



MINUTES

**Ordinary Council Meeting
Tuesday, 11 October 2022**

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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, 11 OCTOBER 2022 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Deputy Lord Mayor Vim Sharma, Councillor Paul Arnold, Councillor Kim Farrar, Councillor Sylvia Klonaris, Councillor Brian O'Gallagher, Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Morgan Rickard, Councillor Ed Smelt, Councillor Amye Un
- OFFICERS:** Simone Saunders (Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Matt Grassmayr (General Manager Community), Alice Percy (General Manager Innovation)
- Gemma Perkins (Coordinator Councillor Governance and Support), Ruiha Maskovich (Council Protocols and Grants Officer), Irene Frazis (Executive Manager Finance), Emma Struys (Executive Manager Growth and Economic Development), Nik Kleine (Executive Manager Infrastructure), Cindy Robson (Manager City Planning), Fred McCue (Public Relations and External Affairs Advisor) Lyle Hebb (Senior Manager Major Projects)
- APOLOGY:** Councillor Jimmy Bouhoris, Councillor Rebecca Want de Rowe
- GUESTS:** Nil

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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.

3 MEETING DECLARED OPEN

MOTION

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Peter Pangquee

The Chair declared the meeting open at 5.32pm.

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD489/22

Moved: Councillor Morgan Rickard

Seconded: Councillor Amye Un

THAT the apology from Councillor Jimmy Bouhoris, be received and noted.

CARRIED 11/0

4.2 LEAVE OF ABSENCE GRANTED**RESOLUTION ORD490/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Amye Un

THAT it be noted Councillor Rebecca Want de Rowe is an apology due to a Leave of Absence previously granted on 27 September 2022.

CARRIED 11/0

4.3 LEAVE OF ABSENCE REQUESTED**RESOLUTION ORD491/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Amye Un

THAT a Leave of Absence be granted for Councillor Peter Pangquee for the 25 October 2022.

CARRIED 11/0

5 ELECTRONIC MEETING ATTENDANCE**5.1 ELECTRONIC MEETING ATTENDANCE GRANTED****RECOMMENDATIONS**

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, 11 October 2022:

- Deputy Lord Mayor Vim Sharma

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

Nil

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6.1 DECLARATION OF INTEREST BY MEMBERS

RESOLUTION ORD492/22

Moved: Councillor Paul Arnold

Seconded: Councillor Sylvia Klonaris

- A. THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act 2019*, Councillor Brian O’Gallagher, declared a Conflict of Interest in Item 26.2.
- B. THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act 2019*, Councillor Peter Pangquee will declare a Conflict of Interest in Item 27.1 at the Development Consent Authority.

CARRIED 11/0

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD493/22

Moved: Councillor Ed Smelt

Seconded: Councillor Sylvia Klonaris

THAT the minutes of the Ordinary Council Meeting held on 27 September 2022 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**26.2 2022-2024 SISTER CITY ADVISORY COMMITTEE MEMBERSHIP APPOINTMENT****RESOLUTION ORD494/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Amye Un

1. THAT the report entitled 2022 – 2024 Sister City Advisory Committee Membership Appointment be received and noted.
2. THAT Council appoint the below membership for the 2022-2024 Sister City Advisory Committee:
 - Ms Kate Heelan (Chair)
 - Ms Ninik Stroud (Ordinary Member)
 - Mr Cornelio de Carvalho (Ordinary Member)
 - Ms Stephanie Lin (Ordinary Member)
 - Ms Vida Goodvach (Ordinary Member)
 - Mr Tony Miaoudis (Ordinary Member)
 - Mr Ping Lu (Ordinary Member)
 - Ms Nerida Hart (Ordinary Member)
 - Mr Max Stretton (Ordinary Member)
3. 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*.
4. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 10/0

26.5 ENTERPRISE IT SYSTEM MAPPING**RESOLUTION ORD495/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Paul Arnold

1. THAT the report titled Enterprise IT Systems Mapping be received and noted.
2. THAT Council note the outcomes of the IT Architecture and Systems Mapping Review per **Attachment 1**.
3. THAT Council approve the provision of 4 additional Full Time Equivalent staff at a cost of up to \$700,000 per annum, for a minimum of 3 years, within a Project Management Office to deliver the outcomes of the IT Architecture Review and Systems Mapping Review.
4. THAT Council refer the 2022/23 half year \$350,000 funding for the Project Management Office to the first budget variation for provision.
5. 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*.
6. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 11/0

