccio Cercarelli on 89300580 or email:
l.cercarelli@darwin.nt.gov.au

Attachments:

Attachment A: Aerial Photograph of Lot 8657, 259 Casuarina Drive, Nightcliff.



15 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**15.1 Notification of Name Change – Darwin City Council to City of Darwin**

Document No. 2298872 (07/08/12) Common No. 1529177

Document No. 2300770 (09/08/12) Common No. 1529177

- A. THAT the incoming Letter from the Minister for Local Government, Minister Malarndirri McCarthy, dated 3 August 2012, regarding Notification of Name Change – Darwin City Council to City of Darwin, Document Number 2298872, be received and noted.
- B. THAT the NT Government Gazette Notice, dated 9 August 2012 regarding the change of name of the local government area to the City of Darwin and the name of the Council to City of Darwin, Document Number 2300770 be received and noted.

DECISION NO.21\() (14/08/12)



MINISTER FOR LOCAL GOVERNMENT

Parliament House
State Square
Darwin NT 0800
minister.mccarthy@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8901 4072
Facsimile: 08 8901 4080

The Right Worshipful the Lord Mayor of Darwin
Ms Katrina Fong Lim
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor

Thank you for your letter received on 13 June 2012, advising that the Council has passed a resolution requesting me, as the Minister for Local Government, to change the name of the Council and the name of the Council area.

I am pleased to advise that I have now signed an instrument to effect the change of name of Darwin City Council to City of Darwin.

Departmental officers will arrange for the instrument to appear in the Northern Territory Gazette. The instrument will come into effect on the date of gazettal.

Please contact Ms Lee Williams, Director Legislation, on 8999 8405 or via email at lee.williams@nt.gov.au, if you have any queries.

Yours sincerely

MALARNDIRRI McCARTHY

- 3 AUG 2012



Government Gazette

Local Government Act

CHANGE OF NAME OF LOCAL GOVERNMENT AREA AND NAME OF COUNCIL

I, MALARNDIRRI BARBARA ANNE McCARTHY,
Minister for Local Government, under section 9(2) of
the *Local Government Act* and with reference to section
9(1)(c) and (d) of the *Act*:

- (a) change the name of the Darwin City Council
local government area to the City of Darwin local
government area; and
- (b) change the name of the council for the City of
Darwin local government area from Darwin City
Council to City of Darwin.

Dated 3rd August, 2012.

M. B. A. McCARTHY
Minister for
Local Government

15 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

15.2 Call for Nomination - Heritage Council 2012

THAT the incoming email entitled, Call for Nomination – Heritage Council 2012 from Local Government Association NT (LGANT) dated 7 August 2012, regarding Call for Nomination – Heritage Council 2012, be received and noted.

DECISION NO.21\() (14/08/12)

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

NOMINATION FORM

HERITAGE COUNCIL

COUNCIL NAME: CITY OF DARWIN

1. Agreement to be nominated

I, _____ agree to be nominated as a member of the
HERITAGE COUNCIL.

Signature:

Dated this day of 2012

2. Council Confirmation of Nomination

I, BRENDAN DOWD the Chief Executive Officer

hereby confirm that _____

was approved by resolution of Council to be nominated as a member of the
HERITAGE COUNCIL at a meeting held on Tuesday, 14 August 2012.

Signature:

Dated this day of 2012.

3. Nominee Information

The following information is required to enable the Executive to make an informed decision. A current curriculum vitae can be submitted in lieu of section 3 of the nomination form.

3.1 What is your current council position? _____

3.2 How long have you held your current council position? _____

3.3 How long have you been involved in local government? _____

3.4 What experience do you have that is relevant to this committee?

3.5 Apart from your current position what other roles have you had in the local government sector?

4. You agree to supply the Executive with a report on the committee meetings you attend?

I agree ☐ I Disagree ☐

5. Have you read and agree to the Outside Committee procedures

Yes ☐

HERITAGE COUNCIL - 2012

Membership

The *Heritage Act* sets out the membership of the Heritage Council, which consists of a total of eleven members. Six members are appointed by the Minister at the Minister's discretion. The remaining five consist of the CEO of the Department of Natural Resources Environment The Arts and Sport (or a nominee of the CEO) and nominees from:

- the National Trust
- the Aboriginal Areas Protection Authority (AAPA)
- an organisation representing the interests of local government
- an organisation representing the interests of land owners

The Act requires the Minister to ensure, as far as practicable, that two of the members of the Heritage Council are of Aboriginal descent.

Meetings

The Council meets formally four times a year and also sometimes meets out of session. At least one meeting a year is held in Alice Springs.

Functions

The functions of the Council are set out in the *Heritage Act* and are as follows:

- a) to assess the heritage significance of places and objects
- b) to recommend to the Minister the declaration of places and objects to be heritage places and objects
- c) to recommend to the Minister the revocation of the declaration for heritage places and objects
- d) to advise the Minister on the conservation, use and management of heritage places and objects
- e) to advise the Minister about the carrying out of work on a heritage place or object and to decide applications for work approvals other than applications for major work
- f) to promote, as it considers appropriate, the public use and enjoyment of heritage places and objects in a way that is consistent with the conservation of the heritage significance of the places and objects.
- g) To facilitate public education and programs about the Territory's cultural and natural heritage
- h) To advise the Minister on financial incentives or concessions for heritage agreements (either in general or on particular agreements)
- i) To advise the Minister on matters affecting the Territory's cultural and natural heritage
- j) To perform other functions conferred under this or another Act or as directed by the Minister.

Annual Report

The existing *Heritage Conservation Act* requires that the Heritage Advisory Council (HAC) produce an annual report every year. Copies of all HAC Annual Reports since 1998-99 are available at <http://www.nretas.nt.gov.au/knowledge-and-history/heritage/hac>

The new *Heritage Act* has a similar requirement.

Contact: Michael Wells, Director Heritage Branch, NRETAS

8999 5036

Michael.wells@nt.gov.au

16 REPORTS OF REPRESENTATIVES**17 QUESTIONS BY MEMBERS****18 GENERAL BUSINESS****19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**

THAT the next Ordinary Meeting of Council be held on Tuesday, 28 August 2012, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\() (14/08/12)

20 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.21\() (14/08/12)

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON