



MINUTES

**Ordinary Council Meeting
Tuesday, 13 September 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, 13 SEPTEMBER 2022 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Councillor Paul Arnold, Councillor Jimmy Bouhoris, Councillor Sylvia Klonaris, Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Vim Sharma, 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), Edith Heiberg (Governance Projects Officer), Nik Kleine (Executive Manager Infrastructure), Fred McCue (Public Relations and External Affairs Advisor)
- APOLOGY:** Councillor Kim Farrar, Councillor Brian O'Gallagher, Councillor Morgan Rickard, Councillor Rebecca Want de Rowe
- GUESTS:** Annabel Bowles (NT News)

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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 ORD461/22

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Ed Smelt

The Chair declared the meeting open at 5.33 pm.

CARRIED 9/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD462/22

Moved: Councillor Vim Sharma

Seconded: Councillor Jimmy Bouhoris

THAT the apology from Councillor Kim Farrar, Councillor Brian O'Gallagher, Councillor Morgan Rickard be received.

CARRIED 9/0

4.2 LEAVE OF ABSENCE GRANTED**RESOLUTION ORD463/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Jimmy Bouhoris

THAT it be noted Councillor Rebecca Want de Rowe is an apology due to a Leave of Absence previously granted on 16 August 2022 for the period 29 August to 18 September 2022.

CARRIED 9/0

4.3 LEAVE OF ABSENCE REQUESTED**RESOLUTION ORD464/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Jimmy Bouhoris

THAT a Leave of Absence be granted for Councillor Mick Palmer for the 27 September 2022.

CARRIED 9/0

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

MOTION

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

THAT the minutes of the Ordinary Council Meeting held on 30 August 2022 be confirmed.

AMENDMENT

RESOLUTION ORD465/22

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

THAT the minutes of the Ordinary Council Meeting held on 30 August 2022 be amended to note that at Item 14.1 Councillor Ed Smelt moved the amendment and Councillor Morgan Rickard seconded the amendment.

CARRIED 9/0

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 AT OPEN AT THE CONCLUSION OF THE MEETING

27.1 TIER 2 BI-ANNUAL PERFORMANCE REPORT: JANUARY - JUNE 2022

RESOLUTION ORD466/22

Moved: Councillor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Tier 2 Bi-Annual Performance Report: January – June 2022 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 9/0

27.2 UPDATE ON ROCK CENTRE LEGAL MATTER**RESOLUTION ORD467/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Peter Pangquee

1. THAT the report entitled Update on Rock Centre Legal Matter 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 9/0

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**MAYORAL MINUTE - MOTION OF CONDOLENCE FOLLOWING THE PASSING OF HER MAJESTY QUEEN ELIZABETH II**

Moved: Lord Mayor Kon Vatskalis

THAT Council observe a minute's silence for the passing of Queen Elizabeth II and provide a copy of this condolence motion to the Administrator of the Northern Territory.

CARRIED 9/0

Passed unanimously, with no objectors noted

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

14.1 NOMINATED PROJECTS FOR LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 3 EXTENSION FUNDING

RESOLUTION ORD468/22

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Nominated Projects for Local Road and Community Infrastructure Phase 3 Extension Funding be received and noted.
2. THAT Council endorse the projects nominated for the use of the Phase 3 Extension Local Roads and Community Infrastructure (LRCI) funding for 2023/24, as identified in the report entitled Nominated Projects for Local Roads and Community Infrastructure Phase 3 Extension Funding.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the authority to enter into the funding agreement to undertake these works.

CARRIED 9/0

14.2 WEST LANE OPPORTUNITY

RESOLUTION ORD469/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Paul Arnold

1. THAT the report entitled West Lane Opportunity be received and noted.
2. THAT Council endorse the Chief Executive Officer to offer the Northern Territory Police, Fire and Emergency Services an opportunity to have a Police Beat in Shop 3, West Lane Arcade.

CARRIED 9/0

14.3 RECONCILIATION ADVISORY COMMITTEE RECOMMENDATION

RESOLUTION ORD470/22

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Peter Pangquee

1. THAT the report entitled Reconciliation Advisory Committee Recommendation be received and noted.
2. THAT City of Darwin endorse the use of the term First Nations in place of Aboriginal or Torres Strait Islander in spoken and written communications.