26.7 ARTS AND CULTURAL DEVELOPMENT ADVISORY COMMITTEE - APPOINTMENT OF CHAIR**RESOLUTION ORD496/22**

Moved: Councillor Peter Pangquee

Seconded: Councillor Amye Un

1. THAT the report entitled Arts and Cultural Development Advisory Committee Appointment of Chair be received and noted.
2. THAT Council appoint CJ Fraser-Bell as the Chair of the Arts and Cultural Advisory Committee for the period 31 August 2022 to September 2024.
3. 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*.
4. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 11/0

29.1 CONDOLENCE MOTIONS**RESOLUTION ORD497/22**

Moved: Councillor Morgan Rickard

Seconded: Lord Mayor Kon Vatskalis

Councillor Brian O’Gallagher extends condolences to Arthur Hamilton’s family. A local legendary business person, founder and chair of the Shorelands Group.

Councillor Peter Pangquee also extends condolences for Kerry Manolas who passed away in September. Kerry was a prominent developer in Darwin.

THAT Council send a condolence letter to both families.

THAT this decision be moved into Open at the end of the meeting.

CARRIED 10/0

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS**11.1 PETITION – OPPOSITION TO THE CLUBROOM FACILITIES AT MALAK OVAL****RESOLUTION ORD498/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Kim Farrar

Councillor Sylvia Klonaris will present the Petition

- A. THAT the Petition, opposing the proposal by Football Northern Territory Incorporated for Clubrooms and ancillary facilities on the western side of Malak Oval, be received and noted.
- B. THAT, in accordance with By-law 153(7)(a), the Petition regarding the opposition to the proposal by Football Northern Territory Incorporated for Clubrooms and ancillary facilities on the western side of Malak Oval, be referred to the Community Hub for consideration and a report to return to Council.

CARRIED 11/0

12 DEPUTATIONS AND BRIEFINGS

Nil

13 NOTICES OF MOTION

Councillor Vim Sharma departed the meeting at 5:43 pm.

Councillor Vim Sharma re-joined the meeting at 5:43 pm.

13.1 NOTICE OF MOTION - OBSOLETE FOOTPATH PROGRAM

I, Councillor Brian O'Gallagher, give notice that at the next Ordinary Council Meeting on 11 October 2022, I will move the following motion:-

RESOLUTION ORD499/22

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Ed Smelt

1. THAT Council note the genuine concerns of the community in relation to the removal of obsolete footpath program.
2. THAT Council suspends the 2022/23 obsolete footpath program and that risk assessments be undertaken on proposed sections of identified streets planned for removal in 2022/23 to determine serviceability and useability.
3. THAT Council refer to the 2023/24 budget process the ongoing obsolete footpath program and associated service delivery guidelines.

CARRIED 11/0

14 ACTION REPORTS

14.1 RE-EXHIBITION OF PLANNING REFORM PHASE 2 - STAGE 1

RESOLUTION ORD500/22

Moved: Councillor Mick Palmer

Seconded: Councillor Amye Un

1. THAT the report entitled Re-exhibition of Planning Reform Phase 2 - Stage 1 be received and noted.
2. THAT Council endorse the response letter to the Planning Commission, as detailed in **Attachment 1** to this report.

CARRIED 11/0

14.2 CARRY FORWARD BUDGET 2021-2022 AND RESERVE BALANCES AS AT 30 JUNE 2022

RESOLUTION ORD501/22

Moved: Councillor Amye Un

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022 be received and noted.
2. THAT Council endorse to carry forward the items listed in Attachments 1 of report Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022, totalling \$15,821,932 by their inclusion in the 2022/23 Annual Budget.
3. THAT Council adopt the Reserve Balances total of \$91,529,838 listed in Attachment 2 of report Carry Forward Budget 2021-2022 and Reserve Balances as at 30 June 2022.

CARRIED 11/0

15 RECEIVE & NOTE REPORTS

15.1 COMMUNITY ADVISORY COMMITTEE MINUTES

RESOLUTION ORD502/22

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Morgan Rickard

THAT the report entitled Community Advisory Committee Minutes be received and noted.

CARRIED 11/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD503/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Ed Smelt

THAT the following Reports of Representatives be received and noted.

16.1

The Lord Mayor reported on his visit to the Leachate Treatment Plant at Shoal Bay Waste Management Facility. The technology and process is innovative and the first of its kind. Well done to Council Officers. Elected Members are encouraged to attend, Shoal Bay has transformed over the past 5 years.

