



MINUTES

**Ordinary Council Meeting
Tuesday, 7 December 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, 7 DECEMBER 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), Joshua Sattler (General Manager Innovation)
- Gemma Perkins (Governance Business Partner), Russell Holden (Executive Manager Finance), Nik Kleine (Executive Manager Program Management), Alice Percy (Executive Manager Growth and Development Services), Katy Moir (Strategic Planning Officer), Fred McCue (Public Relations and External Affairs Advisor), Josie Mattheiesson (Manager Marketing and Communications), Joanne Hilliard (Social Media and Communications Officer)
- APOLOGY:** Nil
- GUESTS:** Nil

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Unconfirmed

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.

Alderman Justine Glover was not present at the start of the meeting.

Alderman Amye Un was not present at the start of the meeting.

3 MEETING DECLARED OPEN

RESOLUTION ORD479/21

Moved: Alderman Ed Smelt

Seconded: Alderman Sylvia Klonaris

The Chair declared the meeting open at 5.31 pm.

CARRIED 11/0

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

Nil

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

Nil

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6.1 DECLARATION OF INTEREST BY MEMBERS

RECOMMENDATIONS

THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act 2019*, Alderman Jimmy Bouhoris, declared a Conflict of Interest in Item 18.3.

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES**RESOLUTION ORD480/21**

Moved: Alderman Vim Sharma

Seconded: Alderman Brian O'Gallagher

That the minutes of the Ordinary Council Meeting held on 30 November 2021 be confirmed.

CARRIED 11/0

8 MOVING OF ITEMS**8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL**

Nil

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

26.3 Parklet Program Update

RESOLUTION ORD481/21

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Peter Pangquee

1. THAT the report entitled Parklet Program Update be received and noted.
2. THAT Council endorse "Concept Option 1" – complete protection with roof structure, for advertisement of the expression of interest process.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to negotiate and finalise the Parklet lease agreements.
4. THAT this report be deemed a confidential document and be treated as such in accordance with Section 118 of the *Local Government Act 2019* and that the document remains confidential unless Council decides otherwise by resolution.
5. THAT this decision be moved into Open upon endorsement of the preferred concept option.

CARRIED 13/0

27.1 REVIEW OF MINDIL BEACH ALCOHOL RESTRICTIONS**RESOLUTION ORD482/21**

Moved: Alderman Morgan Rickard

Seconded: Alderman Sylvia Klonaris

1. THAT the report entitled Review of Mindil Beach Alcohol Restrictions be received and noted.
2. THAT this report be deemed a confidential document and be treated as such in accordance with Section 118 of the *Local Government Act 2019* and that the document remains confidential unless Council decides otherwise by resolution.
3. THAT this decision be moved into Open at the completion of this 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

Alderman Justine Glover joined the meeting at 5:33 pm.

Alderman Amye Un joined the meeting at 5:35 pm.

13 NOTICES OF MOTION**13.1 NOTICE OF MOTION - MULTI-CULTURAL PRESENTATION OR INTER-FAITH BLESSING**

I, Alderman Vim Sharma, give notice that at the next Ordinary Council Meeting on 7 December 2021, I will move the following motion:-

RESOLUTION ORD483/21

Moved: Alderman Vim Sharma

Seconded: Alderman Jimmy Bouhoris

THAT the Chief Executive Officer or delegate provide a report to Council at the 2nd Ordinary Meeting in February detailing the process of implementing a multi-cultural presentation or inter-faith blessing on a monthly basis at the beginning of the 2nd Ordinary Council Meeting for no longer than 15 minutes, this maybe scheduled or on request.

CARRIED 13/0

14 ACTION REPORTS**14.1 1ST BUDGET REVIEW 2021/2022****RESOLUTION ORD484/21**

Moved: Lord Mayor Kon Vatskalis

Seconded: Alderman Amye Un

1. THAT the report entitled 1st Budget Review 2021/2022 be received and noted.
2. THAT Council amend the 2021/2022 budget in accordance with Section 203 of the *Local Government Act 2019*, as detailed in report entitled 1st Budget Review 2021/2022 and associated attachments one to six.

