ORDINARY COUNCIL MEETING - OPEN SECTION TUESDAY, 13 DECEMBER 2011

PAGE

COU12/1

DARWIN CITY COUNCIL

MINUTES OF THE EIGHTY-SECOND ORDINARY MEETING OF THE TWENTIETH COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 13 DECEMBER 2011, COMMENCING AT 5.05 P.M.

- PRESENT: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member R T Dee (arrived at 5.41 p.m.); Member R K Elix; Member H I Galton (arrived at 5.08 p.m.); Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster (arrived at 5.46 p.m.); Member H D Sjoberg.
- OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Executive Manager, Mr M Blackburn; Manager Strategy & Outcomes, Ms A Hammond; Acting Manager Climate Change & Environment, Ms S Franklyn; Committee Administrator, Ms L Elmer.
- GUESTS: Mr Kevin Blacker, representative from Perry Parks Pty Ltd was in attendance from 5.05 p.m. to 5.15. p.m. to brief the Council on Gardens Park Golf Links.

Ms Elena Gomatos, representative accompanied by Committee members from the Darwin City Retail Association Inc were in attendance from 5.55 p.m. to 6.12 p.m. to brief the Council.

- APOLOGY: Member J D Bailey; Member R M Knox.
- MEDIA: Mr Jano Gibson ABC Radio; Mr Connor Bryne NT News.

* * * I N D E X * * *

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- 3 MEETING DECLARED OPEN
- 4 APOLOGIES AND LEAVE OF ABSENCE
- 5 DECLARATION OF INTEREST OF MEMBERS AND STAFF

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- 15.2 Proposal to incorporate Three (3) on-Street Car Parking Bays for Future Alfresco Dining Extension for the Tap on Mitchell Located at Lot 5661 (58) Mitchell Street Town of Darwin
- 15.3 Development Application Parcel: Lot 2358 (52) The Mall Town of Darwin Proposal: Alfresco Dining Area Within Raintree Park
- 15.4 Development Application Parcel: Lot 7733 (18) Duke Street Town of Darwin Proposal: 3 Storey Single Dwelling
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(Decisions Moved from Confidential)

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22 ADJOURNMENT OF THE MEETING AND MEDIA LIAISON

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COU12/4

1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

The Chairman declared the meeting open at 5.05 p.m.

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

(Lambert/Moir)

- A. THAT the apology from Member R T Dee, would arrive late.
- B. THAT the apology from Member J L Sangster, would arrive late.
- C. THAT the apology from Member H I Galton, would arrive late.

DECISION NO.20\4694 (13/12/11)

4.2 Leave of Absence Granted

(Lambert/Moir)

- A. THAT it be noted that Member J D Bailey is an apology due to a Leave of Absence being previously granted on 25 October 2011 for the period 4 14 December 2011.
- B. THAT it be noted that Member R M Knox is an apology due to a Leave of Absence being previously granted on 15 November 2011 for the period 13 29 December 2011.

DECISION NO.20\4695 (13/12/11)

Carried

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COU12/5

4 APOLOGIES AND LEAVE OF ABSENCE

4.3 Leave of Absence Requested

(Lesley/Marrone)

THAT a Leave of Absence be granted for Member K M Moir for the period 1 – 31 January 2012.

DECISION NO.20\4696 (13/12/11)

Carried

Member H I Galton arrived at 5.08 p.m.

5 DECLARATION OF INTEREST OF MEMBERS AND STAFF

(Lambert/Sjoberg)

- A. 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 C29.4.
- B. THAT Council note that pursuant to Section 107 of the Local Government Act 2008, the General Manager Corporate Services, Mr Frank Crawley declared a Conflict of Interest in Item 9.1.
- C. THAT Council note that pursuant to Section 73 & 74 of the Local Government Act 2008, Member R K Elix declared a Conflict of Interest in Item 9.1.

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COU12/6

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 <u>Confirmation of the Previous Ordinary Council Meeting</u> Common No. 1955119

(Lambert/Marrone)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 29 November 2011, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\4697 (13/12/11)

Carried

6.2 Confirmation of the Previous Confidential Ordinary Council Meeting Common No. 1955119

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.

