



MINUTES

**Ordinary Council Meeting
Tuesday, 15 August 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, 15 AUGUST 2023 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Deputy Lord Mayor Jimmy Bouhoris, Councillor Kim Farrar, Councillor Brian O'Gallagher, Councillor Mick Palmer, Councillor Peter Pangquee, 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), Steve Thacker (General Manager Corporate), Alice Percy (General Manager Innovation)
- APOLOGY:** Councillor Sylvia Klonaris, Councillor Morgan Rickard
- 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.

Councillor Vim Sharma was not present at the start of the meeting at 5:32 pm.

Councillor Rebecca Want de Rowe was not present at the start of the meeting at 5:32 pm.

3 MEETING DECLARED OPEN

RESOLUTION ORD444/23

Moved: Councillor Ed Smelt

Seconded: Deputy Lord Mayor Jimmy Bouhoris

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

CARRIED 8/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD445/23

Moved: Councillor Amye Un

Seconded: Councillor Brian O'Gallagher

THAT the apology from Councillor Morgan Rickard, be received.

CARRIED 8/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD446/23

Moved: Councillor Amye Un
 Seconded: Councillor Brian O'Gallagher

THAT it be noted Councillor Sylvia Klonaris is an apology due to a Leave of Absence previously granted on 30 May 2023, be received and accepted.

CARRIED 8/0

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD447/23

Moved: Councillor Amye Un
 Seconded: Councillor Brian O'Gallagher

THAT a leave of Absence be granted to Councillor Kim Farrar for 22 August 2023 be received and noted.

CARRIED 8/0

4.4 ABSENCE WITHOUT PERMISSION

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

Councillor Rebecca Want de Rowe joined the meeting at 5:33 pm.

6.1 DECLARATION OF INTEREST BY MEMBERS

RESOLUTION ORD448/23

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Amye Un

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 14.1 - Establishment of New Friendship City with Ho Chi Minh City, Vietnam.

CARRIED 9/0

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD449/23

Moved: Councillor Ed Smelt

Seconded: Councillor Kim Farrar

THAT the minutes of the Ordinary Council Meeting held on 25 July 2023 be confirmed.

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 TO OPEN AT THE CONCLUSION OF THE MEETING**26.1 CYCLONE TRACY COMMEMORATION ADVISORY COMMITTEE APPOINTMENTS****RESOLUTION ORD460/23**

Moved: Lord Mayor Kon Vatskalis
Seconded: Councillor Peter Pangquee

1. THAT the report entitled Cyclone Tracy Commemoration Advisory Committee Appointments be received and noted.
2. THAT Council appoint the following members to the Cyclone Tracy Commemoration Advisory Committee:
 - Community member Marie-Louise Pearson
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

26.2 LAND TRANSFER PORTION OF FLIGHTPATH ROAD**RESOLUTION ORD461/23**

Moved: Councillor Brian O'Gallagher
Seconded: Councillor Kim Farrar

1. THAT the report entitled 'Land Transfer Portion of Flightpath Road' be received and noted.
2. THAT Council endorse the transfer of land from the Northern Territory Government to City of Darwin for a portion of Flightpath Road and the nearby detention basin in Sections 7960 and 7961, Hundred of Bagot, as per **Attachment 1**.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to execute the Offer of Acceptance Notice regarding a portion of Flightpath Road and the nearby detention basin.
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.

CARRIED 10/0

26.3 CAR PARKING REQUEST**RESOLUTION ORD462/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Rebecca Want de Rowe

1. THAT the report entitled Car Parking Request be received and noted.
2. THAT Council do not endorse the in-kind support request from Darwin Returned Services League sub-branch for four reserved car parks at Dragonfly Car Park.
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

26.4 PLAY SPACE FRAMEWORK**RESOLUTION ORD463/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Kim Farrar

1. THAT the report entitled Play Space Framework be received and noted.
2. THAT Council adopt the Play Space Framework to guide decision-making regarding Local playgrounds.
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 LOCAL PLAYGROUND ASSESSMENTS

RESOLUTION ORD466/23

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Kim Farrar

1. THAT the report entitled Local Playground Assessments be received and noted.
2. THAT Council endorse the recommendations provided in the report to:
 - (i) Refer to the 2023/24 1st Budget Review a new initiative for consideration to replace the playground at George Crescent Fannie Bay with a local level playground as per Infrastructure Provision Guide.
 - (ii) Refer to the 2024/25 budget process a new initiative for consideration to replace the playground at Jingili Watergardens North with another Play Space offering.
 - (iii) Not replace the playground at Wong Yung Park, Millner.
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

27.1 VANDERLIN DRIVE AND LEE POINT ROAD INTERSECTION UPGRADE

RESOLUTION ORD465/23

Moved: Councillor Brian O’Gallagher

Seconded: Councillor Rebecca Want de Rowe

1. THAT the report entitled Vanderlin Drive and Lee Point Road Intersection Upgrade 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 YMCA NT QUARTERLY POOL MANAGEMENT REPORT - APRIL TO JUNE 2023

