CITY OF DARWIN

MINUTES OF THE THIRTY-THIRD ORDINARY COUNCIL MEETING OF THE TWENTY-SECOND COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 12 MARCH 2019 COMMENCING AT 5.36PM.

MEMBERS: The Right Worshipful, Lord Mayor, K Vatskalis, (Chair); Member A J Arthur; Member J Bouhoris; Member S Cullen; Member J A Glover; Member G J Haslett; Member R M Knox; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member P Pangquee; Member E L Young.

OFFICERS: Chief Executive Officer, Mr S Waters; General Manager Corporate & Procurement Services, Mr C Potter; General Manager Government Relations and External Affairs, Ms M Reiter; General Manager Innovation, Growth and Development Services, Mr J Sattler; General Manager Engineering and City Services, Mr R Grinsell; General Manager Community and Regulatory Services, Ms P Banks; Executive Manager Waste and Capital Works, Mr N Kleine; Executive Manager Finance, Mr R Holden; Executive Manager Corporate Services, Ms S Matthews; Manager Design, Development & Projects, Mr D Lelekis; Media & Communications Advisor, Ms J de Gault; Coordinator Governance, Mrs P Hart.

APOLOGY: Member R Want de Rowe.

GUESTS: Representatives from the Department of Local Government, Housing and Community Development were in attendance from 5.30pm to brief the Council on the Draft Burial and Cremation Bill.

MEDIA: NT News, Mr Will Zwar; Channel 9, Ms Lily Greer; ABC Radio Ms Shanelle Miller.

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1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD’S PRAYER

3. MEETING DECLARED OPEN

The Chair declared the meeting open at 5.36pm.

4. APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

(Glover/Bouhoris)

THAT the apology from Member R Want de Rowe be received.

DECISION NO.22\1348 (12/03/19) Carried

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

(Knox/Glover)

A. THAT a Leave of Absence be retrospectively granted for The Right Worshipful, The Lord Mayor Kon Vatskalis for the period 1 - 3 March 2019.

B. THAT a Leave of Absence be retrospectively granted for Member A Arthur for the period 9-11 March 2019.

C. THAT a Leave of Absence be granted for Member P Pangquee for the period 14-18 March 2019.

DECISION NO.22\1349 (12/03/19) Carried
5. ELECTRONIC MEETING ATTENDANCE
Common No. 2221428

5.1 Electronic Meeting Attendance Granted

Nil

5.2 Electronic Meeting Attendance Requested

Nil

6. DECLARATION OF INTEREST OF MEMBERS AND STAFF
Common No. 2752228

6.1 Declaration of Interest by Members

(Glover/Haslett)

THAT Council note that pursuant to Section 73 & 74 of the Local Government Act, Member J Bouhoris declared a Conflict of Interest in Item 15.1.

DECISION NO.22\1350 (12/03/19) Carried

6.2 Declaration of Interest by Staff

(Young/Bouhoris)

THAT Council note that pursuant to Section 107 of the Local Government Act, Melissa Reiter declared a Conflict of Interest in Item 15.1.

DECISION NO.22\1351 (12/03/19) Carried

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S
Common No. 1955119

7.1 Confirmation of the Previous Ordinary Council Meeting

(Knox/Pangquee)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 26 February 2019, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.22\1352 (12/03/19) Carried
THIRTY-THIRD ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 12 MARCH 2019

7.2 Confirmation of the Previous Confidential Ordinary Council Meeting

With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Niblock/Haslett)

A. THAT the tabled minutes of the previous Confidential Ordinary Council Meeting held on Tuesday, 26 February 2019 be received and confirmed as a true and correct record of the proceedings of that meeting.

B. THAT this decision be moved into Open.

DECISION NO.22\1353 (12/03/19) Carried

7.3 Business Arising

Nil

8. MATTERS OF PUBLIC IMPORTANCE

Nil

Member S J Cullen joined the meeting at 5.48pm.

9. DEPUTATIONS AND BRIEFINGS

9.1 Department of Local Government, Housing and Community Development - Draft Burial and Cremation Bill

Common No. 3728992

Representatives from the Department of Local Government, Housing and Community Development were in attendance from 5.40pm to brief the Council on the Draft Burial and Cremation Bill.