CARRIED 13/0

14.2 YOUTH ADVISORY COMMITTEE MINUTES - 11 NOVEMBER 2021 AND AMENDMENT TO TERMS OF REFERENCE**RESOLUTION ORD485/21**

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Sylvia Klonaris

1. THAT the report entitled Youth Advisory Committee Minutes - 11 November 2021 and Amendment to Terms of Reference be received and noted.
2. THAT Council adopt the amended Youth Advisory Committee Terms of Reference at Attachment 3.

CARRIED 13/0

14.3 APPOINTMENTS TO EXTERNAL REPRESENTATIVE BODIES AND NOMINATION TO ANIMAL WELFARE ADVISORY COMMITTEE

RESOLUTION ORD486/21

Moved: Alderman Justine Glover
 Seconded: Alderman Jimmy Bouhoris

1. THAT the report entitled Appointments to External Representative Bodies and Nomination to Animal Welfare Advisory Committee be received and noted.
2. THAT Council endorse the nomination of Alderman Vim Sharma to the Animal Welfare Advisory Committee.
3. THAT Council approve the appointment of the following Council Members to External Committees for the period 7 December 2021 to 7 December 2022 as follows:

External Committee	Member	Alternate Member
Council of the Ageing NT Board (COTA)	Alderman Sylvia Klonaris	Alderman Jimmy Bouhoris
Rapid Creek Water Advisory Committee	Alderman Morgan Rickard	N/A
Tourism Top End	Alderman Peter Pangquee	Alderman Paul Arnold

CARRIED 13/0

15 RECEIVE & NOTE REPORTS

15.1 2021 PRE-CYCLONE CLEAN UP

RESOLUTION ORD487/21

Moved: Alderman Brian O’Gallagher
 Seconded: Alderman Justine Glover

THAT the report entitled 2021 Pre-Cyclone Clean Up be received and noted.

CARRIED 13/0

15.2 GENERAL RATES REVENUE BY WARD

RESOLUTION ORD488/21

Moved: Alderman Paul Arnold
 Seconded: Alderman Mick Palmer

THAT the report entitled General Rates Revenue by Ward be received and noted.

CARRIED 13/0

15.3 COMMUNICATIONS AND ENGAGEMENT STRATEGY 2021-2023**RESOLUTION ORD489/21**

Moved: Alderman Sylvia Klonaris
Seconded: Alderman Jimmy Bouhoris

THAT the report entitled Communications and Engagement Strategy 2021-2023 be received and noted.

CARRIED 13/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD490/21**

Moved: Lord Mayor Kon Vatskalis
Seconded: Alderman Morgan Rickard

THAT the following Reports of Representatives be received and noted.

16.1

Alderman Morgan Rickard reported on the dinner with the West Papuan community at the Nightcliff Uniting Church. The Darwin West Papuan community raised the Morning Star, the Independence Flag for the 60th anniversary.

16.2

Lord Mayor reported on the lighting of the Christmas Tree. Thanks to all the Elected Members who participated. Congratulations to Kylie for the excellent event. The event was well attended and the choir was really good.

Lord Mayor also reported on Carols by Candlelight. Amazing performance by local talents. Well presented, 6000 people attended. City of Darwin is the major sponsor for the past 46 years. Well done to all who participated and contributed to the success.

16.3

Alderman Amye Un reported on the cultures in Darwin. Suggestion of exploring a Culture Village.

16.4

Alderman Morgan Rickard reported on the truck giveaway to Tiwi Islands Council. The Mayor and Chief Executive Officer were really appreciative. Well done to the team for making it happen.

Lord Mayor advised that Milikapati has been a Sister City for 40 years. A great gesture and they were appreciative.

