



MINUTES

**Ordinary Council Meeting
Tuesday, 5 December 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, 5 DECEMBER 2023 AT 5:30PM**

PRESENT:

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:

Lord Mayor Kon Vatskalis

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 commencement of the meeting at 5:31 pm.

3 MEETING DECLARED OPEN

RESOLUTION ORD784/23

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sylvia Klonaris

The Chair declared the meeting open at 5:33 pm.

CARRIED 11/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD785/23

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Sam Weston

THAT the apology from the Lord Mayor Kon Vatskalis, 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 ORD786/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Kim Farrar

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

- Councillor Amye Un

CARRIED 11/0**5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED****RESOLUTION ORD787/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Kim Farrar

THAT Council note the following member(s) was granted permission for Electronic Meeting Attendance at the Ordinary Council Meeting on 6 February 2023.

- Councillor Morgan Rickard

CARRIED 11/0

Councillor Vim Sharma joined the meeting at 5:36 pm.

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 ORD788/23

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Brian O’Gallagher

THAT the minutes of the Ordinary Council Meeting held on 28 November 2023 be confirmed.

CARRIED 12/0

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

26.2 2023/24 OUT OF ROUND SPONSORSHIP UPDATE

MOTION

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Out of Round Sponsorship 2023/24 Update be received and noted.
2. THAT Council approve for \$10,000 cash to be provided to Skippers at Dundee Pty Ltd for the 2024 Skippers Cotton Cup through the 2023/24 out-of-round sponsorship.
3. THAT Council approve / decline for \$15,000 cash and in-kind support (amount to be verified as the time of booking) to be provided through the 2023/24 out-of-round sponsorship to Nightcliff Arts, Music and Culture Incorporated for the 2024 Nightcliff Seabreeze Festival.
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.

AMENDMENT**RESOLUTION ORD803/23**

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Out of Round Sponsorship 2023/24 Update be received and noted.
2. THAT Council approve for \$10,000 cash to be provided to Skippers at Dundee Pty Ltd for the 2024 Skippers Cotton Cup through the 2023/24 out-of-round sponsorship.
3. THAT Council approve for \$15,000 cash and in-kind support (amount to be verified as the time of booking) to be provided through the 2023/24 out-of-round sponsorship to Nightcliff Arts, Music and Culture Incorporated for the 2024 Nightcliff Seabreeze Festival.
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 12/0

RESOLUTION ORD804/23

Moved: Deputy Lord Mayor Ed Smelt

Seconded: Councillor Morgan Rickard

1. THAT the report entitled Out of Round Sponsorship 2023/24 Update be received and noted.
2. THAT Council approve for \$10,000 cash to be provided to Skippers at Dundee Pty Ltd for the 2024 Skippers Cotton Cup through the 2023/24 out-of-round sponsorship.
3. THAT Council approve for \$15,000 cash and in-kind support (amount to be verified as the time of booking) to be provided through the 2023/24 out-of-round sponsorship to Nightcliff Arts, Music and Culture Incorporated for the 2024 Nightcliff Seabreeze Festival.
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 12/0

26.3 OPPORTUNITY WITH TOURISM**RESOLUTION ORD805/23**

Moved: Councillor Sam Weston

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Opportunity with Tourism be received and noted.
2. THAT Council endorse for the letter at **Attachment 1** to be signed and sent to Tourism Top End.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to discuss the opportunity with Tourism Top End.
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 12/0

26.4 CITY OF DARWIN MEETING SCHEDULE

RESOLUTION ORD806/23

Moved: Councillor Brian O’Gallagher

Seconded: Councillor Peter Pangquee

1. THAT the report entitled City of Darwin Meeting Schedule be received and noted.
2. THAT Council approve to alter the schedule of Ordinary Meetings for a trial period from March 2024 to September 2024.
3. THAT Council note that the schedule for January and February 2024 remain the same.
4. THAT Council approve the proposed schedule:

March 2024	One workshop, one Confidential Briefing, One Council Meeting
April 2024	Two Confidential Briefings, Two Council Meetings
May 2024	One workshop, one Confidential Briefing, One Council Meeting
June 2024	Two Confidential Briefings, Two Council Meetings
July 2024	One workshop, one Confidential Briefing, One Council Meeting
August 2024	Two Confidential Briefings, Two Council Meetings
September 2024	One workshop, one Confidential Briefing, One Council Meeting

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 9/3

27.1 UPDATE ON CODE OF CONDUCT MATTERS

RESOLUTION ORD807/23

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 12/0

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

Nil

15 RECEIVE & NOTE REPORTS

Nil

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD789/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Brian O’Gallagher reported on attending the Australia China Friendship Society Christmas Function. It was well attended and great to see a range of families come together. Councillor Brian O’Gallagher was a surprise Santa for the event.

On Monday evening attended along with Councillor Kim Farrar and Councillor Sylvia Klonaris, the Sanderson Middle School Awards Presentation Night. Was very inspiring to see the pride of students and of their families.

