

# Minutes

## Ordinary Council Meeting

Tuesday, 25 June 2024



Reports, recommendations and supporting documentation can be accessed via the City of Darwin Website at [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au), or contact Customer Service on (08) 8930 0300.

**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 JUNE 2024 AT 5:30PM**

**PRESENT:**

Lord Mayor Kon Vatskalis (Chair)  
Deputy Lord Mayor Peter Pangquee  
Councillor Jimmy Bouhoris  
Councillor Kim Farrar  
Councillor Sylvia Klonaris  
Councillor Brian O'Gallagher  
Councillor Mick Palmer  
Councillor Morgan Rickard  
Councillor Vim Sharma  
Councillor Ed Smelt  
Councillor Rebecca Want de Rowe  
Councillor Sam Weston

**OFFICERS**

Chief Executive Officer, Simone Saunders  
General Manager Community, Matt Grassmayr  
General Manager Corporate, Natalie Williamson  
Executive Manager Growth and Economic Development, Emma Struys

**APOLOGY:**

Councillor Amye Un

**GUESTS:**

Nil

**Order of Business**

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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 Rebecca Want de Rowe and Councillor Vim Sharma were not present at the commencement of the meeting at 5:32 pm.*

## 3 MEETING DECLARED OPEN

### RESOLUTION ORD238/24

Moved: Councillor Ed Smelt

Seconded: Councillor Sam Weston

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

**CARRIED 10/0**

*Councillor Rebecca Want de Rowe joined the meeting at 5:32 pm.*

## 4 APOLOGIES AND LEAVE OF ABSENCE

### 4.1 APOLOGIES

### RESOLUTION ORD239/24

Moved: Deputy Lord Mayor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

THAT the apology from Councillor Amye Un be received.

**.CARRIED 11/0**

**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 ORD240/24**

Moved: Deputy Lord Mayor Peter Pangquee

Seconded: Councillor Jimmy Bouhoris

THAT Council note that pursuant to Section 95 (43) of the *Local Government Act 2019*, the following Councillor(s) was granted permission for Electronic Meeting Attendance:

- Councillor Vim Sharma

**CARRIED 11/0****5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED**

Nil

**6 DECLARATION OF INTEREST OF MEMBERS AND STAFF****6.1 DECLARATION OF INTEREST BY MEMBERS****RESOLUTION ORD241/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act 2019*, the Lord Mayor declared a Conflict of Interest in Item 14.4 – Review of Breach of Code of Conduct – Elected Members Policy.

**CARRIED 11/0**

*The Lord Mayor, Kon Vatskalis later withdrew his conflict of interest declaration as the item relates to the Code of Conduct Policy.*

**6.2 DECLARATION OF INTEREST BY STAFF****RESOLUTION ORD242/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

THAT Council note that pursuant to Section 179 of the *Local Government Act 2019*, the Chief Executive Officer, Simone Saunders declared a Conflict of Interest in Item 28.1 - Environment and Climate Change Grants 2024/25.

**CARRIED 11/0**

**7 CONFIRMATION OF PREVIOUS MINUTES****RESOLUTION ORD243/24**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sam Weston

THAT the minutes of the Ordinary Council Meeting and the Restricted Confidential Open Ordinary Council Meeting held on 11 June 2024 be confirmed.

**CARRIED 11/0**

**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****28.1 ENVIRONMENT AND CLIMATE CHANGE GRANTS 2024/25****RESOLUTION ORD258/24**

Moved: Councillor Sam Weston

Seconded: Councillor Mick Palmer

1. THAT the report entitled Environment and Climate Change Grants 2024/25 be received and noted.
2. THAT Council approve the following projects for funding under the Environment and Climate Change Grants 2024/25:

<b>Applicant</b>	<b>Project</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
HPA Incorporated	Mattress Reuse & Recycling	\$25,995	\$14,960
Lakeside Drive Community Garden	Growing with the Seasons Community Workshops	\$49,503	\$11,910
Nakara Primary School	Eco Warriors composting & recycling trial and Community Swap Day	\$1,600	\$1,600
Territory Native Plants	NT Native Eco Fair	\$10,596	\$10,596
Waste Energy Benefits Us	Reusable foodware, seating & dishwashing at Parap Market	\$24,066	\$10,000

