



MINUTES

**Ordinary Council Meeting
Tuesday, 13 June 2023**

Reports, recommendations and supporting documentation can be accessed via the City of Darwin Council Website at www.darwin.nt.gov.au, at Council Public Libraries or contact the Committee Administrator on (08) 8930 0670.

**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON TUESDAY, 13 JUNE 2023 AT 5:30PM**

- PRESENT:** Acting Deputy Lord Mayor Rebecca Want de Rowe, Councillor Kim Farrar, Councillor Sylvia Klonaris, Councillor Mick Palmer, Councillor Vim Sharma, Councillor Ed Smelt, Councillor Amye Un
- OFFICERS:** Steve Thacker (General Manager Corporate), Alice Percy (General Manager Innovation), Chris Kelly (Executive Manager Corporate and Customer Service), Merg Mikaelian (Executive Manager Regulatory Services)
- APOLOGY:** Lord Mayor Kon Vatskalis, Deputy Lord Mayor Jimmy Bouhoris, Councillor Brian O’Gallagher, Councillor Peter Pangquee, Councillor Morgan Rickard, Simone Saunders (Chief Executive Officer), Matt Grassmayr (General Manager Community)
- 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

RESOLUTION ORD308/23

Moved: Councillor Amye Un

Seconded: Councillor Kim Farrar

The Chair declared the meeting open at 5:32 pm.

CARRIED 7/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD309/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Kim Farrar

THAT the apology from Councillor Morgan Rickard, be received.

CARRIED 7/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD310/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Ed Smelt

That a leave of absence from Lord Mayor Kon Vatskalis, Deputy Lord Mayor Jimmy Bouhoris, Councillor Brian O’Gallagher, Councillor Peter Pangquee be received and accepted.

CARRIED 7/0

4.3 LEAVE OF ABSENCE REQUESTED

Nil

5 ELECTRONIC MEETING ATTENDANCE

5.1 ELECTRONIC MEETING ATTENDANCE GRANTED

Nil

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 ORD311/23

Moved: Councillor Amye Un
 Seconded: Councillor Kim Farrar

THAT the minutes of the Ordinary Council Meeting held on 30 May 2023 be confirmed.

CARRIED 7/0

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

27.1 MALAK MARKETS - EXPRESSION OF INTEREST SUBMISSION

RESOLUTION ORD319/23

Moved: Councillor Sylvia Klonaris
 Seconded: Councillor Kim Farrar

1. THAT the report entitled Malak Markets Expression of Interest Submission be received and noted.
2. THAT Council note that City of Darwin officers have assessed the proposal received from Territory Care and Support Services (TCASS) to manage the Malak Markets and that TCASS have met all assessment criteria in order to enter a Licence Agreement for a period of twelve (12) months.
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 7/0

27.2 LYONS COMMUNITY CENTRE - EXPRESSION OF INTEREST SUBMISSION**RESOLUTION ORD320/23**

Moved: Councillor Mick Palmer

Seconded: Councillor Vim Sharma

1. THAT the report entitled Lyons Community Centre – Expression of Interest Submission be received and noted.
2. THAT Council note that City of Darwin officers have assessed the proposal received from Gary Lang NT Dance Company Limited (GLNTDC) to lease the Lyons Community Centre as lead tenants and that GLNTDC have met all assessment criteria to enter a Lease Agreement with City of Darwin for an initial period of twelve (12) months.
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 7/0

27.4 UPDATE ON OUTSTANDING DEBTOR ACCOUNT**RESOLUTION ORD322/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Ed Smelt

1. THAT the report entitled Update on Outstanding Debtor Account 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 7/0

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS**14.1 ADOPTION OF 2023/24 MUNICIPAL PLAN****RESOLUTION ORD312/23**

Moved: Councillor Mick Palmer

Seconded: Councillor Ed Smelt

1. THAT the report entitled adoption of 2023/24 Municipal Plan be received and noted.
2. THAT the Certificate in terms of Regulation 29 of the *Local Government (General) Regulations 2021*, provided at **Attachment 1**, regarding Assessment Record and Record of Rates, be received and noted.
3. THAT Council adopt the 2023/24 City of Darwin Municipal Plan, provided at **Attachment 2**, noting that it includes the:
 - (a) Council's Annual Service Delivery Plan as the basis of deliverables to the Darwin municipality for 2023/24
 - (b) The 2023/24 Annual Budget to be effective from 1 July 2023 to 30 June 2024
4. THAT Council adopt the 2023/24 Fees and Charges as provided at **Attachment 3** to the Municipal Plan, to be effective from 1 July 2023 to 30 June 2024.

