



MINUTES

**Ordinary Council Meeting
Tuesday, 27 June 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, 27 JUNE 2023 AT 5:30PM**

PRESENT:

Lord Mayor Kon Vatskalis
Deputy Lord Mayor 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 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)
Emma Struys (Executive Manager Growth and Economic Development)

APOLOGY:

Alice Percy (General Manager Innovation)

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

3 MEETING DECLARED OPEN

RESOLUTION ORD333/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Deputy Lord Mayor Jimmy Bouhoris

The Chair declared the meeting open at 5.32pm.

CARRIED 11/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

Nil

4.2 LEAVE OF ABSENCE GRANTED

Nil

4.3 LEAVE OF ABSENCE REQUESTED

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

6.1 DECLARATION OF INTEREST BY MEMBERS

RECOMMENDATIONS

THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act 2019*, Councillor Kim Farrar, declared a Conflict of Interest in Item 26.1 Peppercorn Lease Agreements and Summary.

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD334/23

Moved: Councillor Brian O'Gallagher
 Seconded: Councillor Sylvia Klonaris

THAT the minutes of the Ordinary Council Meeting held on 13 June 2023 be confirmed.

CARRIED 11/0

8 MOVING OF ITEMS

8.1 MOVING OF OPEN ITEMS

RESOLUTION ORD335/23

Moved: Lord Mayor Kon Vatskalis
 Seconded: Councillor Brian O'Gallagher

THAT item 14.7 City of Darwin By-Laws is considered as the first item of business.

.CARRIED 11/0

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING

26.1 PEPPERCORN LEASE AGREEMENTS AND SUMMARY

RESOLUTION ORD356/23

Moved: Councillor Morgan Rickard

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled Peppercorn Lease Agreements and Summary be received and noted.
2. THAT Council approve Council of the Ageing Association Northern Territory remains in a month by month "holding over" at a peppercorn rental for car parking valued at \$4,940 per annum +GST.
3. THAT Council approve Darwin City Retailers Association remains in a month by month "holding over" at a peppercorn rental for West Lane Arcade shop valued at \$21,700 per annum +GST.
4. THAT Council note that City of Darwin officers are currently collating rental data and market valuations to inform future decisions on peppercorn properties.
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 9/0

26.2 MUNICIPAL MOWING EXTENSION OF CONTRACT

RESOLUTION ORD357/23

Moved: Councillor Morgan Rickard

Seconded: Councillor Amye Un

1. THAT the report entitled Municipal Mowing Extension of Contract be received and noted.
2. THAT Council endorse the Chief Executive Officer to write to the Northern Territory Department of the Chief Minister and Cabinet, to seek an exemption from the Local Government (General) Regulations 2021, to extend the Municipal Mowing Contract 2022-060-ECS from 1 May 2026 to 30 June 2026.
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 CAPITAL WORKS PROGRAM REPORT - MAY 2023**RESOLUTION ORD359/23**

Moved: Councillor Ed Smelt

Seconded: Councillor Amye Un

1. THAT the report entitled Capital Works Program Report - May 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**27.2 GENERAL RATES IN ARREARS FOR MORE THAN TWO YEARS****RESOLUTION ORD360/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Mick Palmer

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 10/0**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

Nil

14 ACTION REPORTS

Councillor Rebecca Want de Rowe joined the meeting at 5:38 pm.

14.1 CITY OF DARWIN BY-LAWS**RESOLUTION ORD336/23**

Moved: Deputy Lord Mayor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled City of Darwin By-laws be received and noted.
2. THAT Council note that it is proposed to amend the Darwin City Council By-laws 1994, to the City of Darwin By-laws 2023, and that:
 - a) Office of the Parliamentary Counsel has prepared a settled version of the City of Darwin By-laws 2023, at **Attachment 1**, as tabled before the meeting.
 - b) Notice of the proposed amending by-laws was published on Council's website on Friday 18 November 2022.
 - c) Copies of the proposed amending by-laws have been made available for public inspection, without charge, at Council's office since Friday 18 November 2022.
 - d) Notice of the proposed amendment, its availability and general nature and effect was published in the NT News on Friday 18 November 2022.
 - e) Council has received and considered written representations made by members of the public about the proposed amending by-laws.
 - f) Council has obtained a certificate from the Chief Executive Officer of the Department of the Chief Minister and Cabinet dated 30 May 2023, certifying that in his opinion the proposed By-laws are consistent with the principles prescribed in Part 13.1 of the *Local Government Act 2019*, at **Attachment 2**.
3. THAT Council resolves as a special resolution to make the City of Darwin By-laws 2023 at **Attachment 1** under the *Local Government Act 2019* and authorises the Chief Executive Officer the power to sign the adopted City of Darwin By-laws 2023 and provide a copy to the Minister.

