



# **MINUTES**

**Ordinary Council Meeting  
Tuesday, 12 September 2023**

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**MINUTES OF CITY OF DARWIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY  
CHAN AVENUE, DARWIN  
ON TUESDAY, 12 SEPTEMBER 2023 AT 5:30PM**

**PRESENT:**

Lord Mayor Kon Vatskalis  
Deputy Lord Mayor Jimmy Bouhoris  
Councillor Kim Farrar  
Councillor Sylvia Klonaris  
Councillor Brian O'Gallagher  
Councillor Mick Palmer  
Councillor Peter Pangquee  
Councillor Morgan Rickard  
Councillor Vim Sharma  
Councillor Ed Smelt  
Councillor Amye Un  
Councillor Rebecca Want de Rowe

**OFFICERS:**

Simone Saunders (Chief Executive Officer)  
Matt Grassmayr (General Manager Community)  
Chris Kelly (Acting General Manager Corporate)  
Alice Percy (General Manager Innovation)

**APOLOGY:**

Nil

**GUESTS:**

Nil

**Order Of Business**

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## 1 ACKNOWLEDGEMENT OF COUNTRY

We the members of City of Darwin acknowledge that we are meeting on Larrakia Country.

We recognise and pay our respects to all Larrakia people, Traditional Owners and Custodian Elders of the past and present.

We support emerging Larrakia leaders now and into the future.

We are committed to working together with all Larrakia to care for this land and sea for our shared future.

## 2 THE LORD'S PRAYER

Our Father, who art in heaven, hallowed be thy name; thy kingdom come; thy will be done; on earth as it is in heaven.

Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil.

For thine is the kingdom, the power, and the glory for ever and ever.

Amen

*Councillor Rebecca Want de Rowe was not present at the commencement of the meeting.*

## 3 MEETING DECLARED OPEN

### RESOLUTION ORD521/23

Moved: Councillor Ed Smelt

Seconded: Deputy Lord Mayor Jimmy Bouhoris

The Chair declared the meeting open at 5.31 pm.

**CARRIED 11/0**

## 4 APOLOGIES AND LEAVE OF ABSENCE

### 4.1 APOLOGIES

Nil

### 4.2 LEAVE OF ABSENCE GRANTED

Nil

**4.3 LEAVE OF ABSENCE REQUESTED****RESOLUTION ORD522/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Kim Farrar

THAT a Leave of Absence be granted for Councillor Brian O’Gallagher for the period 13 September 2023 to 5 October 2023.

**CARRIED 11/0**

**5 ELECTRONIC MEETING ATTENDANCE****5.1 ELECTRONIC MEETING ATTENDANCE GRANTED****RESOLUTION ORD523/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Kim Farrar

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following member(s) was granted permission for Electronic Meeting Attendance at this Ordinary Council Meeting held on Tuesday, 26 September 2023.

- Councillor Amye Un
- Councillor Rebecca Want de Rowe

**CARRIED 11/0**

**5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED**

Nil

**6 DECLARATION OF INTEREST OF MEMBERS AND STAFF****6.1 DECLARATION OF INTEREST BY MEMBERS**

Nil

**6.2 DECLARATION OF INTEREST BY STAFF**

Nil

**7 CONFIRMATION OF PREVIOUS MINUTES**

**RESOLUTION ORD524/23**

Moved: Councillor Kim Farrar  
Seconded: Councillor Vim Sharma

That the minutes of the Ordinary Council Meeting held on 29 August 2023 be confirmed.

