



# **MINUTES**

**Ordinary Council Meeting  
Tuesday, 6 December 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, 6 DECEMBER 2022 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Councillor Paul Arnold, Councillor Jimmy Bouhoris, Councillor Kim Farrar, Councillor Sylvia Klonaris, Councillor Brian O'Gallagher, Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Morgan Rickard, Councillor Ed Smelt, Councillor Amye Un, Councillor Rebecca Want de Rowe
- OFFICERS:** Simone Saunders (Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Matt Grassmayr (General Manager Community), Alice Percy (General Manager Innovation)
- Ruiha Maskovich (Council Protocols and Grants Support Officer), Irene Frazis (Executive Manager Finance), Gemma Perkins (Coordinator Councillor Governance and Support), Fred McCue (Public Relations and External Affairs Advisor)
- APOLOGY:** Deputy Lord Mayor Vim Sharma
- 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.

## 3 MEETING DECLARED OPEN

### RESOLUTION ORD173/22

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Ed Smelt

The Chair declared the meeting open at 5.32 pm.

**CARRIED 12/0**

## 4 APOLOGIES AND LEAVE OF ABSENCE

### 4.1 APOLOGIES

#### RESOLUTION ORD174/22

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Peter Pangquee

THAT the apology from Deputy Lord Mayor Vim Sharma, be received.

**CARRIED 12/0**

### 4.2 LEAVE OF ABSENCE GRANTED

Nil

**4.3 LEAVE OF ABSENCE REQUESTED****RESOLUTION ORD175/22**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Peter Pangquee

THAT a Leave of Absence be granted for The Lord Mayor for the period 20 December 2022 to 22 January 2023.

**CARRIED 12/0**

**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 ORD176/22**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Peter Pangquee

THAT the minutes of the Ordinary Council Meeting held on 29 November 2022 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**

#### **RESOLUTION ORD177/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Risk Management and Audit Committee – Reappointments be received and noted.
2. THAT Council endorse Roland Chin be reappointed as a Community Member of the Risk Management and Audit Committee.
3. THAT Council endorse Roland Chin be reappointed as Chair of the Risk Management and Audit 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 12/0**

## **9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

**10 PUBLIC QUESTION TIME****10.1 QUESTIONS FROM KATE DIXON****RESOLUTION ORD178/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Peter Pangquee

THAT the following Public Questions and responses as tabled, in relation to the 2021 public consultation on proposed Darwin by-law changes which included new restrictions on the keeping of chickens and roosters be received and noted.

**Question:**

Explain how it took account of the public submissions it received, which (according to the report of the consultation) included 26 submissions opposing the restrictions, a petition opposing the restrictions signed by 70 Darwin residents, and 4 submissions supporting restrictions, and why the current draft proposed by-laws do not reflect the Community's predominant opposition to the proposed restrictions, as expressed through Council's consultation process?

**Answer:**

In developing the draft by-laws Council considered the outcomes from the consultation process, including internal engagement, workshops with City of Darwin staff, and meetings and discussions with key stakeholders. The draft by-laws also considered the outcomes from the initial community and stakeholder consultation that ran between 31 March and 30 April 2021, and any new submissions and representations made directly to Councillors. City of Darwin receives regular complaints from community members regarding roosters and chickens and Council received a petition in July 2022 seeking a ban on roosters in the municipality. Council were also provided with information on existing legislation in other similar municipalities to help inform the development of the current draft by-law.

**Question:**

Advise how many separate households made complaints to Council about rooster noise in 2022?

**Answer:**

City of Darwin Regulatory Services has received 55 complaints regarding roosters and chickens to date in 2022.

**Question:**

Advise how many Darwin households currently have chickens and or roosters which will become unlawful in the event of the restrictions in the proposed by-laws, becoming law?

**Answer:**

City of Darwin does not keep statistical records regarding chickens or poultry. City of Darwin only holds registers for dogs and cats for which registration is required under the by-laws.

**Question:**

Reassure the community that submissions received in 2022 current consultation process, will be genuinely considered by Council in a proportionate and transparent manner?

**Answer:**

Council has a legislative requirement under the *Local Government Act 2019* to consider all submissions before By-laws are made. The outcomes from the 2022 consultation will be presented to Council in early 2023 for consideration. The report will be presented in the open section of the Council meeting and available to all community and stakeholders.

**CARRIED 12/0****10.2 QUESTIONS FROM SONYA WOTTON****RESOLUTION ORD179/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Peter Pangquee

THAT the following Public Questions and responses as tabled, regarding the proposed By-law poultry changes be received and noted.

**Question:**

1. a) Number of residents with chickens (including roosters)
  - b) How many chickens?
  - c) How many roosters?
  - d) are they free range / caged
2. a) Number of residents with chickens (including roosters) as therapy/companion or pets
  - b) How many are for the benefit of - children/adolescents?  
Adults?
  - c) How many are children's pets?
3. Number of residents who Show chickens / poultry?
4. Number of residents who breed chickens / poultry?
5. Breed of chickens owned, bred or shown?