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 11/0**

**28.2 EXTENSION OF ARTS AND CULTURAL DEVELOPMENT ADVISORY COMMITTEE (ACDAC) COMMUNITY MEMBER TERMS****RESOLUTION ORD259/24**

Moved: Councillor Morgan Rickard

Seconded: Deputy Lord Mayor Peter Pangquee

1. THAT the report entitled Extension of Arts and Cultural Development Advisory Committee (ACDAC) Community Member Terms be received and noted.
2. THAT Council approve the extension of the below four current community member terms by three months to 30 September 2024 to align with all community members of the Arts and Cultural Development Advisory Committee:

CJ Fraser Bell

Alyson Evans

Derrick Cheong

Kelly Blumberg

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**

### **28.3 SISTER CITY AND INTERNATIONAL RELATIONS ADVISORY COMMITTEE MEMBERSHIP APPOINTMENT 2024-26**

#### **RESOLUTION ORD260/24**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Morgan Rickard

1. THAT the report entitled 2024-26 Sister City and International Relations Advisory Committee Membership Appointment be received and noted.
2. THAT Council appoint the below membership for the 2024-26 Sister City Advisory Committee:
  - Ms Kate Heelan (Chair)
  - Ms Stephanie Lin (Ordinary Member)
  - Mr Tony Miaoudis (Ordinary Member)
  - Mr Allan Woo (Ordinary Member)
  - Ms Nerida Hart (Ordinary Member)
  - Ms Siji Issac (Ordinary Member)
  - Mr Sam Kansal (Ordinary Member)
  - Mr Paddy Mohan (Ordinary Member)
  - Ms Ninik Stroud (Ordinary Member)
  - Ms Chyntia Elsinta Indrawati (Ordinary Member)
3. THAT Council appoint the below membership to the 2024-26 International Relations Advisory Committee:
  - CEO of Port of Darwin
  - CEO of Northern Territory Indigenous Business Network
  - CEO of Larrakia Nation
  - CEO of Chamber of Commerce NT
  - Sister City Committee Chair
  - Director Department of Foreign Affairs and Trade
  - General Manager Innovation, City of Darwin
  - CEO Tourism Top End
  - CEO, Department of Industry, Tourism and Trade
  - Northern Territory Representative, Austrade
  - Vice Chancellor, Charles Darwin University
4. THAT Council acknowledge and thank all outgoing members for their contributions throughout their term.



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 12/0****AMENDMENT****MOTION**

Moved: Councillor Sylvia Klonaris

Seconded:

1. THAT the report entitled 2024-26 Sister City and International Relations Advisory Committee Membership Appointment be received and noted.
2. THAT Council appoint the below membership for the 2024-26 Sister City Advisory Committee:
  - Ms Kate Heelan (Chair)
  - Ms Stephanie Lin (Ordinary Member)
  - Mr Tony Miaoudis (Ordinary Member)
  - Mr Allan Woo (Ordinary Member)
  - Ms Nerida Hart (Ordinary Member)
  - Mr Sam Kansal (Ordinary Member)
  - Ms Ninik Stroud (Ordinary Member)
  - Ms Chyntia Elsinta Indrawati (Ordinary Member)
3. THAT Council appoint the below membership to the 2024-26 International Relations Advisory Committee:
  - CEO of Port of Darwin
  - CEO of Northern Territory Indigenous Business Network
  - CEO of Larrakia Nation
  - CEO of Chamber of Commerce NT
  - Sister City Committee Chair
  - Director Department of Foreign Affairs and Trade
  - General Manager Innovation, City of Darwin
  - CEO Tourism Top End
  - CEO, Department of Industry, Tourism and Trade
  - Northern Territory Representative, Austrade
  - Vice Chancellor, Charles Darwin University
4. THAT Council acknowledge and thank all outgoing members for their contributions throughout their term.
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.

