



MINUTES

**Ordinary Council Meeting
Tuesday, 25 July 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, 25 JULY 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 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
Councillor Vim Sharma

GUESTS:

N/A

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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 ORD411/23
 Moved: Councillor Amye Un
 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 ORD412/23
 Moved: Councillor Mick Palmer
 Seconded: Deputy Lord Mayor Jimmy Bouhoris
 THAT the apology from Councillor Sylvia Klonaris, Councillor Vim Sharma and Councillor Morgan Rickard , be received.

CARRIED 9/0

4.2 LEAVE OF ABSENCE GRANTED**RESOLUTION ORD413/23**

Moved: Councillor Mick Palmer
Seconded: Deputy Lord Mayor Jimmy Bouhoris

That leave of absence from Councillor Sylvia Klonaris be received and accepted.

THAT it be noted Councillor Sylvia Klonaris is an apology due to a Leave of Absence previously granted on 30 May 2023 for the period 19 July 2023 to 19 August 2023.

CARRIED 9/0

4.3 LEAVE OF ABSENCE REQUESTED

Nil

5 ELECTRONIC MEETING ATTENDANCE**5.1 ELECTRONIC MEETING ATTENDANCE GRANTED****RESOLUTION ORD414/23**

Moved: Councillor Mick Palmer
Seconded: Deputy Lord Mayor Jimmy Bouhoris

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 Forty-Fifth Ordinary Council Meeting held on Tuesday, 25 July 2023:

- Councillor Brian O’Gallagher

CARRIED 9/0

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 ORD415/23

Moved: Councillor Ed Smelt

Seconded: Councillor Amye Un

That the minutes of the Ordinary Council Meeting held on 11 July 2023 be confirmed subject to an administrative amendment note on item 14.4 requested by Councillor Smelt.

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 2023 CYCLONE TRACY COMMEMORATION ADVISORY COMMITTEE APPOINTMENTS****RESOLUTION ORD424/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Vim Sharma

1. THAT the report entitled 2023 Cyclone Tracy Commemoration Advisory Committee Appointments be received and noted.
2. THAT Council appoint the following members to the Cyclone Tracy Commemoration Advisory Committee:
 - Australian Defence Force
 - Larrakia Nation
 - Library and Archives NT
 - Museum Art Gallery NT
 - NT Major Events Company
 - Community member Richard Creswick
 - Community member Gerard Reid
3. That Council appoint the following Council members to the Cyclone Tracy Commemoration Advisory Committee for the life of the Committee:
 - Lord Mayor (Chair)
 - Councillor Kim Farrar
 - Councillor Amye Un as Alternate
4. THAT Council resolve to keep the Expression of Interest form open for an additional three months while there are two (2) vacant community member positions available.
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 10/0

26.2 TELECOMMUNICATION FACILITY - LOT 5775 TOWN OF DARWIN**RESOLUTION ORD425/23**

Moved: Councillor Mick Palmer

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled Telecommunication Facility - Lot 5775 Town of Darwin be received and noted.
2. THAT Council endorse City of Darwin to enter into a lease with Indara Digital Infrastructure over part Lot 5775, Town of Darwin for a 10-year term to July 2032, for a rental fee to be negotiated to market values with Indara Digital Infrastructure.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to negotiate and finalise the lease and terms and conditions.
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 CITY OF DARWIN MEETING SCHEDULE**MOTION**

Moved: Councillor Amye Un

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled City of Darwin Meeting Schedule be received and noted.
2. THAT Council provide in-principle support to alter the schedule of Ordinary Meetings and that a further report be brought back to Council for adoption of the proposed schedule.
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.

PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**Suspension of Meeting Procedures in Accordance with By-law 147 at for 15 minutes.**

THAT in accordance with By-Law 147 the operation of procedures set out in Part 7 of the Darwin City Council By-Laws, that limits the duration and number of times a Member may speak, be suspended at 7.11pm for 9 minutes to allow for discussion on the report relating to 26.3 City of Darwin Meeting Schedule.

RESOLUTION ORD426/23

Moved: Councillor Mick Palmer
Seconded: Councillor Ed Smelt

PROCEDURAL MOTION**Resumption of Meeting Procedures at 7.19pm**

THAT the operations of procedure as set out in Part 7 of the City of Darwin By-Laws, be resumed at 7.19pm.

