



MINUTES

**Ordinary Council Meeting
Tuesday, 28 November 2023**

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**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON TUESDAY, 28 NOVEMBER 2023 AT 5:30PM**

PRESENT:

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

OFFICERS:

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

APOLOGY:

Nil

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 Vim Sharma was not present at the start of meeting at 5:32 pm.

3 MEETING DECLARED OPEN

RESOLUTION ORD729/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Brian O'Gallagher

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

CARRIED 12/0

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****RESOLUTION ORD730/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Jimmy Bouhoris

THAT Council note the following member(s) was granted permission for Electronic Meeting Attendance at this Ordinary Council Meeting.

- Councillor Amye Un
- Councillor Vim Sharma

CARRIED 12/0

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

Nil

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF**6.1 DECLARATION OF INTEREST BY MEMBERS**

Nil

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES**RESOLUTION ORD731/23**

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

THAT the minutes of the Ordinary Council Meeting held on 14 November 2023 be confirmed.

CARRIED 12/0

8 MOVING OF ITEMS**8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL****RESOLUTION ORD732/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT Item 12.1 Civic and State Square Precinct presentation be moved from Open to Confidential.

CARRIED 12/0

Councillor Vim Sharma joined the meeting at 5:33 pm.

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING**26.4 STREET FOOD FEES REVIEW****RESOLUTION ORD757/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sam Weston

1. THAT the report entitled Street Food Fees Review be received and noted.
2. THAT Council endorse a change to the Street Food Program fee structure with a base rate of \$20 per day for Monday to Thursday operation and \$40 per day for Friday, Saturday and Sunday trading plus \$5 per day power usage fee for powered sites.
3. THAT Council endorse the introduction of a 'Trial Permit' at \$300 per month.
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 13/0

27.1 COMMITTEE MEETING CONFIDENTIAL MINUTES**RESOLUTION ORD759/23**

Moved: Councillor Morgan Rickard

Seconded: Deputy Lord Mayor Ed Smelt

1. THAT the report entitled Committee Meeting Confidential 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 to Open at the end of the meeting.

CARRIED 13/0

27.2 UPDATE ON CODE OF CONDUCT MATTERS**RESOLUTION ORD760/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sam Weston

1. THAT the report entitled Update on Code of Conduct Matters be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 13/0

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

14.1 REGIONAL PLAYGROUND FOR WATERS WARD

RESOLUTION ORD733/23

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

1. THAT the report entitled Regional Playground for Waters Ward be received and noted.
2. THAT Council refer an amount of \$3M to the 2024/25 budget process for a new initiative to construct a Regional playground, incorporating multi-generational play at Malak Oval.

CARRIED 13/0

14.2 ADOPT A VERGE PROGRAM

RESOLUTION ORD734/23

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

1. THAT the report entitled Adopt a Verge Program be received and noted.
2. THAT Council refer an amount of \$100,000 to the 2024/25 budget process for consideration of a new initiative for an Adopt a Verge program.

CARRIED 13/0

14.3 REVIEW OF CCTV MANAGEMENT POLICY

RESOLUTION ORD735/23

Moved: Lord Mayor Kon Vatskalis
 Seconded: Councillor Morgan Rickard

1. THAT the report entitled Review of CCTV Management Policy be received and noted.
2. THAT Council adopt the revised CCTV Management Policy at **Attachment 2**.

CARRIED 13/0

14.4 1ST BUDGET REVIEW 2023/2024**RESOLUTION ORD736/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Morgan Rickard

1. THAT the report entitled 1st 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 1st Budget Review 2023/2024 and associated attachments.

CARRIED 13/0

Councillor Amye Un departed the meeting at 5:46 pm.

14.5 REVIEW OF ALLOCATION OF SURPLUS FUNDS POLICY**RESOLUTION ORD737/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled Review of Allocation of Surplus Funds Policy be received and noted.
2. THAT Council rescinds Allocation of Surplus Funds Policy No.0066.100.E.R provided at **Attachment 1**.
3. THAT Council adopt Allocation of Surplus Funds Policy No.3020.100.E.R provided at **Attachment 2**.

CARRIED 12/0

Councillor Amye Un re-joined the meeting at 5:47pm.

15 RECEIVE & NOTE REPORTS**15.1 ENGAGEMENT OUTCOMES - DEVELOPMENT OF MASTERPLAN FOR BUNDILLA BEACH AREA****RESOLUTION ORD738/23**

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

THAT the report entitled Engagement Outcomes – Development of Masterplan for Bundilla Beach Area be received and noted.

CARRIED 13/0

15.2 MONTHLY FINANCIAL REPORT - OCTOBER 2023**RESOLUTION ORD739/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sam Weston

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

CARRIED 13/0

15.3 CHIEF EXECUTIVE OFFICER REGISTER OF DECLARED GIFTS AND BENEFITS**RESOLUTION ORD740/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Morgan Rickard

THAT the report entitled Chief Executive Officer Register of Declared Gifts and Benefits be received and noted.

