



MINUTES

**Ordinary Council Meeting
Tuesday, 28 September 2021**

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**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, LEVEL 1, CIVIC CENTRE, HARRY CHAN AVENUE,
DARWIN
ON TUESDAY, 28 SEPTEMBER 2021 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Alderman Paul Arnold, Alderman Jimmy Bouhoris, Alderman Justine Glover, Alderman Sylvia Klonaris, Alderman Brian O'Gallagher, Alderman Mick Palmer, Alderman Peter Pangquee, Alderman Morgan Rickard, Alderman Vim Sharma, Alderman Ed Smelt, Alderman Amye Un, Alderman Rebecca Want de Rowe
- OFFICERS:** Scott Waters (Chief Executive Officer), Simone Saunders (Chief Financial Officer), Matt Grassmayr (General Manager Community & Regulatory Services), Emma Young (Acting General Manager Engineering & City Services), Alice Percy (Acting General Manager Innovation Growth & Development Services)
- Gemma Perkins (Governance Business Partner), Caitlyn Moulds (Alderman Liaison Officer)
- APOLOGY:** Melissa Reiter (General Manager Government Relations & External Affairs)
- GUESTS:** Richard Fejo (Larakia Nation), Nathaniel Chambers (NT News)

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1 ACKNOWLEDGEMENT OF COUNTRY

Richard Fejo, Larrakia Elder presented a Welcome to 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 ORD403/21

Moved: Alderman Justine Glover

Seconded: Alderman Peter Pangquee

The Chair declared the meeting open at 5.34 pm.

CARRIED 13/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

Nil

4.2 LEAVE OF ABSENCE GRANTED

Nil

4.3 LEAVE OF ABSENCE REQUESTED**RESOLUTION ORD404/21**

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Morgan Rickard

A. THAT a Leave of Absence be granted for Alderman Mick Palmer for 12 October 2021.

CARRIED 13/0

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**

Nil

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES**RESOLUTION ORD405/21**

Moved: Alderman Mick Palmer

Seconded: Alderman Jimmy Bouhoris

That the minutes of the Ordinary Council Meeting held on 27 July 2021 and the Special Ordinary Council Meeting held on 3 August 2021 be confirmed.

CARRIED 13/0

8 MOVING OF ITEMS

8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL

Nil

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

11.1 Petition

Nil

12 DEPUTATIONS AND BRIEFINGS

12.1

Nil

13 NOTICES OF MOTION

Nil

14 ACTION REPORTS

14.1 23RD COUNCIL OF THE CITY OF DARWIN - CASTING VOTE

RESOLUTION ORD406/21

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Justine Glover

1. THAT pursuant to Section 95 (6) of the *Local Government Act 2019*, Council ADOPTS a policy position (**attachment 1**) of the 23rd City of Darwin Council and that the Chair of meetings of the Council shall have a second or casting vote where there is an inequality of votes on a matter before the Council.

CARRIED 13/0

14.2 23RD COUNCIL OF THE CITY OF DARWIN - APPOINTMENT OF DEPUTY LORD MAYOR

RESOLUTION ORD407/21

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Brian O'Gallagher

1. THAT Council APPOINTS Alderman Brian O'Gallagher as Deputy Lord Mayor for the City of Darwin for the period 28 September 2021 to 28 January 2022.
2. THAT Council ENDORSE an amendment to the Elected Member Protocols and Interactions – 015 Policy at clause 3.1.1 to update as follows:

3.1.1 Appointment of Deputy Lord Mayor

The Deputy Lord Mayor must be appointed at the first meeting of Council after the General Election. ~~For the current term of Council (through to declaration of the 2021 Election),~~ Council has determined that each of the 12 Alderman can be elected as Deputy Lord Mayor for a period of four months during the term of ~~the 22nd~~ Council.

