

**DARWIN CITY COUNCIL**

MINUTES OF THE THIRTIETH ORDINARY MEETING OF THE NINETEENTH COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE, DARWIN, ON TUESDAY, 13 SEPTEMBER, 2005, COMMENCING AT 5.06 P.M.

PRESENT: Acting Lord Mayor, Alderman D E Fox (Acting Chairman); Alderman J D Bailey; Alderman J E Collins; Alderman R T Dee; Alderman G A Lambert; Alderman A R Mitchell; Alderman K M Moir; Alderman J Sangster (from 5.50 p.m.); Alderman H D Sjoberg (left at 5.20 p.m.); Alderman C J Tilley.

OFFICERS: Chief Executive Officer, Mr A R McGill; Acting Director Corporate Services, Mr L Carroll; Director Technical Services, Mr B P Dowd; Director Community Services, Mr J Banks; Design & Development Manager, Mr M Spangler; Public Affairs Manager, Mrs J Brennan; Manager Community Development, Ms L Thiele; Planning Assistant, Mr B Sellers; Committee Administrator, Ms R Bath.

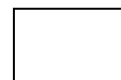
MEDIA: Mr Matthew Henger - ABC Radio News.

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*8.2.2 Application for Alfresco Dining Permit Mabuhay Restaurant, 34/35 Mitchell Centre Lot 5566 Mitchell Street, Town of Darwin*

*8.2.3 Bayview Park Names*

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12.1 Lyons Neighbourhood Facility Design Process

12.2 HMAS Darwin to Exercise Freedom of Entry to the City - 15 October 2005

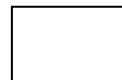
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13.1 Amendment of Easement Lot 7101 Brewery Place, Town of Darwin

**14 QUESTIONS BY MEMBERS**

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**16 CLOSURE OF MEETING TO THE PUBLIC**



**1 LORD'S PRAYER**

*In the absence of the Lord Mayor, Mr P F Adamson and the Deputy Lord Mayor, the Acting Alderman D E Fox was Acting Chairman for the meeting.*

The Acting Chairman declared the meeting open at 5.06 p.m.

**2 MEETING DECLARED OPEN**

**2.1 Lord Mayoral Minute – Hurricane Katrina Relief Aid**

*The Lord Mayor, Mr Peter Adamson, requested that in his absence, the following Minute be considered at Council.*

(Ald Mitchell/

THAT the Council allocate an amount of \$10,000 in aid to the victims of Hurricane Katrina that devastated New Orleans in the United States, and that such amount be channelled through an appropriate agency.

There being no seconder the motion lapsed.

NOTE: LM

**3 APOLOGIES AND LEAVE OF ABSENCE**

**3.1 Apologies**

(Ald Lambert/Moir)

THAT the apology from the Lord Mayor, Mr P F Adamson, be received and Leave of Absence be granted.

DECISION NO.19\2011 (13/09/05) Carried

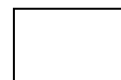
**3.2 Leave of Absence Granted**

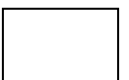
(Ald Lambert/Moir)

A. THAT it be noted Alderman R K Elix is an apology due to a Leave of Absence being previously granted on 26 July, 2005 for the period 2 – 25 September, 2005.

B. THAT it be noted Alderman H I Galton is an apology due to a Leave of Absence being previously granted on 26 July, 2005 for the period 6 September – 7 October, 2005.

DECISION NO.19\2012 (13/09/05) Carried





**3 APOLOGIES AND LEAVE OF ABSENCE**

**3.3 Leave of Absence Requested**

(Ald Dee/Bailey)

- A. THAT Leave of Absence be granted for Alderman R T Dee for the period 3 - 14 October, 2005.
- B. THAT Leave of Absence be granted for Alderman D E Fox for the period 2– 13 November, 2005.
- C. THAT Leave of Absence be granted for Alderman A R Mitchell for the period 25 September – 2 October, 2005.
- D. THAT Leave of Absence be granted for Alderman H D Sjoberg for the period 6 – 9 October, 2005 and 12 – 15 October, 2005.

DECISION NO.19\2013 (13/09/05)

Carried

**4 DECLARATION OF INTEREST OF ELECTED MEMBERS**

**4.1 Member's Interests**

Nil

**4.2 Potential Interests**

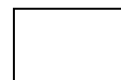
Nil

**5 CONFIDENTIAL ITEMS**

Nil

**6 MATTERS OF PUBLIC IMPORTANCE**

Nil



**7 PUBLIC SAFETY**

**7.1 INFORMATION ITEMS**

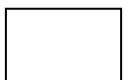
Nil

**7.2 OFFICER'S REPORTS**

Nil

**7.3 GENERAL BUSINESS**

Nil



## 8 GOVERNANCE

### 8.1 INFORMATION ITEMS

#### 8.1.1 Draft Animal Management By-laws

Document No.926833 (06/09/05) Common No.355416

(Ald Lambert/Dee)

THAT Document Number 926833, from Cridlands dated 6 September, 2005, enclosing the Draft Animal Management By-laws, be received and referred to a Special Council Meeting in November 2005 on a date to be determined.