CARRIED 13/0

15.4 COMMITTEE MEETING MINUTES**RESOLUTION ORD741/23**

Moved: Councillor Sylvia Klonaris

Seconded: Deputy Lord Mayor Ed Smelt

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

CARRIED 13/0

15.5 NIGHT TIME ECONOMY 2021-22**RESOLUTION ORD742/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Morgan Rickard

THAT the report entitled Night Time Economy 2021-22 be received and noted.

CARRIED 13/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD743/23**

Moved: Councillor Peter Pangquee

Seconded: Councillor Rebecca Want de Rowe

THAT the following Reports of Representatives be received and noted.

16.1

The Lord Mayor reported on attending the Christmas Pageant on Saturday afternoon it was a wonderful event with great community engagement and participation. Thank you to everyone involved. Disappointing very few businesses were open as there were lots of community members around to support them.

Some business owners approached advised that they were disappointed that Darwin Retailers Association was not hosting the Christmas window competition this year, as previous years.

Would also like to report on the announcement today by the Northern Territory Government of the alcohol restrictions coming into effect from the 11 December 2023.

16.2

Councillor Brian O’Gallagher reported on attending the Darwin Malayalee Association Christmas and New Year Celebrations 2023, held at the Italian Club, and was very well attended.

16.3

Councillor Sylvia Klonaris reported on attending the Clontarf Presentation Night at Sanderson Middle School, was a very well-planned event and heart-warming to see so many graduating.

16.4

Councillor Peter Pangquee reported on attending the Reconciliation Advisory Committee meeting and was delighted in welcoming new members to the committee and meeting Kylie Hampton who was recently appointed the Reconciliation Action Lead at City of Darwin. The new members were delighted with our reconciliation action plan and excited for what is to come.

16.5

Councillor Vim Sharma extended his thanks to everyone involved with the Richardson Ward Christmas party, and extended his thanks to the the local businesses for donating prizes and ensuring it was an enjoyable event for the community.

16.6

Councillor Kim Farrar thanked all of the officers involved with the Christmas pageant and for the great effort in decorating the City of Darwin truck for the parade. Was a great day.

CARRIED 13/0

17 QUESTIONS BY MEMBERS**17.1 CBD PARKING****RESOLUTION ORD744/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sam Weston

Question

Councillor Sam Weston asked if free parking will be offered in the central business district area over the Christmas period.

Answer

The Lord Mayor advised that it was decided by Council not to proceed with free parking.

CARRIED 13/0

17.2 CASUARINA AQUATIC AND LEISURE CENTRE**RESOLUTION ORD745/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sam Weston

Question

Councillor Jimmy Bouhoris thanked staff and everyone involved in the Richardson Ward Christmas party. Councillor Jimmy Bouhoris advised while at the christmas party community members asked if submissions have been receptive and requested feedback for the café and gym area at the Casuarina Aquatic and Leisure Centre.

Answer

The General Manager Innovation, Alice Percy advised Expression of Interest went out on the City of Darwin website and Tenderlink. Mandatory site visits have been conducted and currently in confidential discussions.

The Lord Mayor advised the pool construction is well advanced and noted after driving past today the roof over the pool is up.

CARRIED 13/0

17.3 SMALL BUSINESS RETAILERS**RESOLUTION ORD746/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sam Weston

Question

Councillor Amye Un asked if Council can do anything to help promote small business in the city area.

Answer

The Lord Mayor advised the small business owners should contact the Darwin Retailers Association or City of Darwin to see what can be done.

CARRIED 13/0

17.4 LINE MARKING IN THE SUBURBS**RESOLUTION ORD747/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sam Weston

Question

Councillor Sylvia Klonaris enquired as to what is the process for checking and undertaking line marking in preparation of the wet season in the suburbs.

Answer

The General Manager Community, Matt Grassmayr advised the annual program of line marking is underway for both roads and pathways, with the team currently working through prioritised asset conditions.

CARRIED 13/0

18 GENERAL BUSINESS**18.1 CONDOLENCE MOTION FOR THE LATE THOMAS PAULING AO KC****RESOLUTION ORD748/23**

Moved: Councillor Peter Pangquee

Seconded: Lord Mayor Kon Vatskalis

THAT Councillor Peter Pangquee moved a motion of condolence for the late Thomas Pauling AO KC who passed away recently.

CARRIED 13/0

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 5 December 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 Bundilla Beach Master Plan Development Update

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

26.2 Civic Centre Redevelopment Update

This matter is considered to be confidential under Section 99(2) - 51(c)(i) and 51(c)(iii) 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 and information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

26.3 State Square and Civic Precinct

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 Street Food Fees Review

This matter is considered to be confidential under Section 99(2) - 51(d) 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 subject to an obligation of confidentiality at law, or in equity.

26.5 2023-24 Local Government Immediate Priority Grant

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 Committee Meeting Confidential 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.

27.2 Update on Code of Conduct Matters

This matter is considered to be confidential under Section 99(2) - 51(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(2) – information in relation to a complaint of a contravention of the code of conduct.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD749/23

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Peter Pangquee

THAT the open section of the meeting be adjourned at 6:06 pm.

CARRIED 13/0

THAT the open section of the meeting be resumed at 7:55 pm.

THAT the chair declared the meeting closed at 7:55 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 5 December 2023.

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CHAIR