(Elix/Galton)

- A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 29 November 2011, be received and confirmed as a true and correct record of the proceedings of that meeting.
- B. THAT this decision be moved into Open.

DECISION NO.20\4698 (13/12/11)

Carried

7 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING

- 7.1 <u>Business Arising</u>
- Nil

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COU12/7

8 MATTERS OF PUBLIC IMPORTANCE

8.1 Sir Zelman Cowen AK, GCMG, GCVO, QC, PC

Member G A Lambert raised a Matter of Public Importance in relation to Sir Zelman Cowan.

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

(Lambert/Lesley)

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

Carried

(Lambert/Lesley)

B. THAT Council acknowledges with great sadness the passing, on the 8th December 2011, of Sir Zelman Cowen AK, GCMG, GCVO, QC, PC the 19th Governor-General of Australia a great Australian and a great friend and defender of the City of Darwin.

It is further acknowledged with esteem, that Sir Zelman Cowen had a particular familiarity with Darwin and an enduring personal association with this community, commencing with his actually being present in Darwin, on active duty, as a naval intelligence officer, fighting the enemy of the day, from the trenches during the first Bombing of Darwin on the 19th February 1942.

It is with enduring pride that this Council acknowledges this special Australian and honorary Territorian. He was a defender of Darwin, during the first bombing of Darwin, then later, he was an active ambassador for, and promoter of, the national recognition of the Bombing of Darwin as a major military commerarative ceremony. Sir Zelman Cowen was at the age 83 years invited to be a special Guest of Honour at the 60th Anniversary of the Bombing of Darwin, on the 19th February 2002. During that time he and Lady Cowan engaged widely with all the veterans. It was clear from all the responses and affection shown to him that he was well respected by all the veterans and their family.

Unfortunately and sadly Sir Zelman Cowen will not be personally present at the 70th Anniversary of the Bombing of Darwin and will not be with us to see the fulfillment of his aspirations to have the event recognised as a nationally significant military event.

This Council passes its condolences to the remaining members and family of the late Sir Zelman Cowen, a true Darwin Defender.

DECISION NO.20\4699 (13/12/11)

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The General Manager Corporate Services, Mr Frank Crawley and Alderman R K Elix left Chambers at 5.05 p.m. as they had declared a conflict of Interest item 9.1.

9 DEPUTATIONS AND BRIEFINGS

9.1 <u>Gardens Park Golf Links</u> Common No. 1602597

Mr Kevin Blacker, representative from Perry Parks Pty Ltd was in attendance from 5.05 p.m. to 5.15. p.m. to brief the Council on Gardens Park Golf Links

(Lambert/Marrone)

THAT the presentation from the Perry Parks Pty Ltd, in relation to the Gardens Park Golf Links, be received and noted.

DECISION NO.20\4700 (13/12/11) Carried

The General Manager Corporate Services, Mr Frank Crawley and Alderman R K Elix returned to Chambers at 5.16 p.m.

9.2 Darwin City Retail Association Common No. 2151920

Ms Elena Gomatos, representative accompanied by Committee members from the Darwin City Retail Association Inc were in attendance from 5.55 p.m. to 6.12 p.m. to brief the Council.

(Galton/Mitchell)

THAT the presentation from the Darwin City Retail Association, in relation to the Association, be received and noted.

DECISION NO.20\4701 (13/12/11)

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COU12/9

9 DEPUTATIONS AND BRIEFINGS

9.3 Paspaley Pearls Group, Darwin - Proposed Development on the Corner of The Mall and Bennett Street Common No.2065363

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.

Mr Mark Jagla, General Manager – Properties, from Paspaley Pearls Group, Darwin was be in attendance from 7.01 pm to 7.23 p.m. to brief the Council on a proposed development on the corner of The Mall and Bennett Street.

(Lesley/Marrone)

- A. THAT the presentation from Paspaley Pearls Group, Darwin, in relation to a proposed development on the corner of The Mall and Bennett Street, be received and noted.
- B. THAT this decision be moved into Open.