CARRIED 13/0

14.3 23RD COUNCIL OF THE CITY OF DARWIN - MEETING SCHEDULE**RESOLUTION ORD408/21**

Moved: Alderman Ed Smelt

Seconded: Alderman Morgan Rickard

1. THAT Council ADOPTS the following schedule for the holding of City of Darwin Ordinary Meetings for the 23rd Term of Council:
 - (a) Two Ordinary Meetings to be held per month (excluding December and January).
 - (b) Ordinary Meetings for the month of February to be held on the first and last Tuesday of the month.
 - (c) Ordinary Meetings for March to November each year will be held on the last Tuesday of each month and the Tuesday two weeks prior.
 - (d) One Ordinary Meeting to be held per month in December on the first Tuesday of the month.
 - (e) Ordinary Meetings will commence at 5.30pm.
 - (f) Ordinary Meetings will be held in the Council Chambers located at the Civic Centre, Harry Chan Avenue, Darwin unless amended from time to time.
 - (g) The Ordinary Meeting of Council scheduled for Tuesday 25 April 2023 (Anzac Day public holiday) be held on Wednesday 26 April 2023.
 - (h) A public forum will be held at the Civic Centre commencing at 5.00pm on the last Tuesday of each month.
 - (i) The second Tuesday of each February will be held for a Council workshop to commence the development of the annual municipal plan and budget.
2. THAT pursuant to Section 91 of the *Local Government Act 2019*, Council APPROVES the Chief Executive Officer to convene a special ordinary meeting of Council on Tuesday 9 November 2021 to adopt the City of Darwin 2020/21 Annual Report.

CARRIED 13/0

14.4 STATUTORY DELEGATIONS FOR THE 23RD COUNCIL**RESOLUTION ORD409/21**

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Justine Glover

1. THAT Council, pursuant to Section 40 of the *Local Government Act 2019* delegates to the Chief Executive Officer's Performance Appraisal Committee the power to:
 - (a) conduct and finalise a performance evaluation and review of the Council's Chief Executive Officer; and
 - (b) any other powers and functions delegated to it under its Terms of Reference from time to time.

2. THAT Council, pursuant to Section 40 of the *Local Government Act 2019* delegates to the Administrative Review Committee its powers under section 324 of the *Local Government Act 2019* to:
 - (a) investigate, inquire into and make recommendations to Council on matters raised in an application to review a decision in accordance with Part 18.1 of the *Local Government Act 2019*; and
 - (b) any other powers and functions delegated to it under its Terms of Reference from time to time; and
 - (c) pursuant to Section 40 of the *Local Government Act 2019* delegates to the Administrative Review Committee its powers under Section 19 of the *Local Government (General) Regulations 2021*, to carry out, on behalf of the council, financial functions of the council in the months the Council does not hold an Ordinary Meeting.
3. THAT Council, pursuant to Section 40 of the *Local Government Act 2019* delegates to the Risk Management and Audit Committee its powers, functions and duties under Section 87 of the *Local Government Act 2019* to:
 - (a) Monitor compliance by the Council with the proper standards of financial management; and
 - (b) Monitor compliance by the Council with Northern Territory Local Government Legislation and Accounting Standards; and
 - (c) Authorise the Committee or its members to:
 - (i) obtain any information it requires from any member of staff and/or external party,
 - (ii) discuss any matters with the external auditor, or other external parties;
 - (iii) request, via the Chief Executive Officer, the attendance of any member of staff at committee meetings;
 - (iv) obtain external legal or other professional advice, as considered necessary to meet its responsibilities
 - (d) any other powers and functions delegated to it under its Terms of Reference from time to time
4. THAT Council, pursuant to Section 40 of the *Local Government Act 2019*, delegates to the Chief Executive Officer, or any person acting in the position of Chief Executive Officer, all of the powers, functions and duties under the *Local Government Act 2019* and *Local Government Regulations 2021* subject to any conditions and or limitations specified in legislation, Council Policy and Procedure or by Council resolution **with the exception of**:
 - (i) The powers, functions and duties under Sections 35, regarding the adoption of the Municipal Plan.
 - (ii) The powers, functions and duties in Section 64, appointment to fill a Casual Vacancy on the Council.
 - (iii) The powers, functions and duties under Section 82 to establish or abolish Council Committees; and
 - (iv) The powers, functions and duties under Section Part 6.4, meetings of electors.
 - (b) All of the powers, functions and duties of all other Acts and Regulations under which Council has a vested power, function or duty, subject to any legislative restrictions, conditions and limitation, Council Policy and Procedure.
 - (c) The powers and functions under the Darwin City Council By-Laws 1994, subject to any

legislative restrictions, conditions and limitation, Council Policy and Procedure.