*Motion lapsed for want of a seconder.*

#### **28.4 MEMORIAL AT EAST POINT**

##### **RESOLUTION ORD261/24**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Mick Palmer

1. THAT the report entitled Memorial at East Point be received and noted.
2. THAT Council provide in-principle approval for the installation of a Cyclone Tracy land-based memorial and interpretative signage at East Point, subject to location and works permit approval.
3. THAT Council note that the responsibility for costs for the production and installation of the memorial and interpretative signage be the proponents.
4. THAT Council note that a report will be provided back to Council for approval of the final memorial location.
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 12/0**

##### **RESOLUTION ORD262/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

THAT in accordance with Meeting Policy 0043.100ER as set out in section 3.10.10, the meeting be suspended at 6:52 pm for 10 minutes to allow for further discussion on the report relating to Memorial at East Point.

**CARRIED 12/0**

##### **RESOLUTION ORD263/24**

Moved: Councillor Morgan Rickard

Seconded: Councillor Jimmy Bouhoris

THAT the operation of procedures as set out in section 3.10.10, of Meeting Policy 0043.100.E.R be resumed at 6:59 pm.

**CARRIED 12/0**

**28.5 PARKLET RELOCATION REPORT****RESOLUTION ORD264/24**

Moved: Councillor Kim Farrar

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Parklet Relocation Report be received and noted.
2. THAT Council endorse the relocation of the City of Darwin owned parklet to 35 Cavenagh Street and approve a waiver of parking bay hire fees of up to \$23,608.80 for the loss of three car parking bays for a 12-month period.
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.

In Favour: Members Brian O'Gallagher, Morgan Rickard, Vim Sharma, Ed Smelt, Kon Vatskalis and Rebecca Want de Rowe

Against: Members Jimmy Bouhoris, Kim Farrar, Sylvia Klonaris, Mick Palmer, Peter Pangquee and Sam Weston

**EQUAL 6/6**

*There being an equality of votes for and against the motion, the Lord Mayor Kon Vatskalis, having voted in the Affirmative with his deliberative vote, exercised his Casting Vote to Carry the Motion.*

**CARRIED**

**29.1 RATES REPORT****RESOLUTION ORD265/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Rates Report 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**

**29.2 GENERAL RATES IN ARREARS FOR MORE THAN TWO YEARS****RESOLUTION ORD266/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled General Rates in Arrears For More Than Two Years 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**

### **29.3 DARWIN AMPHITHEATRE BUSINESS CASE**

#### **RESOLUTION ORD267/24**

Moved: Councillor Sam Weston

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Darwin Amphitheatre Business Case 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**

### **29.4 ADVISORY COMMITTEE CONFIDENTIAL MEETING MINUTES**

#### **RESOLUTION ORD268/24**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Advisory Committee Confidential Meeting Minutes 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**

### **30.1 OUTGOING CORRESPONDENCE - THE HONOURABLE CHIEF MINISTER - STRATEGIC AND PRIORITY PROJECTS PLAN 2030**

#### **RESOLUTION ORD269/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Mick Palmer

1. THAT the report entitled Outgoing Correspondence - The Honourable Chief Minister – Strategic and Priority Projects Plan 2030 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****10.1 PUBLIC QUESTION TIME****RESOLUTION ORD244/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

THAT the following Public Questions and responses as tabled from Lia Gill regarding the Community Gardens be received and noted.

**Question 1**

Myself and many others find it quite strange (and pretty insulting) that decisions for these gardens were made by most councillors solely on the information contained in a 'confidential' report obviously based on Southern community gardens and without any discussion with those members actually involved with these local community gardens. I would like to know who this report was compiled by and when?

**Response**

A report was presented to Council on 27 February 2024 by City of Darwin staff for Elected Members consideration. City of Darwin manage many agreements relating to property. These matters are confidential because they are agreements with individuals/businesses or groups and on that basis have details with that need to remain that way. The reports remain confidential under Section 99 (2) of the *Local Government Act 2019*.

51(c)(i), 51(c)(iii) and 51(c)(iv) - information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person, information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff 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.

