



MINUTES

**Ordinary Council Meeting
Tuesday, 17 October 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, 17 OCTOBER 2023 AT 5:30PM**

PRESENT:

Deputy Lord Mayor Ed Smelt
Councillor 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 Amye Un
Councillor Rebecca Want de Rowe
Councillor Sam Weston

OFFICERS:

Simone Saunders (Chief Executive Officer)
Matt Grassmayr (General Manager Community)
Steve Thacker (General Manager Corporate)
Alice Percy (General Manager Innovation)

APOLOGY:

Lord Mayor Kon Vatskalis

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 ORD606/23
 Moved: Councillor Jimmy Bouhoris
 Seconded: Councillor Morgan Rickard
 The Chair declared the meeting open at 5:32 pm.

CARRIED 12/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD607/23
 Moved: Councillor Rebecca Want de Rowe
 Seconded: Councillor Brian O’Gallagher
 THAT the apology from the Lord Mayor Kon Vatskalis, be received.

CARRIED 12/0

4.2 LEAVE OF ABSENCE GRANTED

Nil

4.3 LEAVE OF ABSENCE REQUESTED

Nil

5 ELECTRONIC MEETING ATTENDANCE

5.1 ELECTRONIC MEETING ATTENDANCE GRANTED

RESOLUTION ORD608/23

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Rebecca Want de Rowe

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 the Twenty-Eighth Ordinary Council Meeting held on Tuesday, 17 October 2023:

- Councillor Amye Un

CARRIED 12/0

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 ORD609/23

Moved: Councillor Kim Farrar

Seconded: Councillor Brian O'Gallagher

THAT the minutes of the Ordinary Council Meeting held on 26 September 2023 be confirmed.

CARRIED 12/0

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 FO THE MEETING

26.1 CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE

RESOLUTION ORD631/23

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Chief Executive Officer Performance Appraisal Committee be received and noted.
2. THAT Council endorse the extension of the term for the Chief Executive Officer’s Performance Appraisal Committee until 28 February 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 12/0

27.1 CASUARINA AQUATIC AND LEISURE CENTRE SIGNAGE AND NAMING

RESOLUTION ORD632/23

Moved: Councillor Morgan Rickard

Seconded: Councillor Amye Un

1. THAT the report entitled Casuarina Aquatic and Leisure Centre Signage and Naming be received and noted.
2. THAT the signage as planned for Casuarina Aquatic and Leisure Centre proceed.
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 12/0

27.2 KARAMA EXPRESSION OF INTEREST**RESOLUTION ORD633/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled Karama Expression of Interest 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

27.3 UPDATE ON CODE OF CONDUCT MATTERS**RESOLUTION ORD634/23**

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Morgan Rickard

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 11/0

28.1 INCOMING CORRESPONDENCE - DEPARTMENT OF TERRITORY FAMILIES, HOUSING AND COMMUNITIES - UPDATE ON SHIERS STREET REDEVELOPMENT**RESOLUTION ORD635/23**

Moved: Councillor Mick Palmer

Seconded: Deputy Lord Mayor Ed Smelt

1. THAT the Incoming Correspondence – Department of Territory Families, Housing and Communities – Update on Shiers Street Redevelopment 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 11/0

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**WITHDRAWAL OF ITEM 13.1 – ADJOURNED NOTICE OF MOTION – SUPPORT FOR THE VOICE TO PARLIAMENT****RESOLUTION ORD610/23**

Moved: Councillor Morgan Rickard
Seconded: Councillor Brian O'Gallagher

THAT Item 13.1 Adjourned Notice of Motion – Support for the Voice to Parliament is withdrawn by Councillor Rickard.

CARRIED 12/0

13.1 ADJOURNED NOTICE OF MOTION - SUPPORT FOR THE VOICE TO PARLIAMENT

I, Councillor Morgan Rickard, give notice that at the next Ordinary Council Meeting on 17 October 2023, I will move the following motion:-

MOTION

1. THAT Council publicly support the Yes23 Campaign that is encouraging citizens to vote in support of a First Nations Voice to Parliament in the upcoming referendum.
2. THAT this support come in the form of but not limited to:
 - Displaying “Yes23” campaign materials on City of Darwin premises – at libraries, swimming pools, community centres and the Civic Centre – materials to be provided by Yes23 campaign representatives.
 - Social media posts on official City of Darwin social media platforms.
 - Permitting staff and Elected Members to add Yes23 signatures to their emails at their discretion.
 - A press release announcing Council’s support.
 - Information on the City of Darwin website indicating Council’s support.
 - Permission for staff in support to wear Yes23 campaign T-shirts and badges etc in the workplace.
 - Allowing Yes23 campaign staff to place corflutes on fences of City of Darwin properties: corflutes must be removed no later than 48 hours after close of referendum poll.

