



MINUTES

**Ordinary Council Meeting
Tuesday, 10 September 2019**

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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, 10 SEPTEMBER 2019 AT 5:30PM**

- PRESENT:** Acting Lord Mayor, Alderman Robin Knox, Alderman Andrew Arthur, Alderman Jimmy Bouhoris, Alderman Justine Glover, Alderman Gary Haslett, Alderman Simon Niblock, Alderman Mick Palmer, Alderman Rebecca Want de Rowe, Alderman Emma Young
- OFFICERS:** Scott Waters (Chief Executive Officer), Joshua Sattler (General Manager Innovation Growth & Development Services), Shenagh Gamble (Acting General Manager Community & Regulatory Services), Chris Potter (General Manager Corporate and Procurement Services), Melissa Reiter (General Manager Government Relations & External Affairs), Ron Grinsell (General Manager Engineering & City Services), Russell Holden (Executive Manager Finance), Cindy Robson (Manager City Planning), Josie Matthiesson (Research and Project Coordinator), Jane de Gault (Media and Communications Advisor), Caitlyn Moulds (Acting Coordinator Governance)
- APOLOGY:** Lord Mayor Kon Vatskalis, Alderman George Lambrinidis, Alderman Peter Pangquee, Alderman Sherry Cullen,
- GUESTS:** NT News, Mr Will Zwar, ABC News, Ms Kate Ashton

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1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

The Chair declared the meeting open at 5.31 pm.

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD374/19

Moved: Alderman Gary Haslett

Seconded: Alderman Justine Glover

THAT the apology from Alderman Sherry Cullen, be received.

THAT the apology from Alderman Peter Pangquee, be received.

CARRIED 9/0

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD375/19

Moved: Alderman Gary Haslett

Seconded: Alderman Justine Glover

That leave of absence from Alderman George Lambrinidis be received and accepted.

That leave of absence from the Lord Mayor be received and accepted

CARRIED 9/0

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD376/19

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Justine Glover

A. THAT a Leave of Absence be granted for Alderman Simon Niblock for the period 12 to 18 September 2019 and 28 September to 11 October 2019

CARRIED 9/0

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**7.1 AMENDMENT TO PREVIOUS MINUTES****RESOLUTION ORD377/19**

Moved: Alderman Justine Glover

Seconded: Alderman Jimmy Bouhoris

THAT item 17.6 be amended at Item 17.6 – Market Budgets to be worded as;

What is happening about installing appropriate waste drainage system at the Nightcliff Markets? This has been a market request since 2017 and I've been told that there is money in the Nightcliff market budget, be received and confirmed as a true and correct record of the proceeding of that meeting.

CARRIED 9/0**7.2 CONFIRMATION OF PREVIOUS MINUTES 27 AUGUST 2019****RESOLUTION ORD378/19**

Moved: Alderman Justine Glover

Seconded: Alderman Jimmy Bouhoris

THAT the minutes of the Ordinary Council Meeting held on 27 August 2019, as amended, be confirmed

CARRIED 9/0

8 MOVING OF CONFIDENTIAL ITEMS

8.1 GARDEN'S AMPHITHEATRE MANAGEMENT AGREEMENT

SUMMARY

The purpose of this report is to seek Council approval to amend the Amphitheatre Management Agreement between the City of Darwin and the Darwin Entertainment Centre (DEC) to enable DEC to determine the commercial hire rates for the venue.

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

RESOLUTION ORD379/19

Moved: Alderman Justine Glover

Seconded: Alderman Emma Young

1. THAT the report be received and noted.
2. THAT Council approve a variation to the Gardens Amphitheatre Management Agreement between City of Darwin and the Darwin Entertainment Centre as follows:

Remove:

Clause 5.2C

In entering into a hiring agreement with third parties who wish to hire the Venue DEC agrees to apply the following charges as applicable

(i) where the third party is a Commercial Entity the greater of

(A) \$7,500; and

(B) 6% of net box office sales

Clause 5.3

The parties agree that during the Term, DEC will provide exclusive ticketing services for all events held at the Venue including:

(A) Printing, preparing, selling and distributing tickets; and

(B) Other ticketing operations

Include:

Clause 5.2C

In entering into a hiring agreement with third parties who wish to hire the Venue DEC agrees to apply the following charges as applicable

(i) where the third party is a Commercial Entity

(A) \$7,500 versus 5% net box office capped at a maximum of \$15,000 for non-performance days and performance days (non-performance days and performance days are at the discretion of DEC)

Clause 5.3

The parties agree that during the Term, DEC will provide ticketing services for all events held at the Venue however should DEC wish to provide ticket inventory to another ticketing provider it may do so at its absolute sole discretion include:

- (A) Negotiating costs, printing, preparing, selling and distributing tickets; and
- (B) Other ticketing operations

3. THAT this decision be moved into open

CARRIED 9/0

8.2 AFLNT PROPOSAL FOR CHANGE FACILITIES - GARDENS AND NIGHTCLIFF OVALS

SUMMARY

The purpose of this report is to seek in-principle support from Council for AFLNT to identify external funding to install modular change facilities at the Gardens Oval Complex and Nightcliff Oval.