DECISION NO.20\4702 (13/12/11)

Carried

10 PUBLIC QUESTION TIME

Nil

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COU12/10

11 CONFIDENTIAL ITEMS

11.1 <u>Closure to the Public for Confidential Items</u> Common No. 1944604

(Moir/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 matters referred from Committees including Confidential Committee Items, and the following Items:-

	<u>ltem</u>	<u>Regulati</u>	<u>on</u>	Reason
	C24.1	8(c)(ii)		Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
	C26.1	8(e)		Information provided to the council on condition that it be kept confidential.
	C29.1	8(e)		Information provided to the council on condition that it be kept confidential.
	C29.2	8(c)(iv)		Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
	C29.3	8(c)(iv)		Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
	C29.4	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.
DECISION NO.20\4703 (1			(13/12/1	1)

11.2 Moving Open Items Into Confidential

Nil

11.3 Moving Confidential Items Into Open

Nil

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COU12/11

12 PETITIONS

Nil

NOTICES OF MOTION 13

Nil

14 **COMMITTEE REPORTS**

Nil

15 **OFFICERS REPORTS**

15.1 Proposal to Amend the NT Planning Scheme to Require Consent for all Telecommunications Facilities that are not Defined as Low Impact by the **Telecommunications (Low-Impact Facilities) Determination 1997** Report No. 11TS0206 JS:fh (29/112/11) Common No. 2143868

(Moir/Galton)

- THAT Report Number 11TS0206 JS:fh entitled Proposal To Amend the NT Planning Α. Scheme to Require Consent for all Telecommunications Facilities that are not Defined as Low Impact by the Telecommunications (Low-Impact Facilities) Determination 1997, be received and noted.
- THAT the letter to the Reporting Body in Attachment B to Report Number 11TS0206 Β. JS:fh be endorsed.

DECISION NO.20\4704 (13/12/11)

Carried

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COU12/12

15 OFFICERS REPORTS

15.2 Proposal to Incorporate Three (3) On-Street Car Parking Bays for Future Alfresco Dining Extension for the Tap on Mitchell Located at Lot 5661 (58) Mitchell Street Town of Darwin Report No. 11TS0168 JS:fh (29/112/11) Common No. 2092908

(Galton/Lambert)

A. THAT Report Number 11TS0168 JS:fh entitled Proposal To Incorporate Three (3) On-Street Car Parking Bays For Future Alfresco Dining Extension For The Tap On Mitchell Located At Lot 5661 (58) Mitchell Street Town Of Darwin be received and noted.

Carried

- B. THAT Council provide approval "in principle" for the incorporation of three (3) on-street public car parking bays into a future extended alfresco dining area associated with Lot 5661 (58) Mitchell Street, subject to the following:
 - (i) Design of the alfresco area and associated works on Council land is to be in accordance with Council policy and requirements to the satisfaction of the General Manager Infrastructure.
 - (ii) That the applicant enters into a alfresco dining lease/ permit with Council at the current market rate as determined by Council.
 - (iii) That all relevant planning and other approvals relating to the proposal be obtained by the applicant.
 - (iv) That all associated costs with the alfresco area within Council land be at the applicants expense.
- C. THAT Council provide the owners of 58 Mitchell Street with a letter authorising a planning application associated with alfresco dining within Council's Road Reserve, as identified in Report Number 11TS0168 JS:fh.

Motion was Lost

Foreshadow Motion

(Sjoberg/Lesley)

B. THAT Council does not support the loss of 3 on-street car parking spaces at this time and will consider the matter following the receipt and consideration of the CBD Car Parking strategy.

DECISION NO.20\4705 (13/12/11)

Carried

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COU12/13

15 OFFICERS REPORTS

15.3 <u>Development Application – Parcel: Lot 2358 (52) The Mall – Town of Darwin</u> <u>Proposal: Alfresco Dining Area Within Raintree Park</u> Report No. 11TS0207 BS:fh (29/11/11) Common No. 2141461

(Moir/Lesley)

- A. THAT Report Number 11TS0207 BS:fh entitled, Development Application for Lot 2358 (52) The Mall, Town of Darwin for an Alfresco Dining Area Within Raintree Park, be received and noted.
- B. THAT the letter to the Development Consent Authority at **(Attachment B)** to Report Number 11TS0207 BS:fh, be endorsed.