(Haslett/Knox)

THAT the presentation from Department of Local Government, Housing and Community Development in relation to the Draft Burial and Cremation Bill be received and noted.

DECISION NO.22\1354 (12/03/19) Carried
9.2 **Nightcliff Foreshore Restaurant - Upgrade Proposal**

The representatives from the Nightcliff Foreshore Restaurant were unable to attend and the presentation was rescheduled.

10. **PUBLIC QUESTION TIME**

Nil

11. **CONFIDENTIAL ITEMS**

Common No. 1944604

11.1 **Closure to the Public for Confidential Items**

(Palmer/Bouhoris)

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 following Confidential Items:-

<table>
<thead>
<tr>
<th>Item</th>
<th>Regulation</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>C23.1</td>
<td>8(c)(iv)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person</td>
</tr>
<tr>
<td>C24.1</td>
<td>8(e)</td>
<td>information provided to the council on condition that it be kept confidential</td>
</tr>
<tr>
<td>C26.1.1</td>
<td>8(c)(iii)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff</td>
</tr>
<tr>
<td>C26.1.2</td>
<td>8(c)(iv)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person</td>
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<tr>
<td>C26.1.3</td>
<td>8(c)(iv)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person</td>
</tr>
<tr>
<td>C26.2.1</td>
<td>8(e)</td>
<td>information provided to the council on condition that it be kept confidential</td>
</tr>
<tr>
<td>C26.2.2</td>
<td>8(c)(iv)</td>
<td>information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person</td>
</tr>
<tr>
<td>C27.1</td>
<td>8(e)</td>
<td>information provided to the council on condition that it be kept confidential</td>
</tr>
</tbody>
</table>

DECISION NO.22\1355 (12/03/19) Carried
11.2 Moving Open Items Into Confidential

Nil

11.3 Moving Confidential Items Into Open

(Knox/Glover)

THAT the following Confidential Items be moved into Open, (report and attachments), and be considered as Items:

<table>
<thead>
<tr>
<th>Confidential Item</th>
<th>Open Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>C26.1.3</td>
<td>14.1.7</td>
</tr>
</tbody>
</table>

DECISION NO.22\1356 (12/03/19) Carried

12. PETITIONS

Nil

13. NOTICE(S) OF MOTION

13.1 Offensive Merchandise at Family Market

(Knox/Niblock)

A. THAT Council seek legal advice on what conditions apply to activities conducted on Council land leased for events, specifically the Nightcliff market lease.

B. That Council, subject to the above advice, request Nightcliff Market Association remove material displaying CUinNT from public view.

Continued on next page.
13.1 Offensive Merchandise at Family Market
Common No. 3999585

Amendment

(Glover/Haslett)

A. THAT Council implement By-Laws Part 4 Division 9, 117 (2c):

Obligations of stallholders associations.
(2) A stallholders association, in the conduct and operation of a market, shall not:
   (c) Allow the market or stalls within the market to be conducted in a manner that is or may be offensive to persons in or in the vicinity of the market.

B. That Council request all markets on Council land including Nightcliff and Mindil Beach Market Associations to comply with Part 4 Division 9, 117 (2c) of the By-Laws and remove CU in the NT material.

Carried 7/5

Substantive Motion

(Knox/Niblock)

A. THAT Council implement By-Laws Part 4 Division 9, 117 (2c):

Obligations of stallholders associations.
(2) A stallholders association, in the conduct and operation of a market, shall not:
   (c) Allow the market or stalls within the market to be conducted in a manner that is or may be offensive to persons in or in the vicinity of the market.

B. That Council request all markets on Council land including Nightcliff and Mindil Beach Market Associations to comply with Part 4 Division 9, 117 (2c) of the By-Laws and remove CU in the NT material.

DECISION NO.22\1357 (12/03/19) 6/6

There being an equality of votes for and against the motion, the Lord Mayor, having voted in the Affirmative with his deliberative vote, exercised his Casting Vote to Carry the Motion.

ACTION: GENERAL MANAGER INNOVATION

Member R M Knox called for a division.