RESOLUTION ORD466/23

Moved: Councillor Brian O’Gallagher

Seconded: Councillor Rebecca Want de Rowe

1. THAT the report entitled YMCA NT Quarterly Pool Management Report – April to June 2023 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 10/0

28.1 INCOMING CORRESPONDENCE - MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS**RESOLUTION ORD467/23**

Moved: Councillor Brian O'Gallagher

Seconded: Lord Mayor Kon Vatskalis

1. THAT the report entitled Incoming Correspondence - Minister for Infrastructure, Planning and Logistics 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 10/0**28.2 INCOMING CORRESPONDENCE - DEPARTMENT OF EDUCATION - PRIORITY ENROLMENT AREA REVIEW****RESOLUTION ORD468/23**

Moved: Councillor Brian O'Gallagher

Seconded: Lord Mayor Kon Vatskalis

1. THAT the report entitled Incoming Correspondence - Department of Education - Priority Enrolment Area Review 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 10/0**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS**11.1 PETITION TO LOWER THE SPEED LIMIT FOR LEANYER DRIVE, LEANYER****RESOLUTION ORD450/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Brian O'Gallagher

The Deputy Lord Mayor Jimmy Bouhoris will present the Petition

- A. THAT the Petition, requesting the City of Darwin to reduce the speed limit for Leanyer Drive, Leanyer to 50km per hour outside of school hours, be received and noted.
- B. THAT, in accordance with By-law 153(7)(b), the Petition be referred to the Innovation Hub, Technical Services Team for consideration and a report to return to Council.

CARRIED 9/0

12 DEPUTATIONS AND BRIEFINGS

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

Councillor Brian O'Gallagher departed the meeting at 5:35 pm due to a conflict of interest.

Councillor Vim Sharma joined the meeting at 5:36 pm.

14.1 ESTABLISHMENT OF NEW FRIENDSHIP CITY WITH HO CHI MINH CITY, VIETNAM**RESOLUTION ORD451/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Mick Palmer

1. THAT the report entitled Establishment of a New Friendship City with Ho Chi Minh City, Vietnam be received and noted.
2. THAT Council endorse for City of Darwin officers to pursue a Friendship City relationship with Ho Chi Minh City.

CARRIED 9/0

Councillor Brian O'Gallagher re-joined the meeting at 5:44 pm.

15 RECEIVE & NOTE REPORTS

Nil

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD452/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris
Seconded: Councillor Vim Sharma

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Ed Smelt reported that driving home from work on Thursday evening, he came across a crash between a car and a pedestrian at the Nightcliff Road end of Progress Drive. This was on the section of road where the speed limit was reviewed following his Notice of Motion in November 2021.

Following a Council resolution in March 2022, the speed limit was changed from 60km/hr to 50km/hr. Assuming the car was travelling at or below the new speed limit of 50km/hr, the reduced stopping distance of at least 19m compared with 60km/hr likely saved his life.

Reflecting on this fact, it is a timely reminder of the great potential of our Council decisions to make our community safer and better. It is also something that we can collectively, Elected Members and staff, take pride in helping avoid another fatality on our road network.

Councillor Ed Smelt is working on a further Notice of Motion to make further speed limit changes on our network and seek Elected Member input, advice and future support to make our community safer and better.

CARRIED 10/0

17 QUESTIONS BY MEMBERS

Nil

18 GENERAL BUSINESS**18.1 ACCESS TO DARWIN FESTIVAL****RESOLUTION ORD453/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

Councillor Mick Palmer requested for rails to be installed at the steps of the entry point for Darwin Festival to provide additional assistance for all persons to access the event.

CARRIED 10/0

18.2 DARWIN CHRISTMAS PAGEANT**RESOLUTION ORD454/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

Councillor Amye Un reported on the limited shops open for the Christmas Pageant event last year and hoped that there would be more communication to encourage shops to stay open.

The Lord Mayor Kon Vatskalis advised that store holders will be made aware of the event, and will be notified and encouraged to participate.

CARRIED 10/0

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 29 August 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 Cyclone Tracy Commemoration Advisory Committee Appointments

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 Land Transfer Portion of Flightpath Road

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 Car Parking Request

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.

26.4 Play Space Framework

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.

26.5 Local Playground Assessments

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 Vanderlin Drive and Lee Point Road Intersection Upgrade

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) and 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 information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person and 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 YMCA NT Quarterly Pool Management Report - April to June 2023

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.

28.1 Incoming Correspondence - Minister for Infrastructure, Planning and Logistics

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.

28.2 Incoming Correspondence - Department of Education - Priority Enrolment Area Review

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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD455/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Deputy Lord Mayor Jimmy Bouhoris

THAT the open section of the meeting be adjourned at 5.49 pm

CARRIED 10/0

THAT the open section of the meeting be resumed at 7.13pm

THAT the chair declared the meeting closed at 7.13pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 29 August 2023.

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CHAIR