- (d) That such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 168 of the *Local Government Act 2019* as the Chief Executive Officer determines, unless otherwise indicated herein.

5. THAT Council, pursuant to Section 183 of the *Local Government Act 2019* hereby appoints the Chief Executive Officer, or any person acting in the position of Chief Executive Officer, to be an Authorised Person with the powers and functions specified in the Local Government Act 2019.

CARRIED 13/0

14.5 23RD COUNCIL - ESTABLISHMENT OF EXECUTIVE AND ADVISORY COMMITTEES

RESOLUTION ORD410/21

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Brian O'Gallagher

1. THAT Council, pursuant to Section 82 of the *Local Government Act 2019*, establishes the following Executive and Advisory Committees and that the respective terms of reference be ADOPTED:

(a) Executive Committees

- (i) Administrative Review Committee, Terms of Reference, **Attachment 1**
- (ii) Chief Executive Officer Performance Appraisal Committee, Terms of Reference, **Attachment 2**

(b) Advisory Committees

- (i) Access and Inclusion Advisory Committee, Terms of Reference, **Attachment 3**
- (ii) Arts and Cultural Development Advisory Committee, Terms of Reference, **Attachment 4**
- (iii) East Point Reserve Advisory Committee, Terms of Reference, **Attachment 5**
- (iv) International Relations Advisory Committee, Terms of Reference, **Attachment 6**
- (v) Military and Civilian History Advisory Committee, Terms of Reference, **Attachment 7**
- (vi) Sister City Advisory Committee, Terms of Reference, **Attachment 8**
- (vii) Youth Advisory Committee, Terms of Reference, **Attachment 9**

2. THAT Council, pursuant to Section 86 of the *Local Government Act 2019*, establishes the Risk Management and Audit Committee and ADOPTS the committee Terms of Reference provided at **Attachment 10**.

CARRIED 13/0

14.6 23RD COUNCIL - APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL REPRESENTATIVE BODIES**RESOLUTION ORD411/21**

Moved: Alderman Peter Pangquee

Seconded: Alderman Morgan Rickard

1. THAT Council appoint the following Council members to the **Administrative Review Committee** for the period 28 September 2021 to 30 June 2022:

Lord Mayor (Chair);

Alderman Sylvia Klonaris,

Alderman Brian O’Gallagher; and

Alderman Morgan Rickard

And that all remaining Council members are appointed as alternate members to the committee.

2. THAT Council appoint the following Council members to the **Chief Executive Officer’s Performance Appraisal Committee** for the period 28 September 2021 to 30 June 2022:

Lord Mayor (Chair);

Alderman Justine Glover;

Alderman Paul Arnold;

Alderman Jimmy Bouhoris; and

Alderman Peter Pangquee

3. THAT Council note that the Lord Mayor holds the position of Ex-Officio for all Council Committees.

4. THAT Council appoint the following Council members to the **Risk Management and Audit Committee** for the following periods:

Alderman Jimmy Bouhoris for the period to 30 June 2023;

Alderman Brian O’Gallagher for the period to 30 June 2023;

Alderman Morgan Rickard for the period to 30 June 2023;

5. THAT Council appoint the following Council members to the **Access and Inclusion Advisory Committee** for the period 28 September 2021 to 30 June 2022:

Alderman Vim Sharma and

Alderman Sylvia Klonaris as Alternate

6. THAT Council appoint the following Council members to the **Arts and Cultural Development Advisory Committee** for the period 28 September 2021 to 30 June 2022:

Alderman Morgan Rickard and

Alderman Vim Sharma as Alternate

7. THAT Council appoint the following Council members to the **Youth Advisory Committee** for the period 28 September 2021 to 30 June 2022:
Alderman Rebecca Want de Rowe and
Alderman Sylvia Klonaris as Alternate
8. THAT Council appoint the following Council members to the **Darwin Military and Civilian History Advisory Committee** for the period 28 September 2021 to 30 June 2022:
Alderman Paul Arnold and
Alderman Ed Smelt as Alternate
And that the Lord Mayor be appointed as member and Chair of the Darwin Military and Civilian History Advisory Committee.
9. THAT Council note that the following appointments to the **International Relations Advisory Committee** remain current until 31 July 2022
Member and Chair, Lord Mayor
Alderman Jimmy Bouhoris
Alderman Mick Palmer (Alternate)
10. THAT Council notes that the following Council member appointments to the **Sister City Advisory Committee** remain current until 31 July 2022
Alderman Jimmy Bouhoris
Alderman Paul Arnold (Alternate)
And that the following Council members be appointed to the **Sister City Advisory Committee** for the period 28 September 2021 to 31 July 2022
Alderman Sylvia Klonaris and
Alderman Vim Sharma as Alternate
11. THAT Council appoint the following Council members to the **Reconciliation Action Plan Committee** for the period 28 September 2021 to 30 June 2022:
Alderman Peter Pangquee and
Alderman Morgan Rickard as Alternate
12. THAT Council appoint the following Council members to the **East Point Reserve Advisory Committee** for the period 28 September 2021 to 30 June 2022:
Alderman Mick Palmer as chair and
Alderman Morgan Rickard as Alternate

13. THAT Council note that the Lord Mayor is directly appointed the following external committees for the whole of the 23rd Term of Council:

- a) Council of Capital City Lord Mayors (CCCLM)
- b) Northern Australia Capital City Committee (NACCC)
- c) Top End Regional Organisation of Councils (TOPROC)

14. (a) THAT Council notes that Alderman Peter Pangquee is an Executive Committee Member appointed to the **Local Government Association of the Northern Territory (LGANT)** and that his appointment remains current until 6 November 2022

(b) THAT Council appoint Council members to External Committees for the period 28 September 2021 to 6 December 2021 as follows:

External Committee	Member	Alternate Member
Council of the Ageing NT Board (COTA)	Alderman Sylvia Klonaris	Alderman Jimmy Bouhoris
Local Government Association of the NT (LGANT)		N/A
Rapid Creek Water Advisory Committee	Alderman Morgan Rickard	Alderman Vim Sharma
Tourism Top End	Alderman Peter Pangquee	Alderman Paul Arnold
Development Consent Authority (DCA)	Alderman Mick Palmer Alderman Peter Pangquee	Alderman Brian O'Gallagher

15. THAT Council nominate the following Council members to the Local Government Association of the Northern Territory (LGANT) for appointments to committees for the period 28 September 2021 to 30 June 2022:

LGANT Committee	Member	Alternate Member
NT Heritage Council	Alderman Morgan Rickard	Nil

CARRIED 13/0

14.7 CEO (CHIEF EXECUTIVE OFFICER) CODE OF CONDUCT - 100 POLICY

RESOLUTION ORD412/21

Moved: Alderman Justine Glover

Seconded: Alderman Peter Pangquee

1. THAT pursuant to Section 175(1) of the *Local Government Act 2019*, Council ADOPTS the CEO Code of Conduct – 100 policy, **Attachment 1**.

CARRIED 13/0

15 RECEIVE & NOTE REPORTS

15.1 MONTHLY FINANCIAL REPORT - AUGUST 2021

RESOLUTION ORD413/21

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Ed Smelt

THAT the report entitled Interim Monthly Financial Report – August 2021 be received and noted.

CARRIED 13/0

16 REPORTS OF REPRESENTATIVES

Nil

17 QUESTIONS BY MEMBERS

17.1 PROCESS OF UNTIDY ALLOTMENT

RESOLUTION ORD414/21

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Rebecca Want De Rowe queried when a resident reports an untidy lot, what is the process from there and how long should residents expect for it to be actioned?

Answer

The General Manager Community and Regulatory Services, Matt Grassmayr responded and advised when Council receives advice of an untidy property it is tasked to Regulatory Services, Public Places rangers to action. Rangers will attend to investigate and determine if further action is required, this normally occurs within 10 days of complaint. If further action is required the owner is sent a Notice to Clear Land which describes the work required and provides 14 days to carry out the works. At the end of the notice period rangers inspect again to ensure the works have been completed. If the works are still outstanding owners are provided a Final Notice which allows a further 14 days to complete works, otherwise owners are advised that failure to do so will result in Council undertaking the works at the owners expense. Rangers will then inspect again at the end of the final notice period and action accordingly. If Council needs to undertake works on private property a warrant is required to enter the property on at least two occasions, firstly to obtain a cost estimate and then to enter again at a later date or dates in order to carry out works. At completion of the works the owner is then invoiced for the costs of works plus 15% as set out in Council's Fees and Charges and an inspection fee of \$295.