<table>
<thead>
<tr>
<th>AFFIRMATIVE</th>
<th>NEGATIVE</th>
</tr>
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<tbody>
<tr>
<td>Pangquee</td>
<td>Bouhoris</td>
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<tr>
<td>Glover</td>
<td>Young</td>
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<td>Lord Mayor</td>
<td>Palmer</td>
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<tr>
<td>Knox</td>
<td>Lambrinidis</td>
</tr>
<tr>
<td>Haslett</td>
<td>Arthur</td>
</tr>
<tr>
<td>Niblock</td>
<td>Cullen</td>
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</tbody>
</table>
14.1 OFFICERS REPORTS (ACTION REQUIRED)

14.1.1 East Point Reserve Vehicle Access Restrictions
Report No. 19C0122 JL:es (12/03/19) Common No. 3665059

(Haslett/Bouhoris)

A. THAT Report Number 19C0122 JL:es entitled East Point Reserve Vehicle Access Restrictions be received and noted.

B. THAT Council endorse the consultation and investigation of the feasibility of reduced vehicle access to East Point Reserve, as outlined in Report Number 19C0122 JL:es entitled East Point Reserve Vehicle Access Restrictions.

C. THAT after further investigation a report outlining recommendations on Vehicle Access to East Point Reserve be presented to Council for consideration.

DECISION NO.22\1358 (12/03/19) Carried unanimously

ACTION: SENIOR CLIMATE CHANGE AND ENVIRONMENTAL OFFICER
NOTE: GENERAL MANAGER COMMUNITY DRAFT
14.1.2 Proposed Third Storage Shed at Lake Alexander
Report No. 19C0123 CB:kl (12/03/19) Common No. 3991799

(Haslett/Knox)

A. THAT Report Number 19C0123 CB:kl entitled Proposed Third Storage Shed at Lake Alexander, be received and noted.

B. THAT Council approve the erection of a third storage shed at Lake Alexander by Darwin Triathlon Club, Triathlon NT and Australia Sailing in accordance with Report Number 19C0123 CB:kl entitled Proposed Third Storage Shed at Lake Alexander, subject to the following:

a. That Darwin Triathlon Club, Triathlon NT and Australia Sailing be responsible for obtaining all necessary government and non-government permits and approvals related to the erection of the storage shed.

b. That the erection of the storage shed be to the technical specifications and requirements of the General Manager Engineering and City Services.

c. That all costs associated with construction including earthworks and site remediation is at Darwin Triathlon Club, Triathlon NT and Australia Sailing’s expense.

d. That Darwin Triathlon Club, Triathlon NT and Australia Sailing will be responsible for ensuring a tree protection plan is in place during construction.

e. That, on completion, the storage shed will be the property of City of Darwin, and Darwin Triathlon Club as head stakeholder, will be issued a permit to occupy for a five year period.

f. That Darwin Triathlon Club as head stakeholder will be charged the cost of power and water use at the storage shed.

g. That Darwin Triathlon Club will develop a memorandum of understanding providing Triathlon NT and Australian Sailing occupancy of the shed.

DECISION NO.221359 (12/03/19) Carried unanimously

ACTION: RECREATION AND LEISURE COORDINATOR
NOTE: GENERAL MANAGER COMMUNITY
14.1.3 Access and Inclusion Plan (2019-2022)
Report No. 19C0115 SG:es (12/03/19) Common No. 1041889

(Niblock/Cullen)

A. THAT Report Number 19C0115 SG:es entitled Access and Inclusion Plan (2019-2022) be received and noted.


DECISION NO.22\1360 (12/03/19) Carried unanimously

ACTION: EXECUTIVE MANAGER ENVIRONMENT AND COMMUNITY
NOTE: GENERAL MANAGER COMMUNITY
14.1.4 **Asset Management Plans**  
Report No. 18CO0054 DL:dc (12/03/19) Common No. 1713107  

(Young/Cullen)

A. THAT Report Number 18CO0054 DL:dc entitled Asset Management Plans, be received and noted.


C. THAT Council rescind the following policies at **Attachment B** to Report Number 18CO0054 DL:dc entitled Asset Management Plans, noting that these policies are to be superseded by the adoption of Asset Management Plans and associated processes/procedures/guidelines, subject to and after these documents are in place:
   
   a. Policy 010 - Land Acquisition and Disposal  
   b. Policy 012 - Plant and Equipment  
   c. Policy 022 - Statement of Significant Accounting Policies  
   d. Policy 048 - Footpaths and Shared Paths  
   e. Policy 049 - Roads  
   f. Policy 056 - Walkways  