16.5

Alderman Sylvia Klonaris congratulated Lord Mayor for the Lord Mayoral Disability Awards. The event was an overwhelming and wonderful event. Would be good to have Namarluk School attend the entire event.

16.6

Alderman Jimmy Bouhoris reported on the City of Darwin breakfast. The 5th he has attended. Exciting to see staff getting rewarded and particularly those who saved a fellow worker. Good to see the CARES Awards are going in a great direction. Great to get amongst the workers. Thanks to Chief Executive Officer and staff for all the great work for the year, exciting to be part of it.

CARRIED 13/0

17 QUESTIONS BY MEMBERS**17.1 BINS IN PARKS AND THE COLLECTION SCHEDULE****RESOLUTION ORD491/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Sylvia Klonaris queried the process of how bins are allocated in the parks and how frequently they are collected and maintained?

Answer

The General Manager Community, Matt Grassmayr responded and advised that there is a program and schedule and took the question on notice.

Alderman Justine Glover advised that the bin was removed from Robyn Lesley Park and that may be the cause.

CARRIED 13/0

17.2 BUFFALO CREEK UPGRADE**RESOLUTION ORD492/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Jimmy Bouhoris queried the Aboriginal Area Protection Authority (AAPA) approvals for the Buffalo Creek upgrade.

Answer

The Chief Financial Officer, Simone Saunders responded and advised that City of Darwin has not received an update from Aboriginal Area Protection Authority (AAPA). The Chief Financial Officer to email Elected Members once received.

CARRIED 13/0

17.3 PHOENIX STREET NIGHTCLIFF CAR PARKS**RESOLUTION ORD493/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Morgan Rickard requested an update on the car parks on Phoenix Street in Nightcliff and when they would be returned to car parks.

Answer

The Chief Executive Officer responded and advised that the Chief Executive Officer of Department of Infrastructure, Planning and Logistics (DIPL) advised they will come back. Some other topics spoken about was the graffiti stop program. There is great collaboration with City of Darwin and DIPL contractors. There was a conversation about scooters and moving forward with DIPL owned roads.

CARRIED 13/0

17.4 POLICY AND PROCESS ON LANEWAYS**RESOLUTION ORD494/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Brian O’Gallagher queried the process regarding laneways and laneways being offered to neighbouring residents.

Answer

The General Manager Community, Matt Grassmayr responded and advised that there is three status of walkways, ongoing 24/7 closure, night time closures and walkways that are open. There is a process for each of those statuses with community consultation. If Council wants to make a decision to permanently close a walkway, Ministerial approval is required. The fourth option is to dispose or sell a walkway, which is a separate process. An unsolicited offer is made, the proposal is put to Council to consider.

Alderman Sylvia Klonaris requested the policy or guideline on laneways. General Manager Innovation, Josh Sattler to provide to Elected Members.

CARRIED 13/0

17.5 FOOTPATH ON HARGRAVE STREET MUIRHEAD**RESOLUTION ORD495/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Rebecca Want de Rowe queried the status of Hargrave Street footpath. Alderman advised the footpath was previously reported as overgrown and untidy, member advised works have not been undertaken and the footpath is still not clear. When was the path last cleaned and when will it be serviced again and rectified.

Answer

The General Manager, Matt Grassmayr took the question on notice.

CARRIED 13/0

17.6 TRAFFIC ISSUES ON UNION TERRACE**RESOLUTION ORD496/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Sylvia Klonaris queried the works on Union Terrace. Not diverting speeding and traffic hazards. Can we review the scope with Department of Infrastructure, Planning and Logistics (DIPL). There are constant car accidents on Union Terrace.

Answer

The Chief Executive Officer took the question on notice. Technical and Design will be required to do a traffic impact assessment.

CARRIED 13/0

17.7 COMPLAINT REGARDING SCOOTERS**RESOLUTION ORD497/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Amye Un followed up a complaint on behalf of a community member regarding scooters.