RESOLUTION ORD380/19

Moved: Alderman Mick Palmer

Seconded: Alderman Jimmy Bouhoris

1. THAT the report titled AFLNT Proposal for Change Facilities – Gardens and Nightcliff Ovals be received and noted.
2. THAT Council provide in-principle support for AFLNT's proposal to install modular change facilities at the Gardens Oval Complex and Nightcliff Oval as detailed in **Attachment 1** of the report titled AFLNT Proposal for Change Facilities – Gardens and Nightcliff Ovals, subject to AFLNT seeking **full** funding for the proposal.
3. THAT approval for any installation of modular change facilities be subject to:
 - (a) Outcomes of stakeholder and community engagement;
 - (b) Identification of suitable location for modular facilities;
 - (c) Technical specifications and structural and building certifications being to the satisfaction of the General Manager Engineering and City Services;
 - (d) Financial planning for any ongoing maintenance and renewal.
4. THAT the Decision be moved into open.

CARRIED 9/0

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 OFFICERS REPORTS**14.1 REVIEW OF INVESTMENT POLICY NO. 24****SUMMARY**

The purpose of this report to seek Council's adoption of the reviewed Investment Policy No. 24 (**Attachment 2**).

RESOLUTION ORD381/19

Moved: Alderman Gary Haslett
Seconded: Alderman Simon Niblock

1. THAT the report be received and noted.
2. THAT Council rescind the current Review of Investment Policy No. 024 (with tracked changes) at **Attachment 1**.
3. THAT Council adopt the New Investment Policy No. 024 at **Attachment 2**.

In Favour: Alderman Andrew Arthur, Justine Glover, Robin Knox, Simon Niblock, Rebecca Want de Rowe and Emma Young

Against: Alderman Jimmy Bouhoris, Gary Haslett and Mick Palmer

CARRIED 6/3**FORESHADOW MOTION**

Moved: Alderman Mick Palmer
Seconded: Alderman Jimmy Bouhoris

THAT on page 4 of the policy regarding the Environment, Social and Governance (ESG) Investing be removed from the policy.

LOST 3/6

14.2 PROPOSED PLANNING SCHEME AMENDMENT - REZONING OF LOT 1768 (15) FRANCIS STREET, MILLNER

SUMMARY

The purpose of this report is to refer to Council for comment, Pursuant to Section 19 of the *Planning Act*, the following development application: Planning Scheme Amendment PA2019/0190 – Rezoning of Lot 1768 (15) Francis Street, Millner.

MOTION

Moved: Alderman Simon Niblock

Seconded: Alderman Andrew Arthur

1. THAT the report be received and noted.
2. THAT Council object the submission to the Director Lands and Planning, Department of Infrastructure, Planning and Logistics within **Attachment 1** to Report entitled: Proposed Planning Scheme Amendment PA2019/0190 - Rezoning of Lot 1768 (15) Francis Street, Millner.

LOST 7/2

RESOLUTION ORD382/19

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Gary Haslett

1. THAT the report be received and noted.
2. THAT Council endorse the submission to the Director Lands and Planning, Department of Infrastructure, Planning and Logistics within **Attachment 1** to Report entitled: Proposed Planning Scheme Amendment PA2019/0190 - Rezoning of Lot 1768 (15) Francis Street, Millner.

CARRIED 9/0

14.3 CAROLS BY CANDLELIGHT SPONSORSHIP

SUMMARY

The purpose of this report is to present a request from Christmas in Darwin Association for additional sponsorship for 2019 Carols by Candlelight event, in exchange for City of Darwin naming rights for the event.

RESOLUTION ORD383/19

Moved: Alderman Justine Glover

Seconded: Alderman Rebecca Want de Rowe

1. THAT the report be received and noted.
2. THAT Council provide additional sponsorship of \$10,000 for Carols by Candlelight 2019 in exchange for the sponsor benefit of naming rights of this event for City of Darwin.

CARRIED 9/0

15 RECEIVE & NOTE REPORTS**15.1 SCHOOL TREE PLANTING UPDATE - SEPTEMBER 2019****SUMMARY**

The purpose of this report is to update Council on the progress of the Lord Mayor's School Tree Planting offer.

RESOLUTION ORD384/19

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Emma Young

1. THAT the report be received and noted.

CARRIED 9/0

16 REPORTS OF REPRESENTATIVES**16.1 REPORTS OF REPRESENTATIVES****RESOLUTION ORD385/19**

Moved: Alderman Gary Haslett

Seconded: Alderman Emma Young

THAT the following Reports of Representatives be received and noted.

CARRIED 9/0

Water Advisory Committee

Alderman Robin Knox reported on attending the NT water advisory committee. Alderman Knox reported that on the 22 September Splashfest Water Safety event will be held at the Darwin Waterfront and it coincides with Water Safety Week.

It was noted in the meeting that the ABC will be doing national television program on Pools and Parap pool was highlighted as part of the program which is great attention for the territory.