**DECISION NO.22\1361** *(12/03/19)* Carried unanimously

**ACTION:** MANAGER OF DESIGN, DEVELOPMENT AND PROJECTS  
**NOTE:** GENERAL MANAGER ENGINEERING AND CITY SERVICES
14.1.5 Council’s Roads to Recovery Funding Allocation for 2019/20 to 2023/24

Report No. 19CO0059 DL:dc (12/03/19) Common No. 3956209

(Lambrinidis/Pangquee)

A. THAT Report Number 19CO0059 DL:dc entitled Council’s Roads to Recovery Funding Allocation for 2019/20 to 2023/24 be received and noted.

B. THAT Council endorse the completion of the balance of the Lakeside Drive, Alawa reconstruction project for submission to the Australian Government’s 2019/20 to 2023/24 Roads to Recovery Programme as its first project for the utilisation of an estimated $2.5 million of the allocated funding.

DECISION NO.22\1362 (12/03/19) Carried unanimously

ACTION: MANAGER OF DESIGN, DEVELOPMENT AND PROJECTS
NOTE: GENERAL MANAGER ENGINEERING AND CITY SERVICES

14.1.6 Adoption of City of Darwin Policy No. 088 - Unsolicited Proposals

Report No. 19CP0148 (12/03/19) Common No. 3756573

(Palmer/Lord Mayor)

A. THAT Report Number 19CP0148 entitled Adoption of City of Darwin Policy No. 088 - Unsolicited Proposals, be received and noted.

B. THAT Council adopt City of Darwin Policy No. 088 Unsolicited Proposals, provided at Attachment A to Report Number 19CP0184 entitled Adoption of City of Darwin Policy No. 088 - Unsolicited Proposals

DECISION NO.22\1363 (12/03/19) Carried unanimously

ACTION: MANAGER STRATEGY
NOTE: EXECUTIVE MANAGER CORPORATE SERVICES
NOTE: GM CORPORATE SERVICES
14.1.7 **Taipei 2019 Smart City Summit & Expo**
Report No. 19CF0117 JS:nt (12/03/19) Common No. 3711286

*With the consent of the Council this item was moved from Confidential into Open.*

(Glover/Haslett)

A. **THAT** Report Number 19CF0117 JS:nt entitled Taipei 2019 Smart City Summit & Expo, be received and noted.

B. **THAT** Council approve the overseas travel to visit Taipei to attend the Smart City Summit and Forum for the General Manager Innovation, Growth and Development Services and Alderman Bouhoris.

**DECISION NO.221364 (12/03/19) Carried unanimously**

**ACTION:** GENERAL MANAGER INNOVATION

**NOTE:** EA TO LORD MAYOR
14.1.8 2018/19 Fees and Charges Amendment - Significant National Events
Report No. 19CE0068 SW:jg (12/03/19) Common No. 3020893

With the consent of the Council this late item was admitted and considered as the next item of business.

With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Bouhoris/Lambrinidhis)

A. THAT Report Number 19CE0068 SW:jg entitled 2018/19 Fees and Charges Amendment - Significant National Events, be received and noted.

B. THAT Council amend the current adopted Fees and Charges for the 2018/19 Financial Year.

C. THAT a new charge for the Mindil Beach Carnival Area be introduced and adopted as part of the amendment to the Fees and Charges for the 2018/19 Financial Year.

D. THAT the new charge introduced for Significant National Level Events at the Mindil Beach Carnival Area catering for 1000 attendees or greater be adopted at $7700.00 per event inclusive of GST, to reflect the impact that large scale events have on the environment and requirements of Council in assisting to deliver these events.

E. THAT this decision be moved into open

DECISION NO.22\1365 (12/03/19) Carried unanimously

ACTION: REVENUE SUPERVISOR
NOTE: EXECUTIVE MANAGER FINANCE
NOTE: EVENTS

14.2 OFFICERS REPORTS (RECEIVE & NOTE)

Nil
Member J Bouhoris and the General Manager Government Relations & External Affairs declared an interest in Item 15.1 and departed the meeting at 7.05pm

15. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

15.1 Incoming Letter - Helping People Achieve - Request for Consideration of Funding Support for Shoal Bay Workplace Safety Mitigation
(12/03/19) Common No. 3999213

(Young/Pangquee)

THAT the incoming letter from Helping People Achieve regarding a request for consideration of funding support for Shoal Bay workplace safety mitigation be received and noted.