DECISION NO.19\2014 (13/09/05)

Carried

ACTION: CEO's PA  
ACTION: DCOMM  
NOTE: CA

### 8.2 OFFICER'S REPORTS

#### 8.2.1 Liquor Licence - Application for Variation to Licence Conditions, Top End Hotel (Number 80100335) Lot 3945, (10) Daly Street, Town of Darwin

Report No.05TS0221 (13/09/05) Common No. 352116

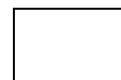
(Ald Lambert/Tilley)

- A. THAT Report Number 05TS0221 entitled Liquor Licence - Application For Variation To Licence Conditions, Top End Hotel (Number 80100335), Lot 3945, (10) Daly Street, Town of Darwin, be received and noted.
- B. THAT Council endorse the following comments to be forwarded to the Director of Licensing, Racing, Gaming and Licensing:
- i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
  - ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act.

DECISION NO.19\2015 (13/09/05)

Carried

ACTION: DTECH



## 8 GOVERNANCE

### 8.2 OFFICER'S REPORTS

#### 8.2.2 Application for Alfresco Dining Permit Mabuhay Restaurant, 34/35 Mitchell Centre Lot 5566 Mitchell Street, Town of Darwin Report No.05TS0217 (08/09/05) Common No. 431632

(Ald Lambert/Dee)

- A. THAT Report Number 05TS0217 entitled Application For Alfresco Dining Permit, Mabuhay Restaurant, 34/35 Mitchell Centre, Lot 5566 Mitchell Street, Town of Darwin, be received and noted.
- B. THAT the following comments to the Development Consent Authority be endorsed:-
- i). Council supports in principle the granting of an Alfresco Dining Permit for the following reasons:
- a). The alfresco dining area appears to satisfy the guidelines presented in Council's Mitchell Street Precinct Development Policy, which seeks to encourage outdoor dining in that section of Mitchell Street between Peel Street and Knuckey Street.
- b). The proposed alfresco dining area appears to meet the requirements of Council's Alfresco Dining Policy.
- c). The proposed restaurant and alfresco dining area complements the existing use of the site.
- d). The alfresco dining area will not have car parking implications in the Central Business Darwin zone.

DECISION NO.19\2016 (13/09/05)

Carried

ACTION: DTECH

### 8.2 OFFICER'S REPORTS

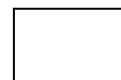
#### 8.2.3 Bayview Park Names Report No.05TS0210 (10/08/05) Common No.325959

(Ald Mitchell/Bailey)

- A. THAT Report Number 05TS0210 entitled Bayview Parks Names, be received and noted.
- B. THAT Council maintain in common use the ungazetted names already in use for the 6 park/reserve areas in Bayview being Heritage Park, Stoddart Park, Seascapes Park, Latrobe Park, Half-Moon Park, Sea Wall.

DECISION NO.19\2017 (13/09/05)

Carried



ACTION: DTECH



## **8 GOVERNANCE**

### **8.2 OFFICER'S REPORTS**

#### **8.2.4 Outdoor Advertising Signs Code**

Report No.05TS0173 (06/09/05) Common No. 296732

(Ald Bailey/Moir)

- A. THAT Report Number 05TS0173 entitled Outdoor Advertising Signs Code, be received and noted.
- B. THAT Council make and approve the Draft Signs, Hoardings and Advertising By-laws contained in Attachment B to Report Number 05TS0173.
- C. THAT the matter of adopting the Outdoor Advertising Signs Code dated September 2005 be referred to a future meeting of Council.

DECISION NO.19\2018 (13/09/05)

Carried

ACTION: DTECH  
NOTE: CA

## **8.3 GENERAL BUSINESS**

### **8.3.1 Purchase of Sculpture Metal Crocodile**

Common No.924178

(Ald Lambert/Mitchell)

THAT the Darwin City Council, pursuant to Section 144 (1) of the Local Government Act, hereby delegates to the Chief Executive Officer for the time being, the power to negotiate a purchase price for the sculptured 2.1 metre crocodile crafted by Mr Peter Wyatt and exhibited at 'The Creek' exhibition, held at the Darwin Entertainment Centre.