DECISION NO.20\4706 (13/12/11)

Carried

ACTION: GM INFRAST

15 OFFICERS REPORTS

15.4 <u>Development Application – Parcel: Lot 7733 (18) Duke Street Town of Darwin –</u> <u>Proposal: 3 Storey Single Dwelling</u> Report No. 11TS0208 JS:fh (01/12/11) Common No. 2126251

(Moir/Lesley)

- A. THAT Report Number 11TS0208 JS:fh entitled Development Application Parcel: Lot 7733 (18) Duke Street Town of Darwin – Proposal: 3 storey single dwelling, be received and noted.
- B. THAT the letter to the Development Consent Authority in **(Attachment B)** to Report Number 11TS0208 JS:fh, be endorsed.

DECISION NO.20\4707 (13/12/11)

Carried

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15 OFFICERS REPORTS

15.5 <u>Electoral Review – Communication Process</u> Report No. 11TC0108 (13/12/11) Common No. 1763441

(Lesley/Lambert)

THAT Report Number 11TC0108 entitled, Electoral Review – Communication Process, including **Attachments A & B**, be received and noted.

DECISION NO.20\4708 (13/12/11)

Carried

15.6 <u>Regional Development Australia – NT Plan</u> Report No. 11TC0100 (13/12/11) Common No. 1437996

(Sjoberg/Galton)

THAT Report Number 11TC0100 entitled, Regional Development Australia – NT Plan, be received and noted.

DECISION NO.20\4709 (13/12/11)

Carried

15.7 <u>Regional Management Plans</u> Report No. 11TC0110 BD:MB (08/12/11) Common No. 2124473

(Moir/Lesley)

- A. THAT Report Number 11TC0110BD:mb entitled, Regional Management Plans be received and noted.
- B. THAT Chief Executive Officer write to the Department of Housing, Local Government and Regional Services and confirm that Darwin City Council has ongoing commitment and support to engage in collaborative relationships with all levels of government but does not agree to being bound by a Regional Management Plan.

DECISION NO.20\4710 (13/12/11)

Carried

ACTION: CEO

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COU12/15

15 **OFFICERS REPORTS**

15.8 Library Operational Funding Report No. 11P0014 KC:md (07/12/11) Common No.1406851

(Lambert/Marrone)

THAT Report Number 11P0014 entitled, Library Operational Funding, be received and noted.

DECISION NO.20\4711 (13/12/11) Carried

Member R T Dee arrived at 5.41 p.m.

15.9 No School No Service

Report No. 11C0040 JB:kl (07/12/11) Common No. 2074102

(Lambert/Lesley)

- Α. THAT Report Number 11C0140 JB:kl entitled, No School No Service, be received and noted.
- Β. THAT Council reaffirms its Decision Number. 20\4527 dated 25/10/11, that Council not support the implementation of the No School No Services initiative in the Darwin municipality.

DECISION NO.20\4712 (13/12/11) Carried

ACTION: GM COMM/CULT

Returned to Item 9.2 at 5.45 p.m.

Member J L Sangster arrived at 5.46 p.m.

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15 OFFICERS REPORTS

15.10 <u>Community Energy Efficiency Program</u> Report No. 11TC0109 MB:sf (05/12/11) Common No. 2055298

(Moir/Dee)

- A. THAT Report Number 11TC0109 MB:sf entitled, Community Energy Efficiency Program, be received and noted.
- B. THAT Council seeks submissions on investment grade energy performance audits for the Civic Centre as pilot project.

DECISION NO.20\4713 (13/12/11)

Carried

ACTION: EXEC MGR

15.11 <u>Request by Fannie Bay Equestrian Club to Replace Caretaker Residence</u> Report No. 11A0200 (02/12/11) Common No. 179115

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.