16.2

Councillor Kim Farrar reported on attending the Darwin Community Legal Service Annual Human Rights Art Awards and Exhibition, well worth going to see the artwork submitted by all involved.

16.3

Councillor Sylvia Klonaris reported on attending along with Councillor Kim Farrar, the Carnival of Fun, celebrating International Day of People with Disability, at CDU Stadium, Marrara. The event was very well organised with the largest group supporting and providing inclusiveness for everyone.

16.4

Councillor Sam Weston reported on attending the National AIDS Day at Parliament House, Darwin on Friday.

16.5

Councillor Jimmy Bouhoris reported on attending the City of Darwin Carols by Candlelight on Sunday evening. Would like to extend a huge thank you to the staff and all involved, it was a great evening and well attended. Would be good to have all of the Elected Members attending together as a team next year. Thank you again to everyone involved for a great event.

CARRIED 12/0

17 QUESTIONS BY MEMBERS**17.1 POOL ACCESS FOR GENERAL PUBLIC****RESOLUTION ORD790/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sam Weston

Question

Councillor Mick Palmer requested a review into the operation of the pool booking system at the Nightcliff and Parap swimming pools. There appears to be very little time available for the general public to at random go to the pool and enjoy the facilities. Seems to be fully occupied by swimming clubs and exercise clubs.

Answer

The General Manager Community, Matt Grassmayr advised prior to the closure of Casuarina Pool, the management contract stipulated that stakeholders could book no more than 50% of a pool during open times for the public. When Casuarina Pool was closed, following consultation with clubs and YMCA NT, the contract was varied to allow stakeholders to book greater than 50% at certain times.

CARRIED 12/0

17.2 USE OF PRIVATE SCOOTERS**RESOLUTION ORD791/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sam Weston

Question

Councillor Sylvia Klonaris advised that she has been approached by members of the community raising concerns that those under the age of 18 and unlicensed to be able to utilise private scooters on footpaths and roads. What can City of Darwin do to assist the use of private scooters.

Answer

The General Manager Innovation, Alice Percy advised that City of Darwin have been advocating for the Northern Territory Government to change the legislation to allow the use of private scooters on footpaths and roads. City of Darwin will continue to advocate through the movement strategy and will continue to have discussions with the Northern Territory Government.

CARRIED 12/0

17.3 CYCLONE PREPARATIONS**RESOLUTION ORD792/23**

Moved: Councillor Morgan Rickard

Seconded: Councillor Sam Weston

Question

Councillor Brian O’Gallagher asked for a brief on City of Darwin cyclone preparations for this year.

Answer

The Executive Manager Corporate and Customer Services, Chris Kelly advised the annual cyclone exercise was conducted at the end of October. Following feedback from staff the exercise was undertaken as a desktop exercise to test intake, logging and triage functions. Working through discussions with the Northern Territory Government in relation to emergency waste functions. The organisation cyclone plan has been updated and distributed internally.

CARRIED 12/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - MINISTER FOR URBAN HOUSING - PUBLIC HOUSING IN THE DARWIN COMMUNITY****RESOLUTION ORD793/23**

Moved: Councillor Brian O’Gallagher

Seconded: Councillor Kim Farrar

THAT the Incoming Correspondence – Minister for Urban Housing – Public Housing in the Darwin Community be received and noted.

CARRIED 12/0

18.2 INCOMING CORRESPONDENCE - MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS - APPOINTMENTS TO THE DEVELOPMENT CONSENT AUTHORITY**RESOLUTION ORD794/23**

Moved: Councillor Brian O’Gallagher

Seconded: Councillor Sam Weston

THAT the incoming correspondence from the Minister for Infrastructure, Planning and Logistics - Appointments to the Development Consent Authority be received and noted.

CARRIED 12/0

18.3 DEPUTY LORD MAYOR**RESOLUTION ORD795/23**

Moved: Councillor Rebecca Want de Rowe

Seconded: Councillor Sylvia Klonaris

THAT Council appoint Councillor Jimmy Bouhoris as Acting Deputy Lord Mayor for the 15 December 2023.

THAT Council appoint Councillor Sylvia Klonaris as Acting Lord Mayor for the period 21 December 2023 to 19 January 2024.

THAT Council appoint Councillor Sam Weston as Deputy Lord Mayor for the period 29 January 2024 to 28 May 2024.

CARRIED 12/0

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

THAT the next Ordinary Meeting of Council be held on Tuesday, 6 February 2024, 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 2022/2023 Year End Surplus Funds Allocation

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 2023/24 Out of Round Sponsorship 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.

26.3 Opportunity with Tourism

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 City of Darwin Meeting Schedule

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.

27.1 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

ADJOURNMENT OF MEETING

RESOLUTION ORD796/23

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Jimmy Bouhoris

THAT the open section of the meeting be adjourned at 6:03 pm.

CARRIED 12/0

THAT the open section of the meeting be resumed at 7:56 pm.

THAT the chair declared the meeting closed at 7:56 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 6 February 2024.

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CHAIR