DECISION NO.22\1366 (12/03/19) Carried unanimously

Member J Bouhoris and the General Manager Government Relations & External Affairs re-joined the meeting at 7.06pm

Member M Palmer re-joined the meeting at 7.07pm

Member M Palmer departed the meeting at 7.07pm

16. REPORTS OF REPRESENTATIVES

Common No. 1735503

(Niblock/Glover)

THAT the following Reports of Representatives be received and noted.

DECISION NO.22\1367 (12/03/19) Carried

16.1 NT Water Safety Advisory Council

Member R M Knox reported on her attendance at the NT Water Safety Advisory Council meeting and commended the group on the work that they undertake. She noted that there are stinger signs missing on Nightcliff beach and they need to be replaced, particularly as the lifesavers speak to a lot of people who are new to the NT who are not aware of the danger.

Member M Palmer re-joined the meeting at 7.09pm.
17. QUESTIONS BY MEMBERS

(Young/Lambrinidis)

THAT the following Questions by Members be received and noted.

DECISION NO.22\1368 (12/03/19) Carried

17.1 Electric Vehicle Charging Points
Common No. 3935344

Member R M Knox asked whether Electric Vehicle charging points are in the Smart City Design, and will Council be including any incentives such as free parking for Electric Vehicles?

The Chief Executive Officer responded and advised that the charging points are not included in this project. The scope was very specific about types of technology applied for in the grant and to be delivered. Following Switching on Darwin Council will move to #smartdarwin and this will look at the ongoing strategy: including delivering the charging points. This will need to be delivered in consultation with Power Water Corporation.

17.2 Tambling Terrace, Wanguri
Common No. 3134026

Member G Lambrinidis noted that at a previous meeting he raised the crossing point on Tambling Terrace, Wanguri, nothing that many children from Lyons attend Wanguri School and need to cross this busy road. Funding was to be included in the 2018/19 budget but when he queried this recently with officers he was advised that funds are not available. Can this please be investigated?

The General Manager Engineering took the question on notice.

ACTION: GENERAL MANAGER ENGINEERING

18. GENERAL BUSINESS

18.2 Appointment of Acting Deputy Lord Mayor 13-17 March 2019
Common No.375173

(Cullen/Lambrinidis)

THAT in accordance with Part 4.3 of the Local Government Act, Alderman Knox be appointed as Acting Deputy Lord Mayor for the period 13-17 March 2019.

DECISION NO.22\1369 (12/03/19) Carried unanimously

ACTION: COORDINATOR GOVERNANCE
18.1 **Walkway 215 - Watts Street/Ludmilla Primary School, Ludmilla**  
Common No. 4004065  
Young/Bouhoris  

THAT Council investigate a trial night time closure of Walkway 215 - Watts Street/Ludmilla Primary School, Ludmilla to mitigate antisocial behaviour issues.  

DECISION NO.22\1370 (12/03/19) Carried unanimously  

**ACTION:** EXECUTIVE MANAGER COMMUNITY  
**NOTE:** GENERAL MANAGER COMMUNITY

19. **DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**  
Common No. 2695130  
Bouhoris/Young  

THAT the next Ordinary Meeting of Council be held on Tuesday, 26 March 2019, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.  

DECISION NO.22\1371 (12/03/19) Carried

20. **CLOSURE OF MEETING TO THE PUBLIC**  
Common No. 2695131  
Arthur/Young  

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.  

DECISION NO.22\1372 (12/03/19) Carried

21. **ADJOURNMENT OF MEETING AND MEDIA LIAISON**  
Common No. 2695132  
Lord Mayor/Young  

THAT the meeting be adjourned at 7.15pm for 5 minutes to enable the Media to liaise with the Lord Mayor.  

DECISION NO.22\1374 (12/03/19) Carried
The meeting moved to the Confidential Section at 7.16pm.

Confirmed On: Tuesday, 26 March 2019

Chair: ________________________________