16.2

Councillor Paul Arnold reported on his meeting with the Darwin City Retailers Association (DCRA), City of Darwin awarded two grants to the DCRA and they are working with Tactile Arts to set up a pop up store in the city. Councillor Paul Arnold has also had conversations with Australian Retailers Association about attracting a major retailer to Darwin.

16.3

Councillor Morgan Rickard reported on his recent visit to various CBD establishments. A community member requested Councillor Morgan Rickard pass on thanks to Council and staff for a job well done. Congratulations to all for the changes, new establishments and work over the years.

16.4

Councillor Sylvia Klonaris provided feedback to Council regarding graffiti removal in the Karama and Malak area. Appreciation to Council staff for their initiative for removing the graffiti. The community was grateful.

CARRIED 11/0

17 QUESTIONS BY MEMBERS**17.1 PARKING, SIGNAGE AND YELLOW LINES IN NATION CRESCENT, COCONUT GROVE****RESOLUTION ORD504/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Amye Un queried parking, yellow lines and signage in Nation Crescent Coconut Grove.

Answer

The General Manager Community, Matt Grassmayr responded and advised Councillor Amye Un to provide the details to allow the Technical team to work through the requirements.

CARRIED 11/0

17.2 AMBULANCE CHARGES**RESOLUTION ORD505/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Amye Un queried ambulance charges in different scenarios.

Answer

The Lord Mayor responded and advised that ambulance charges are beyond Councils purview however it may be in relation to the health care card.

CARRIED 11/0

17.3 UPDATE ON THE ROCK WALL IN CIVIC PARK**RESOLUTION ORD506/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Mick Palmer requested an update on the rock wall in Civic Park.

Answer

The Executive Manager Infrastructure, Nik Kleine responded and advised that there are significant costs associated with replacing the wall. Staff are investigating due to certain standards that are required. It was determined that the wall will be addressed as part of the Civic Centre project.

CARRIED 11/0

17.4 GOYDER ROAD PARAP UPGRADE**RESOLUTION ORD507/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Mick Palmer requested an update on the landscaping in Goyder Road, Parap.

Answer

The Executive Manager Infrastructure, Nik Kleine responded and advised that the project will be delivered this wet season. Works have begun at the site. A public tender has gone out for the landscaping works and it is intended to be completed this wet season.

CARRIED 11/0

17.5 LANEWAY BETWEEN KOOLAMA CRESCENT AND MCMILLANS ROAD, KARAMA UPDATE**RESOLUTION ORD508/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Brian O'Gallagher requested an update on the petition that was presented to Council regarding a closure of the laneway between Koolama Crescent and McMillans Road, Karama.

Answer

The General Manager Community, Matt Grassmayr responded and advised that the report is scheduled for November, after the consultation.

CARRIED 11/0

17.6 FEASIBILITY FOR THE COMMUNITY TO ADOPT A PARK**RESOLUTION ORD509/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Sylvia Klonaris queried if it was feasible for the community to adopt a park or assist with watering.

Answer

The Lord Mayor responded and advised Councillor Sylvia Klonaris to raise as a Notice of Motion.

CARRIED 11/0

17.7 RAPID CREEK BRIDGE UPDATE**RESOLUTION ORD510/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

Question

Councillor Ed Smelt requested an update on the Rapid Creek Bridge.

Answer

The General Manager Community, Matt Grassmayr responded and advised that works started on the 10 October however the repair works are to begin on the 17 October 2022.

CARRIED 11/0

18 GENERAL BUSINESS

Nil

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 25 October 2022, 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 Nightcliff Library Expression of Interest - Outcomes

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.

26.2 2022-2024 Sister City Advisory Committee Membership Appointment

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.

26.3 Darwin City Deal Review

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.

26.4 By-Law Update September 2022

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.

26.5 Enterprise IT System Mapping

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.

26.6 Casuarina Aquatic and Leisure Centre Design Update

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.

26.7 Arts and Cultural Development Advisory Committee - Appointment of Chair

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.

27.1 Casuarina Aquatic and Leisure Centre - Development Consent Authority Submission

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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD511/22

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sylvia Klonaris

THAT the open section of the meeting be adjourned at 6.09pm.

CARRIED 11/0

THAT the open section of the meeting be resumed at 8.13pm

THAT the chair declared the meeting closed at 8.13pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 October 2022.

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CHAIR