CARRIED 10/0

RESOLUTION ORD427/23

Moved: Councillor Peter Pangquee
Seconded: Councillor Brian O'Gallagher

AMENDMENT

1. THAT the report entitled City of Darwin Meeting Schedule be received and noted.
2. THAT Council provide support to hold a workshop to inform a report back to Council regarding adoption of a new proposed meeting schedule.
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 CORPORATE SERVICES QUARTERLY REPORT - APRIL TO JUNE 2023**RESOLUTION ORD428/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris
Seconded: Councillor Ed Smelt

1. THAT the report entitled Corporate Services Quarterly 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 9/0

27.2 CITY SAFE PATROLS QUARTERLY REPORT - APRIL TO JUNE 2023**RESOLUTION ORD429/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled City Safe Patrols Quarterly 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 9/0

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS**11.1 Petition**

Nil

12 DEPUTATIONS AND BRIEFINGS**12.1**

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

14.1 OUTDOOR ADVERTISING SIGNS CODE - POLICY 042

MOTION

Moved: Councillor Amye Un
 Seconded: Councillor Kim Farrar

1. THAT the report entitled Outdoor Advertising Signs Code – Policy 042 be received and noted.
2. THAT Council adopt the revised Outdoor Advertising Signs Code at **Attachment 3**.

AMENDMENT

1. THAT the report entitled Outdoor Advertising Signs Code – Policy 042 be received and noted with the removal of all references inserted in the updated version regarding billboards in the code.
2. THAT Council adopt the revised Outdoor Advertising Signs Code at **Attachment 3**.

LAPSED FOR WANT OF A SECONDER

RESOLUTION ORD416/23

Moved: Councillor Mick Palmer
 Seconded: Deputy Lord Mayor Jimmy Bouhoris

AMENDMENT

1. THAT the report entitled Outdoor Advertising Signs Code – Policy 042 be received and noted and that in Item 5, City of Darwin Road reserve is replaced with Council managed lands.
2. THAT Council adopt the revised Outdoor Advertising Signs Code at **Attachment 3**.

In Favour: Members Jimmy Bouhoris, Kim Farrar, Mick Palmer, Peter Pangquee, Amye Un, Kon Vatskalis and Rebecca Want de Rowe

Against: Members Brian O’Gallagher and Ed Smelt

CARRIED 7/2

14.2 LONG TERM FINANCIAL PLAN

RESOLUTION ORD417/23

Moved: Councillor Amye Un
 Seconded: Councillor Rebecca Want de Rowe

1. THAT the report entitled Long Term Financial Plan be received and noted.
2. THAT Council adopt the 2023 Long Term Financial Plan contained in **Attachment 1**.

CARRIED 9/0

15 RECEIVE & NOTE REPORTS**15.1 INTERIM MONTHLY FINANCIAL REPORT - JUNE 2023****RESOLUTION ORD418/23**

Moved: Lord Mayor Kon Vatskalis
Seconded: Deputy Lord Mayor Jimmy Bouhoris

THAT the report entitled Interim Monthly Financial Report – June 2023 be received and noted.

CARRIED 9/0

15.2 COMMITTEE MEETING MINUTES**RESOLUTION ORD419/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris
Seconded: Councillor Amye Un

THAT the report entitled Committee Meeting Minutes be received and noted.

CARRIED 9/0

15.3 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2023 (Q4)**RESOLUTION ORD420/23**

Moved: Councillor Ed Smelt
Seconded: Councillor Mick Palmer

THAT the report entitled Quarterly Performance Report - April to June 2023 (Q4) be received and noted.

CARRIED 9/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD421/23**

Moved: Lord Mayor Kon Vatskalis
Seconded: Councillor Peter Pangquee

THAT the following Reports of Representatives be received and noted.

16.1

Lord Mayor Kon Vatskalis attended Council of Capital City Lord Mayors meeting that focused on public housing, homelessness and the negative impact on businesses with employees working from home. The next Council of Capital City Lord Mayors meeting will be hosted by the City of Darwin. Overall it was a great experience and an opportunity to exchange information and ideas.

CARRIED 9/0

17 QUESTIONS BY MEMBERS

Nil

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, 15 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 2023 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 Telecommunication Facility - Lot 5775 Town of Darwin

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.

26.3 City of Darwin Meeting Schedule

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 Corporate Services Quarterly Report - April to June 2023

This matter is considered to be confidential under Section 99(2) - 51(a) and 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 about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.2 City Safe Patrols Quarterly 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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD422/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

THAT the open section of the meeting be adjourned at 6.10pm

CARRIED 9/0

THAT the open section of the meeting be resumed at 7.41pm

THAT the chair declared the meeting closed at 7.41pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 August 2023.

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CHAIR