(Sangster/Lesley)

- A. THAT Report Number 11A0200 entitled. Request by Fannie Bay Equestrian Club to Replace Caretaker Residence, be received and noted.
- B. THAT Council approve the construction of a new caretaker residence and garage for Fannie Bay Equestrian Club subject to obtaining planning approval from the Development Consent Authority, subject to the consultation with the Darwin Military Museum and the development of satisfactory screening.
- C. THAT this decision be moved into Open.

DECISION NO.20\4714 (13/12/11)

Carried

ACTION: GM CORP

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COU12/17

Carried

15 OFFICERS REPORTS

15.12 <u>Chief Executive Officer's 2011 Annual Performance Evaluation & Development</u> <u>Review</u> Report No. 11A0203 (06/12/11) Common No.1853062

With the consent of the Council, the Decisions arising from this item were moved from the

(Galton/Lesley)

- A. THAT Report Number 11A0203 entitled, Chief Executive Officer 2011 Performance Evaluation & Development Review, be received and noted.
- B. THAT this decision be moved into Open.

Confidential Section into the Open Section of the Minutes.

DECISION NO.20\4715 (13/12/11)

16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

17 REPORTS OF REPRESENTATIVES Common No. 1735503

(Sangster/Moir)

THAT the Representatives Report, be received and noted.

- ▲ Member K M Moir reported on a:
 - Letter from the Darwin Defenders and Horsham Rural City Council, and
 - reported on the activities of LGANT.
- Member F P Marrone reported on the activities of the Crimestoppers NT

DECISION NO.20\4716 (13/12/11)

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COU12/18

18 QUESTIONS BY MEMBERS

(Elix/Marrone)

THAT the Questions by Members, be received and noted.

18.1 Speed Cameras – Council's Roads

Member A R Mitchell asked if Council has any speed cameras on Council's roads.

The General Manager Community & Cultural Services, Mr J Banks advised that there were no provisions within the Local Government Act for Council to fine drivers for speeding offences.

DECISION NO.20\4717 (13/12/11)

18.2 Parking Study Results

Member R Lesley asked when the results on the parking study will be presented to Council.

The General Manager Infrastructure, Mr L Cercarelli advised that a report would be presented to Council in February 2012.

DECISION NO.20\4718 (13/12/11)

Carried

Carried

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COU12/19

19 GENERAL BUSINESS

19.1 <u>Election of Acting Deputy Lord Mayor 14 – 17 December 2011</u> Common No. 375173

(Lambert/Lesley)

THAT due to the Deputy Lord Mayor, being unavailable or prevented from performing the duties of Deputy Lord Mayor during the period 14 - 17 December 2011, the Council pursuant to Section 43 (3) of the Local Government Act 2008, hereby appoints Member K M Moir, to be Acting Deputy Lord Mayor on those days.

DECISION NO.20\4719 (13/12/11)

Carried

19.2 Election of Acting Deputy Lord Mayor 18 – 29 December 2011

(Lambert/Lesley)

THAT due to the Deputy Lord Mayor, being unavailable or prevented from performing the duties of Deputy Lord Mayor during the period 18 - 29 December 2011, the Council pursuant to Section 43 (3) of the Local Government Act 2008, hereby appoints Alderman J L Sangster, to be Acting Deputy Lord Mayor on those days.

DECISION NO.20\4720 (13/12/11)

ORDINARY COUNCIL MEETING - OPEN SECTION TUESDAY, 13 DECEMBER 2011

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COU12/20

20 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

(Elix/Galton)

THAT the next Ordinary Meeting of Council be held on Tuesday, 31 January 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.20\4721 (13/12/11) Carried

21 **CLOSURE OF MEETING TO THE PUBLIC**

(Dee/Marrone)

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\4722 (13/12/11) Carried

22 ADJOURNMENT OF THE MEETING (MEDIA LIAISON)

(Dee/Moir)

THAT the meeting be adjourned at 6.33 p.m. to enable the Media to liaise with the Elected Members.

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COU12/21

The meeting moved into Confidential at 7.00 p.m.

THE RIGHT WORSHIPFUL, LORD MAYOR, MR G R SAWYER (CHAIRMAN) – ORDINARY COUNCIL MEETING – TUESDAY, 13 DECEMBER 2011

Confirmed on:

Tuesday, 31 January 2012

Chairman: