



MINUTES

**Ordinary Council Meeting
Tuesday, 27 September 2022**

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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, 27 SEPTEMBER 2022 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Deputy Lord Mayor Amye Un, Councillor Paul Arnold, Councillor Jimmy Bouhoris, Councillor Kim Farrar, Councillor Sylvia Klonaris, Councillor Brian O'Gallagher, Councillor Morgan Rickard, Councillor Vim Sharma, Councillor Ed Smelt
- OFFICERS:** Simone Saunders (Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Matt Grassmayr (General Manager Community), Alice Percy (General Manager Innovation)
Gemma Perkins (Coordinator Councillor Governance and Support), Angela O'Donnell (Executive Manager Community and Cultural Services), Irene Frazis (Executive Manager Finance), Nik Kleine (Executive Manager Infrastructure), Fred McCue (Public Relations and External Affairs Advisor)
- APOLOGY:** Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Rebecca Want de Rowe
- GUESTS:** Department of Infrastructure, Planning and Logistics (DIPL), Annabel Bowles (NT News)

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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 ORD470/22

Moved: Councillor Vim Sharma

Seconded: Councillor Sylvia Klonaris

The Chair declared the meeting open at 5.31pm.

CARRIED 10/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD471/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT the apology from Councillor Rebecca Want de Rowe and Councillor Peter Pangquee be received.

CARRIED 10/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD472/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT it be noted Councillor Mick Palmer is an apology due to a Leave of Absence previously granted on 13 September 2022 for the 27 September 2022.

CARRIED 10/0

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD473/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT a Leave of Absence be granted for Councillor Rebecca Want de Rowe for the period 19 September 2022 to 17 October 2022.

CARRIED 10/0

5 ELECTRONIC MEETING ATTENDANCE

5.1 ELECTRONIC MEETING ATTENDANCE GRANTED

RECOMMENDATIONS

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 Ordinary Council Meeting held on Tuesday, 27 September 2022:

- Councillor Brian O’Gallagher

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 ORD474/22

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Vim Sharma

That the minutes of the Ordinary Council Meeting held on 13 September 2022 be confirmed.

CARRIED 10/0

Councillor Ed Smelt raised that the minutes reflected a vote 9/0 for the Lord Mayoral Minute however believes the item was not voted on.

The Lord Mayor clarified that he called for the vote however will take on notice and confirm.

Post Ordinary Council Meeting the Governance team reviewed the recording and the Lord Mayor is heard to say “passed unanimously” with no objectors noted.

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 EXTENSION OF CONTRACT 2018/049 MANAGEMENT OF CASUARINA, NIGHTCLIFF AND PARAP SWIMMING POOLS

RESOLUTION ORD475/22

Moved: Councillor Ed Smelt

Seconded: Councillor Paul Arnold

1. THAT the report entitled Extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools be received and noted.
2. THAT Council approve the extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools until 30 June 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 10/0

26.3 TREE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS AND AMENDMENTS TO THE TERMS OF REFERENCE**RESOLUTION ORD476/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Vim Sharma

1. THAT the report entitled Tree Advisory Committee – Appointment of Community Members and Amendments to the Terms of Reference be received and noted.
2. THAT Council approve Dr Greg Leach and Adam Grainger as community members to the Tree Advisory Committee for a two-year term from 27 September 2022 to 30 September 2024.
3. THAT Council endorse the revised Terms of Reference for the Tree Advisory Committee.
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 8/0

26.5 NEW LEACHATE POND CONSTRUCTION SEPTEMBER UPDATE**RESOLUTION ORD477/22**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled New Leachate Pond Construction September Update be received and noted.
2. THAT Council note the revised project cost of \$7.5 Million for the delivery of the new leachate pond.
3. THAT Council approve the transfer of \$1.5M from the Waste Remediation Reserve to the 2022/23 Capital Works Program for the purposes of entering into construction contract for the Construction of a new 15 ML Leachate Pond.
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 8/0

27.1 SHOAL BAY WASTE MANAGEMENT FACILITY - UPDATE SEPTEMBER 2022**RESOLUTION ORD478/22**

Moved: Councillor Amye Un

Seconded: Councillor Vim Sharma

1. THAT the report entitled Shoal Bay Waste Management Facility - Update September 2022, 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 8/0**27.2 CORPORATE SERVICES REPORT - AUGUST 2022****RESOLUTION ORD479/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