For the reasons above we also cannot discuss the agreements publicly as they are confidential. Should you have any questions relating to a community gardens organisations specific agreement, we encourage you to discuss with the community garden committee responsible who might be able to provide further advice.

**Question 2**

I was informed that City of Darwin has spent over \$50,000 on these 3 community gardens. As the Jingili garden has been in operation for 30 years and the Lakeside Drive garden has been in operation for 15 years, and considering the very considerable value these gardens have added to these areas, that is an absolute bargain by anyone's calculations.

As I have stated before, the cleanup of the Lakeside Drive mangroves as a result of the dumping of road waste by contractors cost more than that and will continue to cost the people of Darwin as it has been found that even more waste will need to be removed from where it has been left years ago next to a very polluted drain in the area. As this waste was left by a Council contractor after supposedly 'cleaning the drain' I believe we rate/tax payers have already paid for this waste to be removed within the contractual agreement with the company involved but have been blatantly

ripped off more than once in this regard, so it will cost us twice. And strangely enough this waste pile and another left to 'de water' in the area both contain a great deal of road waste too. (Wonder how that got into the drains).

I am only involved with the Lakeside Drive Community Garden (though am not on the committee) which has only recently received any funds (totalling \$17,270) from City of Darwin.

Just to clarify, City of Darwin Council did not provide funding for; two large shipping containers, shade structure, garden shed, ride on mower, trailer and tools, fence enclosing the garden or the 100s of plants that were purchased and planted into this previously virtually barren and fauna unfriendly area?

### **Response**

City of Darwin held an agreement with the Charles Darwin University (CDU) for a significant period of time (circa 30 years) who were responsible for the community garden and ovals. This agreement finished at the beginning of 2023 with CDU surrendering management responsibilities back to City of Darwin. Since coming back under City of Darwin management there have been some delays in establishing agreements for the land the gardens occupy which has held up the groups eligibility to grants and other funding opportunities which, it is understood has now been resolved.

### **Question 3**

If the members of these gardens had called the City of Darwin Councils bluff on this matter and vacated the gardens what contingencies were planned to put in place for the continued care and maintenance of these valuable strictly organic/ permaculture gardens?

### **Response**

City of Darwin values community gardens and it was important to establish legal occupation for the Gardens under agreements and by doing so bring the land use in line with other agreements held by other users in a fair and equitable manner.

### **Question 4**

Would knowledgeable staff be employed to continue the maintenance of these valuable organic/ permaculture gardens and the beneficial community engagement volunteers provide to visitors and local residents? Or would these very valuable assets belonging to the people of Darwin (and merely under the supposed guardianship of the City of Darwin) be barely maintained and left to devalue as they were prior to the establishment of these gardens?

### **Response**

City of Darwin continues to maintain a variety of public land for different public uses. It was important to work with the community gardens committees to establish their legal uses in alignment with other users of council land and facilities.

**CARRIED 11/0**

**11 PETITIONS**

Nil

**12 DEPUTATIONS AND BRIEFINGS**

Nil

**13 NOTICES OF MOTION**

Nil

**14 ACTION REPORTS**

The Chief Executive Officer, Simone Saunders tabled the Certificate of Assessment Record and the Record of Rates in accordance with Regulation 29 of the *Local Government (General) Regulations 2021* at 5:39 pm.

The Lord Mayor, Kon Vatskalis accepted the document at 5:39 pm.

**14.1 ADOPTION OF 2024/25 MUNICIPAL PLAN****RESOLUTION ORD245/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Mick Palmer

1. THAT the report entitled Adoption of 2024/25 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 2024/25 City of Darwin Municipal Plan, provided at **Attachment 2**, noting that it includes:
  - (a) City of Darwin's annual service delivery plan as the basis of deliverables to the Darwin municipality for 2024/25
  - (b) the 2024/25 Annual Budget to be effective from 1 July 2024 to 30 June 2025.
4. THAT Council adopt the 2024/25 Fees and Charges as provided at **Attachment 3**, to be effective from 1 July 2024 to 30 June 2025.