Answer

The Chief Executive Officer responded and advised that a response will be provided in the next 24 to 48 hours. There are delineations between what City of Darwin can do and Neuron as the operators.

CARRIED 13/0

17.8 CCTV IN STUART PARK**RESOLUTION ORD498/21**

Moved: Alderman Sylvia Klonaris

Seconded: Alderman Vim Sharma

Question

Alderman Amye Un requested CCTV in the Stuart Park area.

Answer

The Chief Executive Officer responded and advised that there is currently a CCTV trailer in place. The Assertive Outreach team have been on site to conduct welfare checks with individuals. Assertive Outreach will continue to monitor the area, police have been notified and the CCTV is there.

CARRIED 13/0

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE - REGARDING THE COMMUNITY JUSTICE CENTRE 2021 REVIEW****RESOLUTION ORD499/21**

Moved: Alderman Mick Palmer

Seconded: Alderman Ed Smelt

THAT the incoming correspondence from the Department of the Attorney-General and Justice regarding the Community Justice Centre 2021 Review be received and noted.

CARRIED 13/0

18.2 INCOMING CORRESPONDENCE - MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS - REGARDING APPOINTMENTS TO THE DEVELOPMENT CONSENT AUTHORITY**RESOLUTION ORD500/21**

Moved: Alderman Mick Palmer

Seconded: Alderman Ed Smelt

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

CARRIED 13/0

Alderman Jimmy Bouhoris departed the meeting at 6:31 pm due to a conflict of interest.

18.3 UNDERGROUND POWER LINES

RESOLUTION ORD501/21

Moved: Alderman Sylvia Klonaris
Seconded: Alderman Brian O'Gallagher

THAT Council through the Lord Mayor write to the appropriate Minister requesting an update on the timeframes of undergrounding power in the Suburb of Wagaman, Moil and Berrimah.

CARRIED 12/0

Alderman Jimmy Bouhoris re-joined the meeting at 6:31 pm.

18.4 APPOINTMENT OF DEPUTY LORD MAYOR

RESOLUTION ORD502/21

Moved: Lord Mayor Kon Vatskalis
Seconded: Alderman Jimmy Bouhoris

THAT Council appoints Alderman Sylvia Klonaris as Deputy Lord Mayor for the period 28 January 2022 to 28 May 2022.

CARRIED 13/0

18.5 RECOGNITION TO GENERAL MANAGER INNOVATION, JOSHUA SATTLER

RESOLUTION ORD503/21

Moved: Lord Mayor Kon Vatskalis
Seconded: Alderman Jimmy Bouhoris

THAT Council acknowledge General Manager Innovation, Joshua Sattler on his contribution to the City of Darwin over the last three years and wish him well in his future endeavours.

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, 1 February 2022, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC**RECOMMENDATIONS**

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) 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 65(2) of the Local Government Act:

25.1 Notice of Motion - Governance Health Check

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.

26.1 Civic Centre Redevelopment

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.

26.2 Dragonfly Carpark Project Completion

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.

26.3 Parklet Program 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 Review of Mindil Beach Alcohol Restrictions

This matter is considered to be confidential under Section 99(2) - 51(e) 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(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD504/21

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Paul Arnold

THAT the open section of the meeting be adjourned at 6.38pm.

CARRIED 13/0

31 RESUMPTION OF OPEN MEETING

RESOLUTION ORD505/21

Moved: Alderman Jimmy Bouhoris

Seconded: Lord Mayor Kon Vatskalis

THAT the open section of the meeting be resumed at 8.37pm.

CARRIED 13/0

32 CLOSURE OF MEETING

RESOLUTION ORD506/21

Moved: Alderman Jimmy Bouhoris

Seconded: Lord Mayor Kon Vatskalis

THAT the chair declared the meeting closed at 8.37pm.

CARRIED 13/0

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 December 2021.

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CHAIR