CARRIED 7/0**14.2 DECLARATION OF RATES AND CHARGES 2023/2024****RESOLUTION ORD313/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

1. THAT the report entitled 2023/24 Declaration of Rates and Charges be received and noted.
2. THAT pursuant to Section 227(1) of the Local Government Act 2019 (the Act), Council adopts the Unimproved Capital Value (as it appears on the valuation roll prepared and maintained under the Valuation of Land Act 1963) as the basis of the assessed value of allotments within the Darwin Municipality.
3. THAT Council, pursuant to Section 237 of the Act, declares that it intends to raise, for general purposes by way of rates, the amount of \$74,017,891 which will be raised by the application of differential valuation-based charges ("differential rates") with differential minimum amounts ("minimum amounts") being payable in application of each of those differential rates.

For the purposes of this paragraph 3, a "separate part or unit" means a part of or a unit on an allotment that is adapted for separate occupation or use as described in section 226(5) of the Act, whether for residential, commercial or industrial purposes, and the expression "separate parts or units" has a corresponding meaning.

Council hereby declares the following differential rates and minimum amounts payable in the application of those differential rates for the financial year ending 30 June 2024:

- (a) 0.617916% of the assessed value of all rateable land within those parts of the municipality zoned LR, RR, R or RL under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,302.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (b) 0.617916% of the assessed value of all rateable land within those parts of the municipality zoned LMR, MR or HR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,367.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (c) 0.579037% of the assessed value of all rateable land within those parts of the municipality zoned CV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,302.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (d) 0.772737% of the assessed value of all rateable land within those parts of the municipality zoned CB under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,649.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (e) 0.601270% of the assessed value of all rateable land within those parts of the municipality zoned PS or CN under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,whichever is the greater.
- (f) 0.559784% of the assessed value of all rateable land within those parts of the municipality zoned OR under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$538.00 multiplied by:
 - (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,

whichever is the greater.

- (g) 0.617916% of the assessed value of all rateable land within those parts of the municipality zoned FD, SU, CP, CL, RD or U under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,367.00 multiplied by:
- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (h) 0.824338% of the assessed value of all rateable land within those parts of the municipality zoned C, or SC under the *NT Planning Scheme* other than those classes of allotments described in paragraphs (m) and (n) below, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:
- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (i) 0.684929% of the assessed value of all rateable land within those parts of the municipality zoned TC or HT under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:
- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (j) 0.598515% of the assessed value of all rateable land within those parts of the municipality zoned LI under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:
- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (k) 0.508025% of the assessed value of all rateable land (other than the small allotments identified in paragraph (l) below) within those parts of the municipality zoned GI or DV under the *NT Planning Scheme*, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:
- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.
- (l) Council considers the following classes of allotments within the municipality zoned GI to be a different class of allotments and small allotments for the purposes of section 226(3)(b) of the Act and the example given at the foot of that section:
- (i) Units 1 to 3 and Units 5 to 98 comprised in Unit Plan No. 95/95;
 - (ii) Units 101 to 216 in Unit Plan 97/112;
 - (iii) Units 17 to 32 comprised in Unit Plan 98/32;
 - (iv) Lots 6244 to 6285 Hundred of Bagot; and
 - (v) Lots 6330 to 6336 Hundred of Bagot.

Council considers that an inequity would result if the minimum amount declared in respect of rateable land within Zone GI were applied to these small allotments, and accordingly, Council declares a lesser minimum amount, being \$338.00, to be payable in respect of each of these small allotments.

(m) 1.530794% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area equal to or greater than 40,000m² and being allotments on which there is situated a major shopping centre, with the minimum amount payable in the application of that differential being \$1,358.00 multiplied by:

- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.

(n) 0.824338% of the assessed value of those classes of allotments within the municipality zoned C or SC under the *NT Planning Scheme* with a parcel area less than 40,000m² and being allotments on which there is situated a major shopping centre, with the minimum amount payable in the application of that differential rate being \$1,358.00 multiplied by:

- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.

