

CITY OF DARWIN

MINUTES OF THE THIRTEENTH ORDINARY COUNCIL MEETING OF THE TWENTY-FIRST COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 16 OCTOBER 2012 COMMENCING AT 5.00 P.M.

PRESENT: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member G J Haslett; Member R M Knox (via Audio Conferencing); Member G Lambrinidis; Member R Lesley; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe (arrived at 5.25 pm); Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; Acting General Manager Community & Cultural Services, Ms K Hearn; Executive Manager, Mr M Blackburn; Manager Business Services, Mr L Carroll; Digital Marketing Communications Officer, Ms A Grigg; Committee Administrator, Ms L Elmer.

APOLOGY: Member G A Lambert.

MEDIA: Mr Conor Byrne – NT News.

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

1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

5 ELECTRONIC MEETING ATTENDANCE

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

7.1 Ordinary Council Meetings 25/09/12
7.2 Confidential Ordinary Council Meetings 25/09/12 **(Decisions Moved from Confidential)**



8 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

8.1 Business Arising

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10 DEPUTATIONS AND BRIEFINGS

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14.1 Nightcliff Foreshore Café/Restaurant – Update Number 3

14.2 2012 Strategic Plan Review

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14.4 Request for Alfresco Dining for Saffron Restaurant, Lot 5795 Shop 14, 34 Parap Road
Town of Darwin

14.5 2013 Darwin Australia Day Flag Raising and Citizenship Ceremony

14.6 Chief Executive Officer's 2012 Annual Performance Evaluation and Development
Review **(Decisions Moved from Confidential)**

15 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

16 REPORTS OF REPRESENTATIVES

16.1 Council Representative on the Immigration, Detention Centre, Community Consultation
Committee

16.2 LGANT Board Meeting – 15 October 2012

16.3 Youth NT Conference – 1 – 2 October 2012

17 QUESTIONS BY MEMBERS



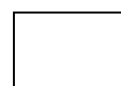
18 GENERAL BUSINESS

18.1 Election of Acting Lord Mayor – 23 - 24 October 2012

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

20 CLOSURE OF MEETING TO THE PUBLIC

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON



1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

The Chairman declared the meeting open at 5.00pm

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

(Lesley/Anictomatis)

THAT Member R Want de Rowe, will arrive late.

DECISION NO.21\490 (16/10/12) Carried

4.2 Leave of Absence Granted

(Knox/Galton)

THAT it be noted that Member G A Lambert is an apology due to a Leave of Absence being previously granted on 31 July 2012 for the period 16 – 23 October 2012.

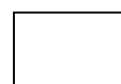
DECISION NO.21\491 (16/10/12) Carried

4.3 Leave of Absence Requested

(Lesley/Lambrinidis)

- A. THAT a Leave of Absence be granted for The Right Worshipful, Lord Mayor, Ms K M Fong Lim for the period 21 – 24 October 2012.
- B. THAT a Leave of Absence be granted for Member R K Elix for the period 23 – 28 October 2012.
- C. THAT a Leave of Absence be granted for Member H I Galton for the period 18 – 25 October 2012 and 7 – 20 November 2012.
- D. THAT a Leave of Absence be granted for Member R Want de Rowe for the period 28 November 2012 to 2 December 2012.

DECISION NO.21\492 (16/10/12) Carried



5. ELECTRONIC MEETING ATTENDANCE
Common No. 2221528

(Elix/Lambrinidis)

THAT Council note the attendance via audio conferencing for Member R M Knox.

Carried

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

(Galton/Worden)

THAT Council note that pursuant to Section 107 of the Local Government Act 2008, The Chief Executive Officer, Mr Brendan Dowd declared a Conflict of Interest in Item C27.3.

Carried

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

7.1 Confirmation of the Previous Ordinary Council Meeting
Common No. 1955119

(Galton/Worden)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 25 September 2012, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\493 (16/10/12) Carried

7.2 Confirmation of the Previous Confidential Ordinary Council Meeting

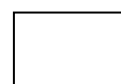
With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Knox/Worden)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 25 September 2012, be received and confirmed as a true and correct record of the proceedings of that meeting.