CARRIED 9/0

15 RECEIVE & NOTE REPORTS

Nil

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD471/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Ed Smelt

THAT the following Reports of Representatives be received and noted.

16.1

The Lord Mayor reported on the recent trip to Dili which was very successful. Waste management is a big issue and Dili is keen to hear City of Darwin's experience. Dili is planning a master plan for the city as well as issuing titles for land owners. It was a very successful delegation, thanks to Alice and team for organising.

16.2

Councillor Peter Pangquee reported on the meeting with Chan Ward Councillors and MLA Brent Potter. Main discussions were regarding the funding for Bundilla and potentially a master plan for the area.

16.3

Councillor Amye Un reported on the brass band ceremony. The brass band appreciates the ongoing support from City of Darwin. Councillor Amye Un also met with the President of East Timor while in Darwin.

16.4

Councillor Sylvia Klonaris reported on the Cyprus Food and Wine Festival. It was a tremendous event with a large turn out.

16.5

Councillor Jimmy Bouhoris reported on the Dragon Boat Festival working group. Thanks to Cherry and the team for pursuing grants and sponsorship. Further information will be provided to Elected Members. This will be a great event for Darwin.

CARRIED 9/0

17 QUESTIONS BY MEMBERS**17.1 RAPID CREEK BRIDGE UPDATE****RESOLUTION ORD472/22**

Moved: Councillor Mick Palmer

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 City of Darwin is waiting on quotes for the temporary structure changes. Further information will be provided to Elected Members once received.

CARRIED 9/0

17.2 MAINTENANCE IN LYONS**RESOLUTION ORD473/22**

Moved: Councillor Mick Palmer

Seconded: Councillor Vim Sharma

Question

Councillor Jimmy Bouhoris queried the maintenance contracts in the suburb of Lyons. The community has provided feedback that there are issues with the mowing in Garamanak Park.

Answer

The General Manager Community, Matt Grassmayr responded and advised that the information including timing and frequency will be provided to Elected Members. The issue with mowing in Garamanak Park will be raised with the contractor.

CARRIED 9/0

17.3 LIGHTING AT NIGHTCLIFF OVAL**RESOLUTION ORD474/22**

Moved: Councillor Mick Palmer

Seconded: Councillor Vim Sharma

Question

Councillor Peter Pangquee requested an update on the lights at Nightcliff Oval.

Answer

The Executive Manager Infrastructure, Nik Kleine responded and advised that rectification has been resolved. The works will progress as soon as possible.

CARRIED 9/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS (DIPL) - BLACK SPOT PROJECT 2022/23 FUNDING****RESOLUTION ORD475/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Peter Pangquee

THAT the Incoming Correspondence - Department of Infrastructure, Planning and Logistics (DIPL) - Black Spot Project 2022/23 Funding be received and noted.

CARRIED 9/0

18.2 OUTGOING CORRESPONDENCE - MINISTER FOR RENEWABLES AND ENERGY - REQUESTING UPDATE FOR UNDERGROUND POWER LINES**RESOLUTION ORD476/22**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Peter Pangquee

THAT the Outgoing Correspondence - Minister for Renewables and Energy - Requesting Update for Underground Power Lines be received and noted.

CARRIED 9/0

18.3 DEPUTY LORD MAYOR**RESOLUTION ORD477/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Peter Pangquee

THAT Council appoint Councillor Vim Sharma as Deputy Lord Mayor for the period 29 September 2022 to 28 January 2023.

CARRIED 9/0

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 27 September 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 City Centre - Footpath Treatment

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.

26.2 Memorial Request from Mindil Beach Sunset Market Association

This matter is considered to be confidential under Section 99(2) - 51(b) 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.

26.3 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.

27.1 Tier 2 Bi-annual Performance Report: January - June 2022

This matter is considered to be confidential under Section 99(2) - 51(e) 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(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

27.2 Update on Rock Centre Legal Matter

This matter is considered to be confidential under Section 99(2) - 51(c)(ii) 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 prejudice the maintenance or administration of the law.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD478/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Peter Pangquee

THAT the open section of the meeting be adjourned at 6.00pm.

CARRIED 9/0

THAT the open section of the meeting be resumed at 6.52pm

THAT the chair declared the meeting closed at 6.52pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 September 2022.

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CHAIR