**CARRIED 11/0**

**8 MOVING OF ITEMS**

**8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL**

Nil

**8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN**

Nil

**8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING****26.1 IN-KIND SUPPORT REQUEST****RESOLUTION ORD533/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Lord Mayor Kon Vatskalis

1. THAT the report entitled In-Kind Support Request be received and noted.
2. THAT Council approve in-kind support of \$10,800 to The Array, a not-for-profit organisation that is committed to fostering a Smart and Prosperous City through digital inclusion, innovation and empowerment for Darwin youth and adults in their facility in The Mall adjacent to West Lane Arcade.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to finalise an in-kind support agreement with The Array.
4. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
5. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

**LOST 1/11**

**27.1 DARWIN CITY CENTRE - TECHNICAL ASSESSMENT OF STONE FOOTPATH PAVEMENTS****RESOLUTION ORD535/23**

Moved: Councillor Mick Palmer

Seconded: Lord Mayor Kon Vatskalis

1. THAT the report entitled Darwin City Centre – Technical Assessment of Stone Footpath Pavements be received and noted.
2. THAT this report be deemed a confidential document and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

**CARRIED 11/1**

**27.2 LOCAL AREA TRAFFIC MANAGEMENT (LATM) AND PEDESTRIAN FACILITIES GUIDELINES****RESOLUTION ORD536/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled Local Area Traffic Management (LATM) and Pedestrian Facilities Guidelines be received and noted.
2. THAT this report be deemed a confidential document and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.

3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting, and **Attachment 4** be made publicly available through City of Darwin's website.

**CARRIED 12/0**

**27.3 UPDATE OF RATES RECOVERY PROCESS**

**RESOLUTION ORD525/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Update on Rates Recovery Process be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

**CARRIED 12/0**

**27.4 UPDATE ON CODE OF CONDUCT MATTERS**

**RESOLUTION ORD538/23**

Moved: Councillor Morgan Rickard

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled Update on Code of Conduct Matters be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

**CARRIED 12/0**

**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

**10 PUBLIC QUESTION TIME**

Nil

**11 PETITIONS**

Nil



**12 DEPUTATIONS AND BRIEFINGS****12.1**

Nil

**13 NOTICES OF MOTION****13.1 NOTICE OF MOTION - REGIONAL PLAYGROUND FOR NORTHERN SUBURBS**

I, Councillor Kim Farrar, give notice that at the next Ordinary Council Meeting on 12 September 2023, I will move the following motion:-

**RESOLUTION ORD526/23**

Moved: Councillor Kim Farrar

Seconded: Councillor Sylvia Klonaris

1. THAT City of Darwin investigates options for the establishment of a second Regional Playground, incorporating multi-generational play, in the Waters Ward.
2. THAT a report be presented to Council in November 2023 that considers suitable locations in the Waters Ward, including but not limited to Wagaman and Malak Ovals, assessing the following criteria:
  - Demographics, including Intergenerational and culturally and linguistically diverse (CaLD)
  - Accessibility to public transport
  - Suitable accessible and public carparking within or adjacent to the site
  - Proximity to a sporting oval
  - Housing density - mixture of high and low
  - Proximity to schools or community centres
  - Provision of appropriate toilet or change facilities
  - Provision of local amenities
  - Estimated costs for budget consideration
  - Feasibility of alignment to City of Darwin Play Space and Movement Strategies

**CARRIED 11/0**

## 14 ACTION REPORTS

*Councillor Rebecca Want de Rowe joined the meeting at 5:48 pm.*

### 14.1 APPOINTMENTS TO COUNCIL EXECUTIVE AND ADVISORY COMMITTEES

#### RESOLUTION ORD527/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Appointments to Council Executive and Advisory Committees be received and noted.
2. THAT Council appoint the following Elected Members to the **Administrative Review Committee** to 30 September 2024:  
Lord Mayor (Chair);  
Councillor Palmer;  
Councillor Pangquee; and  
Councillor Rickard.  
And that all remaining Elected Members are appointed as alternate members to the committee.
3. THAT Council appoint the following Elected Members to the **Risk Management and Audit Committee** to 31 August 2025.  
Councillor Bouhoris;  
Councillor Smelt; and  
Councillor O’Gallagher.
4. THAT Council appoint the following Elected Members to the **Access and Inclusion Advisory Committee** to 30 September 2024:  
Councillor Klonaris; and  
Councillor Farrar as Alternate.
5. THAT Council appoint the following Elected Members to the **Arts and Cultural Development Advisory Committee** to 30 September 2024:  
Councillor Rickard; and  
Councillor Bouhoris as Alternate.
6. THAT Council appoint the following Elected Members to the **East Point Reserve Advisory Committee** to 30 September 2024:  
Councillor Palmer; and  
Councillor Rickard as Alternate.
7. THAT Council appoint the following Elected Members to the **International Relations Advisory Committee** to 30 September 2024:  
Lord Mayor (Chair)  
Councillor O’Gallagher; and  
Councillor Bouhoris as Alternate.