B. THAT this decision be moved into Open.

DECISION NO.21\494 (16/10/12) Carried



8 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

8.1 Business Arising

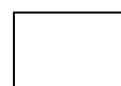
Nil

9 MATTERS OF PUBLIC IMPORTANCE

Nil

10 DEPUTATIONS AND BRIEFINGS

Nil



11 CONFIDENTIAL ITEMS

11.1 Closure to the Public for Confidential Items Common No. 1944604

(Mitchell/Galton)

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential 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.
C26.2	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.
C26.3	8(a)	Information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.
C27.1	8(d)	Information subject to an obligation of confidentiality at law, or in equity.
	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\495

(16/10/12)

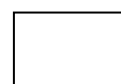
Carried

11.2 Moving Open Items Into Confidential

Nil

11.3 Moving Confidential Items Into Open

Nil



12 PETITIONS

Nil

13 NOTICES OF MOTION

Nil

Alderman R Want de Rowe arrived at the meeting at 5.25 p.m.

14 OFFICERS REPORTS

14.1 Nightcliff Foreshore Café/Restaurant – Update Number 3
Report No. 12TS0179LC:KB (16/1012) Common No. 219683

Amendment

(Anictomatis/Haslett)

B. THAT a new consultation plan (level 3) be developed for the Nightcliff Foreshore Café/Restaurant.

Carried

(Worden/Knox)

A. THAT Report Number 12TS0179LC:KB entitled, Nightcliff Foreshore Café/Restaurant – Update Number 3, be received and noted.

Carried

(Worden/Knox)

C. THAT a further report be prepared on the outcomes of the consultation relating to the Nightcliff Foreshore Café/Restaurant for Council's consideration.

DECISION NO.21\496

(16/10/12)

Carried

ACTION: GM INFRAST



14 OFFICERS REPORTS

14.2 2012 Strategic Plan Review

Report No. 12TC0079 (16/10/12) Common No. 1230662

(Lesley/Worden)

- A. THAT Report Number 12TC0079 entitled, 2012 Strategic Plan Review, including **Attachment A**, be received and noted.
- B. THAT Council endorse the revised Strategic Plan as provided in **Attachment A** for the purpose of commencing round 2 of community consultation.

DECISION NO.21\497 (16/10/12)

Carried

ACTION: EXEC MGR

14.3 TOPROC Regional Development Framework and Memorandum of Agreement

Report No. 12TC0073 (16/10/12) Common No. 2322961

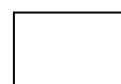
(Lesley/Galton)

- A. THAT Report Number 12TC0073 entitled, TOPROC Regional Development Framework and Memorandum of Understanding, including **Attachments A and B**, be received and noted.
- B. THAT Council endorses **Attachment A**, TOPROC Regional Development Framework, as amended.
- C. THAT Council endorses **Attachment B**, TOPROC Memorandum of Agreement.

DECISION NO.21\498 (16/10/12)

Carried

ACTION: EXEC MGR



14 OFFICERS REPORTS

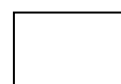
14.4 Request for Alfresco Dining for Saffron Restaurant, Lot 5795 Shop 14, 34 Parap Road Town of Darwin

Report No. 12TS0161 BS:fh (16/10/12) Common No. 2303483

(Galton/Want de Rowe)

- A. THAT Report Number 12TS0161 BS:fh entitled, Request for Alfresco Dining for Saffron Restaurant, Lot 5795 Shop 14, 34 Parap Road, Town of Darwin, be received and noted.
- B. THAT Council endorse the letter approving the request for Alfresco Dining for the Saffron Restaurant included as **Attachment D** to Report Number 12TS0161 BS:fh.
- C. THAT Council, subject to an Alfresco Dining Application over a portion of the Vimy Lane road reserve Parap, being received and approved by the General Manager, Infrastructure and the General Manager, Community & Cultural Services, will provide authorisation to the applicant allowing for the lodgement of:
 - i) a Liquor Licence Application to the Liquor Commission to allow consumption of liquor over Council road reserve between the hours of 11:30 am to 12am and other conditions as determined by Council.
 - ii) a development application to the Development Consent Authority for the construction of an Alfresco Dining Deck over Council's Road Reserve.
- D. THAT City of Darwin pursuant to Section 32 (2) of the Local Government Act 2008 hereby delegates to the Chief Executive Officer for the time being the power to respond to the Liquor Commission regarding the Liquor Licence for the Saffron Restaurant, Lot 5795 Shop 14, 34 Parap Road, as long as there are no changes to the conditions of their current Liquor Licence. The following Council Alfresco Dining conditions will be added to the Liquor Licence area which is located over Council land:
 - i) Council requests the following conditions be placed on the Liquor Licence in relation to the Alfresco Dining Area, which is located on Council owned land:
 - ii) Patrons shall consume alcohol only whilst seated at a table. Bar stools and raised tables will not be approved;
 - iii) The area shall at all times have the appearance of and trade predominantly as a dining area;
 - iv) That liquor shall only be sold for consumption on the premises ancillary to a meal;
 - v) Trading hours for the alfresco dining area located on Council land shall be from 11:30 am until 12am;