13.2 NOTICE OF MOTION - LINKS ROAD MARRARA - TRAFFIC REVIEW

I, Councillor Sylvia Klonaris, give notice that at the next Ordinary Council Meeting on 17 October 2023, I will move the following motion:-

RESOLUTION ORD611/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Brian O'Gallagher

1. THAT Council recognises the importance of safety for all road reserve users including pedestrians, cyclists, people with mobility scooters, other active transport users and vehicles.
2. THAT an assessment of Links Road Marrara be undertaken in accordance with the adopted City of Darwin Local Area Traffic Management (LATM) and Pedestrian Facility Guidelines to determine any local area traffic management and or pedestrian facility works.
3. THAT a report be presented to Council in February 2024 that provides the outcome of the assessment including concept designs and associated cost estimates.
4. THAT any proposed works be prioritised against other identified LATM and or pedestrian crossing facility projects for inclusion in a future works program.

CARRIED 12/0

13.3 NOTICE OF MOTION - CITY OF DARWIN PRIORITY PROJECTS UPDATE

I, Councillor Ed Smelt, give notice that at the next Ordinary Council Meeting on 17 October 2023, I will move the following motion:-

RESOLUTION ORD612/23

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

1. THAT Council note forthcoming opportunities to advocate to the Northern Territory Government, Australian Government and private sector to partner with the City of Darwin in the delivery of priority projects.
2. THAT the 'Strategic Projects Prospectus' and '2021-2023 Priority Projects' documents are reviewed and updated to form a single, new project advocacy document for the 23rd Council.
3. THAT the update consider the following inputs, but not limited to: City of Darwin strategies and plans and master plans, current economic environment, updated stakeholder priorities such as oval infrastructure from peak sporting bodies, resolutions of Council, potential private sector proposals and Council Ward projects.
4. THAT a workshop is ideally held in mid-November 2023 with Elected Members to shape the scope of the review and the priorities to be included in the final document.

CARRIED 12/0

14 ACTION REPORTS

14.1 REVIEW OF REMOTELY PILOTED AIRCRAFT POLICY

RESOLUTION ORD613/23

Moved: Councillor Mick Palmer

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Review of Remotely Piloted Aircraft Policy be received and noted.
2. THAT Council adopt the Remotely Piloted Aircraft Policy, provided at **Attachment 3**

CARRIED 12/0

14.2 SUBMISSION TO SENATE SELECT COMMITTEE ON AUSTRALIA'S DISASTER RESILIENCE

RESOLUTION ORD614/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

1. THAT the report entitled Submission to Senate Select Committee on Australia's Disaster Resilience be received and noted.
2. THAT Council approve the proposed submission to the Senate Select Committee on Australia's Disaster Resilience.

CARRIED 12/0

14.3 PLANNING SCHEME AMENDMENT - TELECOMMUNICATIONS - PA2023/0101

RESOLUTION ORD615/23

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled Planning Scheme Amendment Telecommunications - PA2023/0101 be received and noted.
2. THAT Council endorse the draft response letter to the Planning Commission at **Attachment 1**, entitled Planning Scheme Amendment Telecommunications - PA2023/0101.

CARRIED 12/0

15 RECEIVE & NOTE REPORTS**15.1 ENGAGEMENT OUTCOMES - CHAPEL LANE REDEVELOPMENT****RESOLUTION ORD616/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Rebecca Want de Rowe

THAT the report entitled Engagement Outcomes - Chapel Lane Redevelopment be received and noted.

CARRIED 12/0

15.2 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2023 (Q1)**RESOLUTION ORD617/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

THAT the report entitled Quarterly Performance Report - July to September 2023 (Q1) be received and noted.

CARRIED 12/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD618/23**

Moved: Councillor Rebecca Want de Rowe

Seconded: Councillor Peter Pangquee

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Brian O'Gallagher reported on attending the Northern Territory Export Awards hosted by the Chamber of Commerce. City of Darwin received a separate award outside of the national award program for excellence in events / international trade delegations supporting Northern Territory export activities and businesses. Please pass on congratulations to all staff involved.

CARRIED 12/0

17 QUESTIONS BY MEMBERS**17.1 PERMITS ON COUNCIL FOOTPATHS****RESOLUTION ORD619/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Mick Palmer questioned whether survey companies are required to have a permit to spray on footpath and are they required to clean the paths once works are completed.