CARRIED 12/0

Councillor Rebecca Want de Rowe departed the meeting at 5:51 pm and did not return.

14.2 RECONCILIATION ACTION PLAN 2023 TO 2025**RESOLUTION ORD337/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Peter Pangquee

1. THAT the report entitled Reconciliation Action Plan 2023 to 2025 be received and noted.
2. THAT Council endorse the Reconciliation Action Plan 2023 to 2025 for submission to Reconciliation Australia for review.

CARRIED 11/0

14.3 RECONCILIATION ADVISORY COMMITTEE TERMS OF REFERENCE**RESOLUTION ORD338/23**

Moved: Councillor Peter Pangquee

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled Reconciliation Advisory Committee Terms of Reference be received and noted.
2. THAT Council adopt the revised Terms of Reference for the Reconciliation Advisory Committee.

CARRIED 11/0

14.4 REVIEW OF SPONSORSHIP POLICY**RESOLUTION ORD339/23**

Moved: Councillor Amye Un

Seconded: Councillor Ed Smelt

1. THAT the report entitled Review of Sponsorship Policy be received and noted.
2. THAT Council adopt the revised Sponsorship Policy.

CARRIED 11/0

14.5 IN-KIND SUPPORT POLICY**RESOLUTION ORD340/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the report entitled In-kind Support Policy be received and noted.
2. THAT Council adopt the In-kind Support Policy.

CARRIED 11/0

14.6 3RD BUDGET REVIEW 2022/2023**RESOLUTION ORD341/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

1. THAT the report entitled 3rd Budget Review 2022/2023 be received and noted.
2. THAT Council amend the 2022/2023 budget in accordance with Part 10.5 of the *Local Government Act 2019*, as detailed in report titled 3rd Budget Review 2022/2023 and associated attachments.

CARRIED 11/0

14.7 OUTDOOR DINING APPLICATION 72-76 MITCHELL STREET, DARWIN CITY**RESOLUTION ORD342/23**

Moved: Councillor Mick Palmer

Seconded: Deputy Lord Mayor Jimmy Bouhoris

1. THAT the report entitled Outdoor Dining Application 72-76 Mitchell Street, Darwin City be received and noted.
2. THAT Council approve the outdoor dining application at 72-76 Mitchell Street, Darwin City, subject to the following amendments:
 - (a) The existing *Tubebuia rosea* (Pink Trumpet Tree) adjacent 74 Mitchell Street road verge being removed, subject to an approved updated landscape and maintenance plan of 3 years, to offset the loss of the existing mature street tree, at no cost to Council.
 - (b) A suitable traffic solution being approved and implemented, enabling the realignment / extension of the path at the corner of Mitchell Street and Mott Court, at no cost to Council.
3. THAT Council provide landowner's support to lodge a liquor licence application for the remaining outdoor dining area not included in the existing licenced area.
4. THAT Council charge the standard fees and charges as outlined in City of Darwin's 2023/24 Fees and Charges.
5. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to negotiate and enter into an agreement in relation to the outdoor dining area.

CARRIED 11/0

Councillor Rebecca Want de Rowe departed the meeting at 5:51 pm.

15 RECEIVE & NOTE REPORTS**15.1 COMMITTEE MEETING MINUTES****RESOLUTION ORD343/23**

Moved: Councillor Amye Un

Seconded: Councillor Kim Farrar

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

CARRIED 11/0

15.2 MONTHLY FINANCIAL REPORT - MAY 2023**RESOLUTION ORD344/23**

Moved: Councillor Ed Smelt

Seconded: Deputy Lord Mayor Jimmy Bouhoris

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

CARRIED 11/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD345/23**

Moved: Councillor Amye Un

Seconded: Councillor Sylvia Klonaris

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Peter Pangquee reported on the ALGA National Assembly, he attended along with the Lord Mayor, Councillor Brian O’Gallagher and Councillor Jimmy Bouhoris from the 13 to 16 June. The two motions put forward from City of Darwin were both passed. Motion 26 on roads to recovery and Motion 76 Increase in affordable housing and emergency house for people at risk.

16.2

Councillor Jimmy Bouhoris also reported on ALGA, a lot of excitement around City of Darwin and the Circular Economy Conference in the coming year. Request to bring to Council in the coming months after discussions with the Lord Mayor and Chief Executive Officer.

16.3

Councillor Sylvia Klonaris reported on the Malak Obstacle Course open day organised by the Waters Ward Elected Members. Very well attended with great positive feedback returned back from community. We would like to commend all the staff involved. Requests among the community to have more courses constructed in future.

She attended Parliament House to meet the American Consulate on Friday evening, which was well received and attended.