(o) 0.617916% of the assessed value of every allotment of rateable land within the municipality not otherwise described above, with the minimum amount payable in the application of that differential rate being \$1,302.00 multiplied by:

- (i) the number of separate parts or units on each allotment of land; or
 - (ii) the number 1,
- whichever is the greater.

4. Pursuant to Section 240 of the Act and Regulation 84 of the *Local Government (General) Regulations 2021* (the **Regulations**) Council imposes the following municipal parking rate for land in Central Darwin as defined in Regulation 83 of the Regulations (the **Parking Rate**):

- (a) The amount to be raised by the imposition of the Parking Rate is \$1,100,362.
- (b) The Parking Rate is to be an amount of \$264.10 per parking space which will be calculated, assessed, levied and payable in accordance with the Regulations.
- (c) The parking usage schedule 2023/2024 has been prepared in accordance with Regulation 86 of the Regulations and will be notified on City of Darwin's Website and in the Northern Territory News on 9 June 2023 in accordance with Regulation 87 of the Regulations. A person may inspect the parking usage schedule free of charge.
- (d) An application for a review in relation to an entry in the parking usage schedule may be made in accordance with regulation 88 of the Regulations. An application for a review must be made no later than 7 July 2023.
- (e) The Parking Rate will be applied by Council to the trading fund established pursuant to Regulation 85 of the Regulations.

5. Pursuant to Section 239 of the Act, Council declares that it intends to raise \$9,406,000 and declares and imposes the following charges for the financial year ending 30 June 2024 for the purpose of enabling or assisting Council to meet the cost of the garbage collection and recycling collection services and the waste disposal services it provides for the benefit of

residential land within the municipality and the occupiers of such land:

- (a) A charge of \$333.68 per annum per residential dwelling in respect of kerbside garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality other than a residential dwelling as described in Parts 1, 2 and 3 of the Schedule below and the occupiers of such land.

The services are:

- (i) a kerbside garbage collection service of one visit per week; and
- (ii) a kerbside recycling collection service of one visit per fortnight,

with the collection of waste contained in a maximum of one 240 litre mobile bin per garbage collection or recycling collection visit; and

- (iii) access to Shoal Bay, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of Shoal Bay from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

- (b) A charge of \$311.21 per annum per residential dwelling in respect of non kerbside (communal) garbage and recycling collection services and a waste disposal service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality where the number of residential dwellings (as the case may be) exceeds three (3).

The services to be provided by Council are as described in Part 1 of the Schedule below and in Parts 2 & 3 of the Schedule below where the facilities in and about the residential dwellings meet the requirements of the Council for the purposes of providing the services, and Council has not approved of an alternative regular garbage and recycling collection service.

- (c) For the purposes of this paragraph 0:

- (i) “residential dwelling” means a dwelling house, flat or other substantially self contained residential unit or building on residential land and includes a unit within the meaning of the *Unit Titles Act* and the *Unit Title Schemes Act*;
- (ii) “residential land” means land used or capable of being used for residential purposes (but does not include land on which there is no residential dwelling); and
- (iii) “Shoal Bay” means the Shoal Bay Waste Management Facility located at Lot 3952 Town of Sanderson.

SCHEDULE

CITY OF DARWIN

GARBAGE AND RECYCLING COLLECTION SERVICES

PART 1 –

Communal Services for more than 3 residential dwellings

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and recycling collections being as set out in the table below; and

- (c) access to Shoal Bay, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of Shoal Bay from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	GARBAGE BINS 240 LITRE	RECYCLING BINS 240 LITRE	TOTAL NUMBER 240 LTR BINS
4	1	1	2
5-6	2	1	3
7-8	2	2	4
9-12	3	2	5
13-16	4	3	7
17-18	5	3	8
19-20	5	4	9
21-24	6	4	10
25-28	7	5	12
29-30	8	5	13
31-32	8	6	14
33-36	9	7	16
37-40	10	7	17
41-44	11	8	19
45-48	12	8	20

PART 2 –

Communal Services for more than 12 residential dwellings which have facilities that meet the requirements of Council