Answer:

The General Manager Community, Matt Grassmayr advised for works conducted on Council property a permit is required. Will take the question on notice, to advise if the removal of the spray is part of the permit conditions.

CARRIED 12/0

17.2 CASUARINA AQUATIC AND LEISURE CENTRE FUNDING UPDATE**RESOLUTION ORD620/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Jimmy Bouhoris requested an update on the \$7.5 million grant funding application for the Casuarina Aquatic and Leisure Centre.

Answer:

The General Manager Corporate, Steve Thacker advised no further update and keeping close contact with the Department. City of Darwin has received confirmation of recommendation for approval and is waiting for the Minister to sign off. City of Darwin is also going through the Member of the Legislative Assembly Office, Mr Luke Gosling OAM, MP. Council will be updated of progress.

CARRIED 12/0

17.3 UPDATE ON DOG ATTACK IN MUIRHEAD**RESOLUTION ORD621/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Jimmy Bouhoris requested an update on the dog attack in the Muirhead area.

Answer:

The General Manager Community, Matt Grassmayr advised that investigation with the rangers is ongoing and the animal in question will be voluntarily euthanized.

CARRIED 12/0

17.4 PRE-CYCLONE CLEAN UP PROGRAM**RESOLUTION ORD622/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Sylvia Klonaris asked if there will be any communication regarding items being left on kerbs after the completion of the pre-cyclone clean-up program.

Answer:

The General Manager Innovation, Alice Percy advised an officer is currently conducting an audit across the municipality and leaving correspondence to advise items need to be removed.

CARRIED 12/0

17.5 ABANDONED VEHICLE**RESOLUTION ORD623/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Kim Farrar asked who is responsible for removing vehicles with a yellow sticker after an accident.

Answer:

The General Manager Community, Matt Grassmayr advised if the abandoned vehicle is on private property it is the owner of property to remove. When cars are involved in an accident, Police will advise when City of Darwin can remove. Under City of Darwin policy, removing vehicles, depends on registration status or if an emergency.

Councillor Peter Pangquee advised this vehicle was on the verge blocking the footpath and someone has pushed the vehicle onto private property.

The Deputy Lord Mayor, Ed Smelt advised the question will be taken on notice.

CARRIED 12/0

17.6 DOGS AT LARGE**RESOLUTION ORD624/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Amye Un requested an update on a dog attack from last month and reported a brown dog at large in her ward.

Answer:

The General Manager Community, Matt Grassmayr advised rangers have spoken with the victim and are unable to identify the dog in question. Rangers are continually patrolling the area for dogs at large.

CARRIED 12/0

17.7 DINGOS - RAAF BASE AND HOLMES JUNGLE NATURE PARK**RESOLUTION ORD625/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Sylvia Klonaris reported on sightings of 5 dingos around the Marrara Golf Club and reports of sightings by walkers in the Holmes Jungle Nature Park.

Answer:

The General Manager Community, Matt Grassmayr advised that while not City of Darwin land, rangers are liaising with the RAAF Base and Parks and Wildlife, to find the animals in question. The RAAF base have a dedicated trapper and rangers are currently looking at getting some assistance in the Holmes Jungle Nature Park.

CARRIED 12/0

17.8 CANE TOADS**RESOLUTION ORD626/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Morgan Rickard advised there is an influx of cane toads in the municipality, is Council in support of management programs in place.

Answer:

The General Manager Innovation, Alice Percy advised City of Darwin has engaged with program providers and in support as possible.

CARRIED 12/0

17.9 MARRARA GOLF COURSE**RESOLUTION ORD627/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

Question:

Councillor Brian O’Gallagher received several reports regarding polluted water at the Marrara Golf Course, wildlife in area is dying, residents have reported the issue to PowerWater and Northern Territory Environment Protection Authority (NTEPA).

Answer:

The General Manager Innovation, Alice Percy advised the Marrara Golf Course is not the responsibility of City of Darwin.

CARRIED 12/0

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, 31 October 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 Chief Executive Officer Performance Appraisal Committee

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 Signage and Naming

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 Karama Expression of Interest

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.

27.3 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.

28.1 Incoming Correspondence - Department of Territory Families, Housing and Communities - Update on Shiers Street Redevelopment

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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD628/23

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Vim Sharma

THAT the open section of the meeting be adjourned at 6:17 pm.

CARRIED 12/0

THAT the open section of the meeting be resumed at 8:22 pm.

THAT the chair declared the meeting be adjourned at 8:22 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 31 October 2023.

.....
CHAIR