On Sunday, she attended the 140th Anniversary for St Johns Ambulance Service, a celebration of recognition of the voluntary work.

16.4

Councillor Amye Un reported on attending Parliament House as well, would like to say thank you for being able to attend.

16.5

Deputy Lord Mayor Jimmy Bouhoris reported no Men’s Health Week held in the Territory this year. He assisted with organising a group Man Walk. The walk was held on Saturday, well received and thank you to all the staff who assisted with promoting the event.

16.6

Councillor Morgan Rickard reported on Pride Events over the weekend that City of Darwin sponsored, was great to see such a great group of community members. Very grateful to see the support and thank you.

16.7

Councillor Brian O’Gallagher reported on the Kindness Shake Festival held on Saturday afternoon, was a great celebration for our community. Highlighted the diversity in Darwin and a great to see everyone celebrating.

16.8

The Lord Mayor thanked everyone for taking part in events across Darwin during the dry season.

CARRIED 11/0

17 QUESTIONS BY MEMBERS**17.1 48 STUART HIGHWAY STUART PARK****RESOLUTION ORD346/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

Question:

Councillor Amye Un queried an untidy property at 48 Stuart Highway, Stuart Park.

Answer:

The Lord Mayor advised that it is private property.

CARRIED 11/0

17.2 GRAFFITI IN ANULA PLAYGROUND**RESOLUTION ORD347/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

Question:

Councillor Sylvia Klonaris received email correspondence from residents regarding graffiti at the Anula playground.

Answer:

The General Manager Community, Matt Grassmayr advised graffiti removal is part of the operational procedure and should be reported accordingly, with processes in place to prioritise offensive graffiti removal.

CARRIED 11/0

17.3 MALAK CHANGEROOMS**RESOLUTION ORD348/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

Question:

Councillor Kim Farrar questioned whether the Malak changerooms were still going ahead and noticed vehicles are driving over the footpath to the oval.

Answer:

The General Manager Community, Matt Grassmayr advised Football NT have finalised tender and selected preferred contractor, yet to set PCG meeting. Patrols are conducted in the area around the relevant football schedules with games to monitor parking.

CARRIED 11/0

17.4 CASUARINA AQUATIC AND LEISURE CENTRE UPDATE**RESOLUTION ORD349/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

Question:

Councillor Brian O’Gallagher requested an update on the \$7.5M grant for Casuarina Pool project.

Answer:

The General Manger Corporate/Chief Financial Officer, Steve Thacker has received no further update on progress of the assesment of the grant since the last update.

CARRIED 11/0

Councillor Kim Farrar departed the meeting at 6:28 pm.

17.4 LEE POINT ROAD DUPLICATION**RESOLUTION ORD350/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

Question:

Deputy Lord Mayor Jimmy Bouhoris requested an update on the Lee Point Road duplication project.

Answer:

The Executive Manager Infrastructure, Nik Kleine advised the final NBN relocation works need to be undertaken before works can commence on the road widening. Communication will be distributed once advised.

CARRIED 10/0

18 GENERAL BUSINESS**18.1 OUTGOING CORRESPONDENCE - MINISTER FOR FOREIGN AFFAIRS - 2023
DARWIN INTERNATIONAL DRAGON BOAT FESTIVAL****RESOLUTION ORD351/23**

Moved: Councillor Sylvia Klonaris
Seconded: Councillor Peter Pangquee

THAT the report entitled Outgoing Correspondence - Minister for Foreign Affairs - 2023 Darwin International Dragon Boat Festival be received and noted.

CARRIED 10/0

18.2 CONDOLENCE LETTER FOR ISABEL DA COSTA FERREIRA**RESOLUTION ORD352/23**

Moved: Councillor Sylvia Klonaris
Seconded: Councillor Peter Pangquee

Councillor Amye Un requested that a condolence letter be sent to the President of Timor Leste on the passing of his wife, Isabel da Costa Ferreira.

CARRIED 10/0

Councillor Kim Farrar re-joined the meeting at 6.30pm.

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 11 July 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 Peppercorn Lease Agreements and Summary

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.2 Municipal Mowing Extension of Contract

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 Lyons Ward By-Election

This matter is considered to be confidential under Section 99(2) - 51(c)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.

27.1 Capital Works Program Report - May 2023

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.

27.2 General Rates in Arrears For More Than Two Years

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 ORD353/23

Moved: Councillor Sylvia Klonaris

Seconded: Deputy Lord Mayor Jimmy Bouhoris

THAT the open section of the meeting be adjourned at 6.30pm.

CARRIED 11/0

THAT the open section of the meeting be resumed at 7.53pm.

THAT the chair declared the meeting closed at 7.53pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 July 2023.

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CHAIR