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and recycling collections being as set out in the table below; and

- (c) access to Shoal Bay, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of Shoal Bay from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	GARBAGE BINS 1,100 LITRE	RECYCLING BINS 240 LITRE	TOTAL NUMBER MIXED BINS
13-16	1	3	4
17-18	2	3	5
NUMBER OF HOUSEHOLDS	GARBAGE BINS 1,100 LITRE	RECYCLING BINS 1,100 LITRE	TOTAL NUMBER 1,100 LTR BINS
19-24	2	1	3
25-32	2	2	4
33-48	3	2	5
49-64	4	3	7
65-71	5	3	8
72-80	5	4	9
81-96	6	4	10
97-112	7	5	12

PART 3 –

Communal Services for more than 40 residential dwellings which have facilities that meet the requirements of Council

The services are –

- (a) two (2) non-kerbside garbage collections per week; and
- (b) one (1) non-kerbside recycling collection per week,

with the collection of waste and recycled items contained in the number of bins for garbage and recycling collections being as set out in the table below; and

- (c) access to Shoal Bay, by means of an access tag of such type as may be provided by the Council, to enable the owner or occupier of such residential dwelling to dispose of such waste items as may be accepted by the operator of Shoal Bay from time to time. Council will provide one access tag for each such residential dwelling. Additional or replacement tags can be purchased for the fee determined by Council from time to time.

NUMBER OF HOUSEHOLDS	3 CUBIC METRE GARBAGE BIN	RECYCLING BINS 1,100 LITRE	TOTAL NUMBER MIXED BINS
41-48	1	2	3
49-50	1	3	4
51-71	2	3	5

- 6. The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 245 of the Act at the rate of 18.0% per annum and is to be calculated on a daily basis.

7. Rates and charges declared under this declaration may be paid by four (4) approximately equal instalments on the following dates, namely:-
- (a) First Instalment: 30 September 2023
 - (b) Second Instalment: 30 November 2023
 - (c) Third Instalment: 31 January 2024
 - (d) Fourth Instalment: 31 March 2024
- Instalments falling due on a weekend or public holiday may be paid by the following business day, without incurring any penalty.
8. Details of due dates and specified amounts will be listed on the relevant Rates Notice.
9. Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.
- A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges. If rates are payable by the owner of the land and are not paid by the due date, they become a charge on the land to which they relate, except within an Aboriginal community living area. In addition, Council may apply to register its charge over the land and sell the land to recover unpaid rates and charges.

CARRIED 7/0

14.3 CAR PARKING POLICY AND RELATED MOVEMENT STRATEGY UPDATE

RESOLUTION ORD314/23

Moved: Councillor Mick Palmer
Seconded: Councillor Ed Smelt

1. THAT the report entitled Car Parking Policy and Related Movement Strategy Update be received and noted.
2. THAT Council adopt the revised Car Parking Policy at **Attachment 3**.

CARRIED 7/0

15 RECEIVE & NOTE REPORTS

15.1 ENGAGEMENT OUTCOMES - CBD SPEED LIMIT

RESOLUTION ORD315/23

Moved: Councillor Amye Un
Seconded: Councillor Mick Palmer

1. THAT the report entitled Engagement Outcomes – CBD Speed Limit be received and noted.

CARRIED 7/0

16 REPORTS OF REPRESENTATIVES

Nil

17 QUESTIONS BY MEMBERS

Nil

18 GENERAL BUSINESS**18.1 INCOMING AND OUTGOING CORRESPONDENCE - MINISTER FOR ARTS, CULTURE AND HERITAGE - CREATIVE STRATEGY****RESOLUTION ORD316/23**

Moved: Councillor Kim Farrar

Seconded: Councillor Amye Un

THAT the Incoming and Outgoing Correspondence - Minister for Arts, Culture and Heritage - Creative Strategy be received and noted.

CARRIED 7/0**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING****RECOMMENDATIONS**

THAT the next Ordinary Meeting of Council be held on Tuesday, 27 June 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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

21.1 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RECOMMENDATIONS

THAT the open section of the meeting be adjourned at 5:48pm.

THAT the open section of the meeting be resumed at 6.56pm

THAT the chair declared the meeting closed at 6.56pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 June 2023.

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CHAIR