**CARRIED 11/0****14.2 DECLARATION OF RATES AND CHARGES 2024/2025****RESOLUTION ORD246/24**

Moved: Deputy Lord Mayor Peter Pangquee

Seconded: Councillor Sam Weston

1. THAT the report entitled 2024/25 Declaration of Rates and Charges be received and noted.
2. THAT Council, pursuant to Section 227(1) of the Local Government Act 2019 (the Act), 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 \$77,440,105 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 declares the following differential rates and minimum amounts payable in the application of those differential rates for the financial year ending 30 June 2025:

- (a) 0.576553% 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 \$1,354.00 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) 0.576553% 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 \$1,422.00 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) 0.419988% 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 \$1,354.00 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) 0.781544% 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 \$1,715.00 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) 1.139184% 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 \$1,412.00 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) 0.583816% 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 \$560.00 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) 0.576553% 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 \$1,422.00 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) 0.739859% 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 \$1,412.00 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) 0.572582% 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 \$1,412.00 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) 0.537579% 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 \$1,412.00 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) 0.466929% 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 \$1,412.00 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 \$352.00, to be payable in respect of each of these small allotments.

- (m) 1.249914% 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 40,000m<sup>2</sup> and being allotments on which there is situated a major shopping centre, with the minimum amount payable in the application of that differential being \$1,412.00 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) 0.739859% 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 40,000m<sup>2</sup> 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 \$1,412.00 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) 0.576553% 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 \$1,354.00 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 \$1,151,252.
- (b) The Parking Rate is to be an amount of \$277.31 per parking space which will be calculated, assessed, levied and payable in accordance with the Regulations.
- (c) The parking usage schedule 2024/2025 has been prepared in accordance with Regulation 86 of the Regulations and has been notified on City of Darwin's Website and in the Northern Territory News on 5 June 2024 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 3 July 2024.
- (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 and imposes the following charges for the financial year ending 30 June 2025 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 and declares that it intends to raise \$9,876,278 by the imposition of such charges:

- (a) A charge of \$350.36 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 visit and recycled items contained in a maximum of one 240 litre mobile bin per 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 \$326.77 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 2024
  - (b) Second Instalment: 30 November 2024
  - (c) Third Instalment: 31 January 2025
  - (d) Fourth Instalment: 31 March 2025

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 11/0**

#### **14.3 3RD BUDGET REVIEW 2023/2024**

##### **RESOLUTION ORD247/24**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled 3rd Budget Review 2023/2024 be received and noted.
2. THAT Council amend the 2023/2024 budget in accordance with Part 10.5 of the *Local Government Act 2019*, as detailed in report titled 3rd Budget Review 2023/2024 and associated attachments.

**CARRIED 11/0**

#### **14.4 REVIEW OF BREACH OF CODE OF CONDUCT - ELECTED MEMBERS POLICY**

##### **RESOLUTION ORD248/24**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Review of Elected Members Breach of Code of Conduct Policy be received and noted.
2. THAT Council approve the revised Elected Members Breach of Code of Conduct Policy at **Attachment 1**.

**CARRIED 11/0**

#### **14.5 REVIEW OF CEO ALLOWANCES AND OTHER BENEFITS POLICY**

##### **RESOLUTION ORD249/24**

Moved: Councillor Kim Farrar

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Review of CEO Allowances and Other Benefits Policy be received and noted.
2. THAT Council adopt the CEO Allowances and Other Benefits Policy at **Attachment 1**.

**CARRIED 11/0**

## **15 RECEIVE & NOTE REPORTS**

### **15.1 MONTHLY FINANCIAL REPORT - MAY 2024**

#### **RESOLUTION ORD250/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

THAT the report entitled Monthly Financial Report – May 2024 be received and noted.