8. THAT Council appoint the following Elected Members to the **Military and Civilian History Advisory Committee** to 30 September 2024:  
Lord Mayor (Chair)  
Councillor Palmer; and  
Councillor Smelt as Alternate.
9. THAT Council appoint the following Elected Members to the **Reconciliation Advisory Committee** to 30 September 2024:  
Councillor Pangquee; and  
Councillor Bouhoris as Alternate.
10. THAT Council appoint the following Elected Members to the **Sister City Advisory Committee** to 30 September 2024:  
Councillor Klonaris; and  
Councillor Bouhoris as Alternate.
11. THAT Council appoint the following Elected Members to the **Tree Advisory Committee** to 30 September 2024:  
Lord Mayor (Chair)  
Councillor Rickard; and  
Councillor Palmer as Alternate.
12. THAT Council appoint the following Elected Members to the **Youth Advisory Committee** to 30 September 2024:  
Councillor Bouhoris; and  
Councillor Want de Rowe as Alternate.
13. THAT Council note that the Lord Mayor holds the position of Ex-Officio for all Council Committees.

**CARRIED 12/0**

#### **14.2 POLICY MANAGEMENT - 23RD COUNCIL POLICY REVIEW SCHEDULE**

##### **RESOLUTION ORD528/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Amye Un

1. THAT the report entitled Policy Management – 23<sup>rd</sup> Council Policy Review Schedule be received and noted.
2. THAT Council note the list of polices contained within the report which are scheduled for review and adoption at nominated meeting dates and no later than 30 June 2024.
3. THAT Council rescinds Policy *0030.100.E.R. Governance Policy* at **Attachment 2**.

**CARRIED 12/0**

**14.3 REVIEW OF PROPERTY POLICIES****RESOLUTION ORD529/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled Review of Property Policies be received and noted.
2. THAT Council adopt the 6320.100.E.R Awnings, Balconies and Verandahs on City of Darwin Land Policy.

**CARRIED 12/0**

**15 RECEIVE & NOTE REPORTS**

Nil

**16 REPORTS OF REPRESENTATIVES**

Nil

**17 QUESTIONS BY MEMBERS****17.1 TREES ALONG ESPLANADE FOOTPATH****RESOLUTION ORD530/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Councillor Mick Palmer enquired if the barriers around the trees along the Esplande footpath can be removed.

**Answer:**

General Manager Community, Matt Grassmayr took the question on notice.

**CARRIED 12/0**

**17.2 PARKING ISSUES****RESOLUTION ORD531/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Lord Mayor enquired about the complaint received from members of the Islamic community concerning restrictions on parking outside of the mosque.

**Answer:**

General Manager Innovation, Alice Percy and General Manager Community, Matt Grassmayr took the question on notice.

**CARRIED 12/0**

**17.3 UNDERGROUNDING ELECTRICAL DISTRIBUTION - NORTHERN SUBURBS****RESOLUTION ORD532/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Councillor Sylvia Klonaris requested an update on the undergrounding of the electrical distribution of the Northern Suburbs from Power and Water Authority (PAWA), following the motion last year.

**Answer:**

General Manager Innovation, Alice Percy is meeting with PAWA next week where details will be provided on what is happening in the northern suburbs. This information will be shared with the Operations and Technical Services team to look at what assets will be affected, and work with PAWA on a Memorandum of Understanding, and procedures. General Manager Innovation, Alice Percy advise she will review the motion.

**CARRIED 12/0**

**17.4 DOG INCIDENT STUART PARK****RESOLUTION ORD533/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Councillor Amye Un requested an update regarding a dog attack in Stuart Park.