1. THAT the report entitled Corporate Services Monthly Report – August 2022 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 8/0**27.3 WALKWAY PURCHASE ENQUIRIES****RESOLUTION ORD480/22**

Moved: Councillor Vim Sharma

Seconded: Councillor Amye Un

1. THAT the report entitled Walkway Purchase Enquiries 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 8/0

28.1 INCOMING CORRESPONDENCE - MINISTER FOR INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT**RESOLUTION ORD481/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the Incoming Correspondence – Minister for Infrastructure, Transport, Regional Development and Local Government 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 8/0**28.2 INCOMING CORRESPONDENCE - NORTHERN TERRITORY REMUNERATION TRIBUNAL****RESOLUTION ORD482/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the Incoming Correspondence - Northern Territory Remuneration Tribunal 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 8/0**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

THAT the presentation from Department of Infrastructure, Planning and Logistics (DIPL), in relation to the Middle Arm Sustainable Development Precinct, be received and noted.

13 NOTICES OF MOTION**13.1 NOTICE OF MOTION - THE ULURU STATEMENT FROM THE HEART**

I, Councillor Jimmy Bouhoris, give notice that at the next Ordinary Council Meeting on 27 September 2022, I will move the following motion:-

RESOLUTION ORD483/22

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Vim Sharma

THAT Council invite Thomas Mayor to present *The Uluru Statement from the Heart* to Councillors at the next available Ordinary Council Meeting.

CARRIED 10/0

14 ACTION REPORTS

14.1 MOTIONS FOR THE NOVEMBER 2022 LGANT GENERAL MEETING

RESOLUTION ORD484/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Motions for the November 2022 LGANT General Meeting be received and noted.
2. THAT Council endorse the following motion to be submitted to the Local Government Association of the Northern Territory (LGANT) General Meeting in November 2022:

THAT the City of Darwin Council calls on the LGANT Board to develop and deliver a long-term campaign to prompt Territorians to actively consider local government as an attractive employment sector.
3. THAT Council endorse the following motion to be submitted to the Local Government Association of the Northern Territory (LGANT) General Meeting in November 2022:

THAT the City of Darwin Council calls on the LGANT Board to develop a suite of digital resources for use by all members to promote the advantages and benefits of a career in local government in the NT to Territorians and potential interstate candidates.

CARRIED 10/0

14.2 REVIEW OF THE CITYLIFE PLATFORMS - LIGHTBOX EXHIBITIONS

RESOLUTION ORD485/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Review of the CITYLIFE Platforms – Lightbox Exhibitions be received and noted.
2. THAT Council endorse the name change of the CITYLIFE Platforms to City of Darwin Lightbox Exhibitions.

CARRIED 10/0

15 RECEIVE & NOTE REPORTS

15.1 NIGHT TIME ECONOMY 2020-21

RESOLUTION ORD486/22

Moved: Councillor Amye Un

Seconded: Councillor Jimmy Bouhoris

THAT the report entitled Night Time Economy 2020-21 be received and noted.

CARRIED 10/0

15.2 PROVISIONAL MONTHLY FINANCIAL REPORT - AUGUST 2022

RESOLUTION ORD487/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

THAT the report entitled Provisional Monthly Financial Report – August 2022 be received and noted.

CARRIED 10/0

15.3 REVIEW OF PLANS AND PROCESSES FOR THE REMOVAL OF OBSOLETE FOOTPATHS

RESOLUTION ORD488/22

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Brian O'Gallagher

THAT the report entitled Review of Plans and Processes for the Removal of Obsolete Footpaths be received and noted.

CARRIED 10/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD489/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Paul Arnold

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Ed Smelt provided an update on the Playspace Strategy consultation at Bicentennial Park. Great to see the team actively engaging with residents and tourists and look forward to the results come back to Council.

16.2

Councillor Paul Arnold advised that Tourism Top End have relocated to The Mall for two months while there are upgrades to the aircon.

Councillor Paul Arnold has also been in conversations with landlords in The Mall. There has been a big shift with 5 major upgrades currently in process with a major business coming. OPSM has had a refit and looks amazing. Councillor Paul Arnold has been asked to review The Mall infrastructure.

16.3

Councillor Sylvia Klonaris reported on the Chess Tournament at Casuarina Library. It was very well attended and there were several adults competing.

Councillor Sylvia Klonaris also attended the Playspace Strategy consultation at Holzerland Park. There were interesting conversations and ideas from the community and look forward to the results.

Along with the Lord Mayor, Councillor Sylvia Klonaris also attended the Italian Consulate at the Italian Club. It was a lovely evening and great for networking.

16.4

Councillor Jimmy Bouhoris reported on the Imagine Seaside Festival held at Casuarina Beach. The Festival went for two days and was an incredible event. Council should continue to support this blooming event. It was amazing to see an event outside of the City. Thanks to all involved including staff.

16.5

Councillor Amye Un reported on the 50 year celebration of Brown's Mart. Thanks to Council for attending and supporting.

Councillor Amye Un advised Councillor Ed Smelt that a resident in Ludmilla would like to meet with him.

Councillor Amye Un also thanked the Darwin Community for attending her movie as part of the Darwin International Film Festival.

16.6

Councillor Morgan Rickard reported on the Imagine Seaside Festival, whilst he could not attend was pleased Councillor Jimmy Bouhoris represented Council. Councillor Morgan Rickard reported on the Darwin International Film Festival, Street Art Festival and Brown's Mart 50th Anniversary celebrations. Darwin is so lucky to have a thriving arts community. Keep supporting the Darwin Arts Community.

16.7

The Lord Mayor advised that the quotes for the Rapid Creek Bridge have been received. Works will begin and the bridge will be open in the next few weeks.

The Lord Mayor also advised that the Casuarina Pool will remain open for 3 and 4 October to accommodate the community while there is a competition at Parap Pool.

The Lord Mayor advised that Mr Jape Kong Su passed away. There will be a memorial service at the Darwin Convention Centre. Condolences to the Jape family.

CARRIED 10/0

17 QUESTIONS BY MEMBERS**17.1 RAPID CREEK BRIDGE UPDATE****RESOLUTION ORD490/22**

Moved: Lord Mayor Kon Vatskalis
Seconded: Councillor Jimmy Bouhoris

Question

Councillor Ed Smelt requested an update on the Rapid Creek Bridge.

Answer

The General Manager Community, Matt Grassmayr responded and advised that work on the bracing should begin before 17 October 2022. The second stage is design works for a new bridge.

CARRIED 10/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - NORTHERN TERRITORY ELECTORAL COMMISSION - WATERS WARD BY-ELECTION****RESOLUTION ORD491/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Morgan Rickard

THAT the Incoming Correspondence - Northern Territory Electoral Commission - Waters Ward By-Election be received and noted.

CARRIED 10/0

18.2 INCOMING CORRESPONDENCE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - MOTIONS SUBMITTED TO THE 2022 NATIONAL GENERAL ASSEMBLY (NGA)**RESOLUTION ORD492/22**

Moved: Councillor Ed Smelt

Seconded: Councillor Morgan Rickard

THAT the Incoming Correspondence - Australian Local Government Association - Motions Submitted to the 2022 National General Assembly (NGA) be received and noted.

CARRIED 10/0

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 11 October 2022, 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 Extension of Contract 2018/049 Management of Casuarina, Nightcliff and Parap Swimming Pools

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 Chapel Lane 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.

26.3 Tree Advisory Committee - Appointment of Community Members and Amendments to the Terms of Reference

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.

26.4 Civic Centre Redevelopment - Draft Functional Design Brief

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.

26.5 New Leachate Pond Construction September Update

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.

27.1 Shoal Bay Waste Management Facility - Update September 2022

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 Corporate Services Report - August 2022

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.

27.3 Walkway Purchase Enquiries

This matter is considered to be confidential under Section 99(2) - 51(b) 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 personal circumstances of a resident or ratepayer.

28.1 Incoming Correspondence - Minister for Infrastructure, Transport, Regional Development and Local Government

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.

28.2 Incoming Correspondence - Northern Territory Remuneration Tribunal

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.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RECOMMENDATIONS

THAT the open section of the meeting be adjourned at 7.03pm.

THAT the open section of the meeting be resumed at 8:56pm

THAT the chair declared the meeting closed at 8:56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 October 2022.

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CHAIR