**CARRIED 11/0**

### **15.2 ADVISORY COMMITTEE OPEN MEETING MINUTES**

#### **RESOLUTION ORD251/24**

Moved: Councillor Mick Palmer

Seconded: Deputy Lord Mayor Peter Pangquee

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

**CARRIED 11/0**

## **16 CORRESPONDENCE**

Nil

## **17 REPORTS OF REPRESENTATIVES**

Nil

**18 QUESTIONS BY MEMBERS****18.1 BUNDILLA BEACH KINETIC STRUCTURE****RESOLUTION ORD252/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Sylvia Klonaris

**Question**

Councillor Brian O'Gallagher requested whether Elected Members would be willing to consider a motion to defer any construction on the proposed Bundilla Beach public art structure until the new year, in light of negative community feedback.

**Response**

The Lord Mayor, Kon Vatskalis responded and noted that there is confusion within the community between a monument and a memorial. The Cyclone Tracy Commemoration Advisory Committee, which includes four survivors, recommended a kinetic structure. Three options were presented to the committee, and the members present at the meeting supported the decision, which was presented to Council and supported unanimously. The Lord Mayor clarified that the memorial is at East Point and apologised for the confusion caused from the media interview. The Lord Mayor noted that the design presented to the community was a 2D artist's impression and encouraged Elected Members and community members to bear in mind that the finished design, with its kinetic elements, will be dynamic in person.

**CARRIED 11/0**

*Councillor Vim Sharma joined the meeting at 6:01 pm.*

**18.3 CYCLONE TRACY 50TH ANNIVERSARY COMMEMORATION EVENTS****RESOLUTION ORD253/24**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Sylvia Klonaris

**Question**

Councillor Sylvia Klonaris requested the schedule of events for the Cyclone Tracy 50<sup>th</sup> Anniversary Commemoration.

**Response**

The Chief Executive Officer, Simone Saunders responded and advised that the schedule of events was discussed with the Cyclone Tracy Commemoration Advisory Committee on Monday, 24 June 2024. Additionally, a website detailing the schedule of events is currently in development. The Chief Executive Officer advised that Elected Members can expect updates and will have full access to the website and the final program. The Lord Mayor and Chief Executive Officer noted that the website will be designed to allow external groups to include their events relating to the Cyclone Tracy Commemoration.

**CARRIED 12/0**



**19 GENERAL BUSINESS****19.1 RESIGNATION OF COUNCILLOR AMYE UN****RESOLUTION ORD254/24**

Moved: Councillor Ed Smelt

Seconded: Councillor Mick Palmer

The Chief Executive Officer, Simone Saunders advised of Councillor Amye Uns' official resignation from Council, has been received via email, effective from close of business Wednesday 24 July 2024. Councillor Amye Un is resigning to stand for the Legislative Assembly as part of the upcoming Northern Territory general elections.

**CARRIED 12/0**

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 30 July 2024, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

**21 CLOSURE OF MEETING TO THE PUBLIC****RECOMMENDATIONS**

THAT pursuant to Section 99 (2) of the *Local Government Act 2019* and Regulation 8 of the Local Government 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 2019*:

**28.1 Environment and Climate Change Grants 2024/25**

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.

**28.2 Extension of Arts and Cultural Development Advisory Committee (ACDAC) Community Member Terms**

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.

**28.3 Sister City and International Relations Advisory Committee Membership Appointment 2024-26**

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.

**28.4 Memorial at East Point**

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.

**28.5 Parklet Relocation Report**

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.

**29.1 Rates Report**

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.

**29.2 General Rates in Arrears For More Than Two Years**

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.

**29.3 Darwin Amphitheatre Business Case**

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.

**29.4 Advisory Committee Confidential Meeting Minutes**

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.

**30.1 Outgoing Correspondence - The Honourable Chief Minister - Strategic and Priority Projects Plan 2030**

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.

## **22      ADJOURNMENT OF MEETING AND MEDIA LIAISON**

### **RESOLUTION ORD255/24**

Moved:      Councillor Ed Smelt

Seconded: Councillor Sam Weston

THAT the open section of the meeting be adjourned at 6:05 pm.

**CARRIED 12/0**

THAT the open section of the meeting be resumed at 7:50 pm.

THAT the chair declared the meeting closed at 7:50 pm.

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 30 July 2024.**

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**CHAIR**