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14 OFFICERS REPORTS

14.4 Request for Alfresco Dining for Saffron Restaurant, Lot 5795 Shop 14, 34 Parap Road Town of Darwin

Report No. 12TS0161 BS:fh (16/10/12) Common No. 2303483

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vi) Noise levels shall be limited to a level that would not cause unreasonable disturbance to the amenity of ordinary residents of any nearby residential property; and

vii) The alfresco area is to be occupied in accordance with Council's Policy 011, Outdoor Dining.

E. THAT City of Darwin pursuant to Section 32 (2) of the Local Government Act 2008 hereby delegates to the Chief Executive Officer for the time being the power to determine the terms, conditions and lease arrangements of the proposed Alfresco Dining Deck.

DECISION NO.21\499

(16/10/12)

Carried

ACTION: GM CORP
ACTION: GM INFRAST

14.5 2013 Darwin Australia Day Flag Raising and Citizenship Ceremony

Report No. 12TC0081DD:as (16/10/12) Common No. 2251718

(Lesley/Galton)

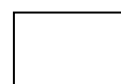
THAT Report Number 12TC0081 DD:as entitled, 2013 Darwin Australia Day Flag Raising and Citizenship Ceremony, be received and noted.

DECISION NO.21\500

(16/10/12)

Carried

ACTION: EXEC MGR



14 OFFICERS REPORTS

14.6 Chief Executive Officer's 2012 Annual Performance Evaluation and Development Review

Report No. 12TC0080 (16/10/12) Common No.1853062

With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Lesley/Elix)

A. THAT Report Number 12TC0080 entitled, Chief Executive Officer's 2012 Annual Performance Evaluation and Development Review, be received and noted.

B. THAT this decision be moved into Open.

DECISION NO.21\501

(16/10/12)

Carried

15 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil



16 REPORTS OF REPRESENTATIVES
Common No. 2246874

(Lambrinidis/Worden)

THAT the Reports of Representatives, be received and noted.

Carried

16.1 Council Representative on the Immigration, Detention Centre, Community Consultation Committee

Member R Lesley reported on the activities of the Immigration, Detention Centre, Community Consultation Committee.

16.2 LGANT Board Meeting – 15 October 2012

Member Galton reported on the LGANT Executive meeting held in Alice Springs on 15 October 2012.

16.3 Youth NT Conference – 1 – 2 October 2012

Member R Want de Rowe reported on the activities of the Youth NT Conference held in Darwin on the 1-2 October 2012.



17 QUESTIONS BY MEMBERS

Nil

18 GENERAL BUSINESS

18.1 Election of Acting Lord Mayor – 23 - 24 October 2012

(Galton/Worden)

THAT due to the Lord Mayor and Deputy Lord Mayor being unavailable or prevented from performing the duties of Lord Mayor simultaneously 23 - 24 October 2012, the Council pursuant to Section 43 (3) of the Local Government Act 2008, hereby appoints Member G J Haslett, to be Acting Lord Mayor on that day.

DECISION NO.21\502 (16/10/12)

Carried

ACTION: EXEC MGR
ACTION: CA

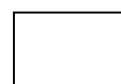
19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

(Niblock/Want de Rowe)

THAT the next Ordinary Meeting of Council be held on Tuesday, 30 October 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\503 (16/10/12)

Carried



20 CLOSURE OF MEETING TO THE PUBLIC

(Lesley/Mitchell)

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\504

(16/10/12)

Carried

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

(Worden/Elix)

THAT the meeting be adjourned at 5.55. p.m. to enable the Media to liaise with the Lord Mayor.

Carried



22 CLOSURE OF MEETING

The meeting moved into Confidential at 6.12 pm.

THE RIGHT WORSHIPFUL,
LORD MAYOR, MS KATRINA
MARY FONG LIM (CHAIRMAN)
– 1ST ORDINARY COUNCIL
MEETING - TUESDAY, 16
OCTOBER 2012

Confirmed on: ***Tuesday, 30 October 2012***

Chairman: _____