Regarding your question from a residents perspective, if property owners are not cooperative with the notices to clear their land, it is approximately 6 to 8 weeks from complaint before Council would have completed statutory requirements to undertake action.

CARRIED 13/0**17.2 UPDATE ON BUFFALO CREEK UPGRADE****RESOLUTION ORD415/21**

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Jimmy Bouhoris requested an update regarding the Buffalo Creek upgrade and the status.

Answer

The Acting General Manager Engineering and City Services, Emma Young responded and advised that Council is currently waiting decisions from Aboriginal Area Protection Authority (AAPA). They met recently and progress should occur. **CARRIED 13/0**

17.3 INVESTMENTS ALIGNMENTS**RESOLUTION ORD416/21**

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Morgan Rickard queried how closely aligned is the investments strategy with the climate emergency strategy? Is there any alignment with the investment and greening strategy?

Answer

The Chief Financial Officer, Simone Saunders responded and advised there is a line item in regards to tree establishment. More broadly within the Engineering budget there are other tranches that align with the greening strategy. There are more actions coming out of the strategy that will need to be considered during the new initiative budget process .

The Chief Executive Officer also advised that current investments are put forward with a conservative approach. There isn't a specific investment that has the full green credential. Council is relying on the big four banks to ensure they are providing their due diligence. When raised previously, it was viewed that the return was for the ratepayer. It is an important view and happy to work through with this term of Council.

CARRIED 13/0**17.4 UPDATE ON SHACKLE STREET PROPERTY****RESOLUTION ORD417/21**

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Justine Glover queried the timeframe of six weeks provided in the above answer regarding untidy allotments. There is a property in Shackle Street that has been ongoing for twelve months. What is happening in Shackle Street?

Answer

The General Manager Community and Regulatory services, Matt Grassmayr responded and advised Shackle Street is not being actioned as an untidy allotment, it is being actioned as a regulatory order. This takes about 6-8 months. Shackle Street was attended to as part of emergency works. The full cost is in the \$15 - \$20k range. At that cost, Council switched to regulatory orders because Council is able to secure that debt. Untidy allotment is normally smaller clearances and unsecure debts of \$0 - \$5k. We have another property in Nightcliff, which the quote is around \$60k. We have to go through a regulatory order and that is the hold up with that particular property.

CARRIED 13/0

17.5 CAPITAL WORKS EXPENDITURE PLAN

RESOLUTION ORD418/21

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Brian O'Gallagher queried if Council has a 10 year capital works plan and expenditure and if so, can Alderman get access to that?

Answer

The Chief Financial Officer, Simone Saunders responded and advised the ten year long term financial plan has an underlying ten year capital expenditure program. When you go out past five to six years, some of the expenditure is generic, that we will spend so much each year. There is the ability to report on it and it is reported within the long term financial plan but the detail when you go out longer term isn't there, it's more, so much per period but it is available.

CARRIED 13/0

17.6 LEE POINT WORKS

RESOLUTION ORD419/21

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Morgan Rickard

THAT the following Questions by Members be received and noted.

Question

Alderman Jimmy Bouhoris queried if Council have had any conversations with the Northern Territory Government in regards to the footpath installation in Lee Point to work together to create efficiencies.

Answer

The Acting General Manager Engineering and City Services, Emma Young responded and advised that there have been discussions, there are going to be up to three projects happening all at once. Shared paths, assessment of trees to protect as many as possible. The Northern Territory Government has advised that they will plant more trees. There are also delays regarding the roundabout project however that is an Northern Territory Government project.

CARRIED 13/0

18 GENERAL BUSINESS

NIL

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

RECOMMENDATIONS

THAT the next Ordinary Meeting of Council be held on Tuesday, 12 October 2021, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING

CLOSURE OF MEETING

RESOLUTION ORD420/21

Moved: Alderman Justine Glover

Seconded: Alderman Ed Smelt

THAT the chair declare the meeting closed at 6.50pm.

CARRIED 13/0

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 October 2021.

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CHAIR