**Answer for Questions 1 to 5:**

City of Darwin does not keep statistics records regarding chickens or poultry. City of Darwin only holds registers for dogs and cats for which registration is required under the by-laws.

**Question:**

6. Block size of residents – under 600m2  
Over 600m2  
Zoning

**Answer**

For the zoning type Low Density Residential, there are 14,206 properties 600m2 or over and 421 less than 600m2.

For all properties (regardless of zoning type) there are 19,172 properties 600m2 or over, 5866 less than 600m2.

**CARRIED 12/0**



**11 PETITIONS**

Nil

**12 DEPUTATIONS AND BRIEFINGS**

Nil

**13 NOTICES OF MOTION**

Nil

**14 ACTION REPORTS****14.1 1ST BUDGET REVIEW 2022/2023****RESOLUTION ORD180/22**

Moved: Councillor Amye Un

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled 1st 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 1st Budget Review 2022/2023 and associated attachments one to five.

**CARRIED 12/0****14.2 ESTABLISHMENT OF ICT STEERING COMMITTEE****RESOLUTION ORD181/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

1. THAT the report entitled Establishment of ICT Steering Committee be received and noted.
2. THAT Council approve the establishment of the ICT Steering Committee.
3. THAT Council adopt the Terms of Reference for the ICT Steering Committee at **Attachment 1**.
4. THAT Council notes that expressions of interest will be sought for external membership of the ICT Steering Committee in early 2023.

**CARRIED 12/0**

## **15 RECEIVE & NOTE REPORTS**

### **15.1 CHIEF EXECUTIVE OFFICER GIFTS AND BENEFITS REGISTER**

#### **RESOLUTION ORD182/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Kim Farrar

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

**CARRIED 12/0**

## **16 REPORTS OF REPRESENTATIVES**

#### **RESOLUTION ORD183/22**

Moved: Councillor Mick Palmer

Seconded: Councillor Amye Un

THAT the following Reports of Representatives be received and noted.

#### **16.1**

Councillor Paul Arnold attended the Activate Darwin board meeting, City of Darwin (CoD) representative reported on Wayfinding which was well received. Neuron also presented, and the support from the Board in principle of what Neuron was doing was good to see. Also received was a 20 year master plan on Cullen Bay, which may be presented to Council in the New Year.

#### **16.2**

Councillor Brian O'Gallagher reported that he attended the Sanderson Middle School Annual Awards with both Water Wards Councillors Farrar and Klonaris. It was a fantastic event and great to see the commitment of the students themselves to their growth, but also their parents, families, and also the wonderful staff.

#### **16.3**

Councillor Amye Un attended the Carnival of Fun and Lord Mayor Access Award and was welcomed from everyone. Representatives said thank you to CoD. They were grateful for all the gifts.

#### **16.4**

Councillor Peter Pangquee reported on the two (2) day workshop and thanked staff for putting it together. The Chief Executive Officer did a great job negotiating with Alicia McKay (Strategy Expert). I hope we take it forward with what we said at the workshop, work together and get our strategic planning done.

**CARRIED 12/0**

## **17 QUESTIONS BY MEMBERS**

Nil

**18 GENERAL BUSINESS****18.1 DEPUTY LORD MAYOR****RESOLUTION ORD184/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Lord Mayor Kon Vatskalis

THAT Council appoint Councillor Kim Farrar as Deputy Lord Mayor for the period 29 January 2023 to 28 May 2023.

THAT Council appoint Councillor Brian O'Gallagher as Acting Deputy Lord Mayor for three (3) weeks in February, and for the period 19 March 2023 to 26 March 2023.

**CARRIED 12/0**

**18.2 THE LORD MAYOR UPDATE****RESOLUTION ORD185/22**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Sylvia Klonaris

The Lord Mayor would like to thank Councillor Amye Un-for representing him at the Lord Mayor Access Award, well done. Also Deputy Lord Mayor Vim Sharma for representing and doing a really good job at the Carols by Candlelight.

**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, 7 February 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 Risk Management and Audit Committee - Reappointments**

This matter is considered to be confidential under Section 99(2) - 51(a) 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.

## **21 ADJOURNMENT OF MEETING AND MEDIA LIAISON**

### **21.1 CLOSURE OF MEETING**

#### **RESOLUTION ORD186/22**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Rebecca Want de Rowe

THAT the open section of the meeting be adjourned at 6.09 pm

**CARRIED 12/0**

THAT the open section of the meeting be resumed at 6.27pm

THAT the chair declared the meeting closed at 6.27pm

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 February 2023.**

.....  
**CHAIR**