DECISION NO.19\2019 (13/09/05)

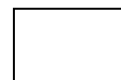
Carried

ACTION: CSO  
ACTION: CEO  
ACTION: DCOMM

## **9 DELEGATIONS AND DEPUTATIONS**

### **9.1 Asset Management Plan – Socom Presentation**

*With the consent of the Council this item was Withdrawn from the Agenda.*



**10 AQUATIC FACILITIES UPGRADE PROJECT**  
Common No. 229549

*The Director Community Services advised that there will be a Workshop on this matter in October 2005.*

NOTE: DCOMM  
NOTE: LM SEC  
NOTE: CA

**11 MALL REVITALISATION PROJECT**  
Common No.358096

*The Director Technical Services provided a brief update on this matter at the meeting.*

**12 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**12.1 Lyons Neighbourhood Facility Design Process**  
Document No.926493

(Ald Tilley/Sangster)

- A. THAT the Letter, Document Number 926493, from Elton Consulting dated 5 September 2005, providing an update on the Lyons Neighbourhood Facility Design Process, be received and noted.
- B. THAT a further report on the Lyons Neighbourhood Facility Design be presented to the 2<sup>nd</sup> Ordinary Council Meeting in September, 2005.

DECISION NO.19\2020 (13/09/05)

Carried

ACTION: DCOMM  
NOTE: CA



**12 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED**

**12.2 HMAS Darwin to Exercise Freedom of Entry to the City - 15 October 2005**  
Common No. 882430

(Ald Tilley/Moir)

- A. THAT the letter to the Royal Australian Navy, HMAS Coonawarra, confirming initial arrangements for HMAS Darwin to exercise Freedom of Entry to the City of Darwin on Saturday, 15 October, 2005, be received and noted.
- B. THAT the Council allocate an amount at the 1<sup>st</sup> Quarter budget variation to cover the costs required for HMAS Darwin to exercise Freedom of Entry to the City of Darwin on Saturday, 15 October, 2005.

DECISION NO.19\2021 (13/09/05) Carried

ACTION: DCORP  
NOTE: PAM  
NOTE: CEO

**13 OFFICER'S REPORTS**

**13.1 Amendment of Easement Lot 7101 Brewery Place, Town of Darwin**  
Report No.05TS0228 (07/09/05) Common No. 421689

(Ald Lambert/Collins)

- A. THAT Report number 05TS0228 entitled Amendment of Easement Lot 7101 Brewery Place, Town of Darwin be received and noted.
- B. THAT the document titled "Amendment of Easement or Easement in Gross" in Attachment C to Report Number 05TS0228 be executed under the Council's Common Seal and be signed by Lord Mayor and Chief Executive Officer.

DECISION NO.19\2022 (13/09/05) Carried

ACTION: DTECH  
NOTE: CEO's PA  
NOTE: DCORP



#### **14 QUESTIONS BY MEMBERS**

Alderman R T Dee asked that in relation to the new Bougainvillea Pergola/seating in Bicentennial Park, whether there would be more of the same being installed. The Chief Executive Officer responded that there would be more installed and that it was previously approved as per Council Decision Number 19\828 on 30 November 2004.

Alderman K M Moir stated that there had been works undertaken by the Power and Water Corporation on the footpath in Pearce Place, Rapid Creek and asked if the Council would normally be notified of such works and further if the Corporation is responsible for reinstating the footpath. The Director Technical Services advised that the Council do get notification of such works and the organisations can either chose to reinstate the footpaths or request the Council to do it.

Alderman C J Tilley asked if staff had noticed the advertisement in the NT News advising of the sale of the Rapid Creek Markets. The Acting Director Corporate Services advised that he had seen the ad and that he would follow it up in terms of how the sale may involve Council (eg. if part of the land is Council property etc).

ACTION: DCORP

(Ald Bailey/Moir)

THAT the Questions by Members and their responses, be received and noted.

DECISION NO.19\2023 (13/09/05) Carried

#### **15 GENERAL BUSINESS**

Nil

#### **16 CLOSURE OF MEETING TO THE PUBLIC**

(Ald Tilley/Dee)

THAT pursuant to Section 19 of the Local Government Act and Regulation 13 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

DECISION NO.19\2024 (13/09/05) Carried



The meeting closed at 6.37 p.m.

THE ACTING LORD MAYOR,  
ALDERMAN D E FOX (ACTING  
CHAIRMAN) - 1<sup>ST</sup> ORDINARY  
COUNCIL MEETING -  
TUESDAY, 13 SEPTEMBER,  
2005

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**Confirmed on:            Tuesday, 27 September, 2005**

**Chairman:** \_\_\_\_\_