**Answer:**

General Manager Community, Matt Grassmayr confirmed that he received the correspondence from Councillor Amye Un and the information has been passed onto Regulatory Services for investigation and patrols will be conducted in the area.

**CARRIED 12/0**

**17.5 CASUARINA POOL - GRANT UPDATE****RESOLUTION ORD534/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Councillor Brian O'Gallagher requested an update on the status of the \$7.5 million grant from the Commonwealth Government for the Casuarina pool

**Answer:**

Chief Executive Officer, Simone Saunders confirmed that the legislation changes have been put through to the Minister and require final sign off. City of Dawin can expect an update at the end of the week and noted with the Member for the Legislative Assembly Luke Gosling, for follow up.

**CARRIED 12/0**

**17.6 LYONS WARD BY-ELECTION UPDATE****RESOLUTION ORD535/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Kim Farrar

**Question:**

Deputy Lord Mayor Jimmy Bouhoris requested an update on by-election for Lyons Ward.

**Answer:**

Lord Mayor confirmed that the Australian Electoral Commission will receive the postal votes on Friday along with the distribution of preferences. Official announcement to be Monday 18 September 2023.

**CARRIED 12/0**

**18 GENERAL BUSINESS****18.1 APPOINTMENT OF DEPUTY LORD MAYOR****RESOLUTION ORD536/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Vim Sharma

THAT Council appoint Councillor Ed Smelt as the Deputy Lord Mayor for the period 29 September 2023 to 28 January 2024.

**CARRIED 12/0**

**18.2 DEPUTY LORD MAYOR APPOINTMENT ACKNOWLEDGMENT****RESOLUTION ORD537/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Vim Sharma

Councillor Ed Smelt thanked the Lord Mayor Kon Vatskalis and elected members for the opportunity to be the Deputy Lord Mayor for the next four months, he also thanked the Deputy Lord Mayor Jimmy Bouhoris for his leadership on the Council.

Councillor Ed Smelt is looking forward to taking the reins and working collaboratively with the Chief Executive Officer and staff in the delivery of the Capital Works Strategy, Implementation and Policy Updates.

Key Issues/Projects -

- Safe speed limits;
- Nightcliff change room project; and
- Green Project.

Councillor Ed Smelt also expressed that he was available to chat or catch up anytime to discuss Council business.

**CARRIED 12/0**

**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING****RECOMMENDATIONS**

THAT the next Ordinary Meeting of Council be held on Tuesday, 26 September 2023, at 5:30pm - (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

**20 CLOSURE OF MEETING TO THE PUBLIC****RECOMMENDATIONS**

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.



**RECOMMENDATIONS**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

**26.1 In-Kind Support Request**

This matter is considered to be confidential under Section 99(2) - 51(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information subject to an obligation of confidentiality at law, or in equity.

**26.2 Civic Centre Redevelopment - Progress Report**

This matter is considered to be confidential under Section 99(2) - 51(c)(i) and 51(c)(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person and information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

**27.1 Darwin City Centre - Technical Assessment of Stone Footpath Pavements**

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

**27.2 Local Area Traffic Management (LATM) and Pedestrian Facilities Guidelines**

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

**27.3 Update of Rates Recovery Process**

This matter is considered to be confidential under Section 99(2) - 51(b) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the personal circumstances of a resident or ratepayer and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

**27.4 Update on Code of Conduct Matters**

This matter is considered to be confidential under Section 99(2) - 51(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(2) – information in relation to a complaint of a contravention of the code of conduct.

**21 ADJOURNMENT OF MEETING AND MEDIA LIAISON**

**RESOLUTION ORD538/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Deputy Lord Mayor Jimmy Bouhoris

THAT the open section of the meeting be adjourned at 6.13 pm.

**CARRIED 12/0**

THAT the open section of the meeting be resumed at 7.34pm.

THAT the chair declared the meeting closed at 7.34pm.

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 September 2023.**

.....  
**CHAIR**