Alderman Knox also advised that the Water Safety Advisory Committee will be writing to council to ask that they work with the Northern Territory Government to place stinger signs up at Rapid Creek and Nightcliff beaches.

17 QUESTIONS BY MEMBERS**17.1 FIRE BREAKS ALONG DICK WARD DRIVE****RESOLUTION ORD386/19**

Moved: Alderman Andrew Arthur

Seconded: Alderman Mick Palmer

THAT the following Questions by Members be received and noted.

Alderman Robin Knox queried when council will be able to do something about increasing the fire breaks along Dick Ward Drive. It is understood that it is not our land, however council will lose the trees that are planted along Dick Ward Drive if nothing is done.

The General Manager Engineering and City Services responded and advised council will write to the land owners to encourage them to widen the fire break as it is not councils land.

CARRIED 9/0

17.2 QUESTION ON NOTICE**RESOLUTION ORD387/19**

Moved: Alderman Andrew Arthur

Seconded: Alderman Mick Palmer

THAT the following Questions by Members be received and noted.

Member Niblock queried questions taken on notice, what is the process to track them and to ensure that they come back to Council and especially questions asked from the public come back to the public forum.

The Chief Executive Officer responded and advised that questions taken on notice are ratified through the minuting process and are then tracked through Infocouncil and sent to the relevant officer and then the response is sent back to the elected member that asked the question. If the elected member would like the answer to be put forward in a council meeting, please indicate when asking the question, so that officers can present the response in Council

CARRIED 9/0

17.3 COUNCIL ROADS, PARKS AND RESERVES**RESOLUTION ORD388/19**

Moved: Alderman Andrew Arthur

Seconded: Alderman Mick Palmer

THAT the following Questions by Members be received and noted.

Alderman Jimmy Bouhoris has been asked by members of the public what roads and reserves council looks after. Alderman Bouhoris queried if council could make a map available to the public on our website that showed all of councils controlled roads and reserves to help the public understand what council looks after.

The Chief Executive Officer responded that a map will be made available to the public on councils website. The Chief Executive Officer noted that currently all parks and reserves are listed on councils website, however a more detailed map including roads and allotments will be made available.

CARRIED 9/0

17.4 DOGS COMPLIANCE ISSUES ALONG THE RAPID CREEK AND NIGHTCLIFF FORESHORES.**RESOLUTION ORD389/19**

Moved: Alderman Andrew Arthur

Seconded: Alderman Mick Palmer

THAT the following Questions by Members be received and noted.

Alderman Robin Knox has received comments from community members regarding dogs along the Rapid Creek and Nightcliff foreshores not being under effective control and owners not picking up after their pets. Alderman Knox queried if council Rangers could patrol the area.

The Chief Executive Officer responded and advised that rangers do patrol the area, however as requested rangers will do more patrols to ensure compliance in the area.

CARRIED 9/0

18 GENERAL BUSINESS**18.1 GENERAL BUSINESS BY MEMBER****RESOLUTION ORD390/19**

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Jimmy Bouhoris

Alderman Rebecca Want de Rowe reported on an issue that was raised with her regarding dogs not under effective control around playgrounds. She noted that in Councils By-Laws it mentions that dog must be on a leash when around playgrounds.

Alderman Rebecca Want de Rowe requested that a report be brought back to council regarding the costs of creating and installing signage at all playgrounds across Darwin instructing dog owners that dogs need to be on leads around playgrounds.

Alderman Justine Glover asked for clarification of the By-laws regarding dogs around playgrounds to be included in the report to council.

The Acting General Manager Community and Regulatory Services took the question on notice.

CARRIED 9/0

18.2 BUSINESS ARISING FROM PREVIOUS MINUTES - BIKE PODS**RESOLUTION ORD391/19**

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Jimmy Bouhoris

Alderman Robin Knox requested a follow up to her question raised in the previous meeting regarding bike pods. Question as follows

Previously, Council allowed more passes if people were happy not to have a locker and not lock their bike in the pod. Please can Council consider this arrangement again so more people have the opportunity to ride and have access to a shower at the end of their trip?

The General Manager Innovation Growth and Development took the question on notice.

CARRIED 9/0

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING**RESOLUTION ORD392/19**

Moved: Alderman Gary Haslett

Seconded: Alderman Rebecca Want de Rowe

THAT the next Ordinary Meeting of Council be held on Tuesday, 24 September 2019, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

CARRIED 9/0

20 CLOSURE OF MEETING TO THE PUBLIC**RESOLUTION ORD393/19**

Moved: Alderman Simon Niblock

Seconded: Alderman Gary Haslett

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.

CARRIED 9/0

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:

26.1 AFLNT Proposal for Change Facilities - Gardens and Nightcliff Ovals

This matter is considered to be confidential under Section 65(2) - 8(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.

26.2 Garden's Amphitheatre Management Agreement

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

26.3 Authorisation Debt Write Off

This matter is considered to be confidential under Section 65(2) - 8(c)(i) and 8(d) 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 subject to an obligation of confidentiality at law, or in equity.

26.4 Elected Member and MLA Interactions and Requests Process

This matter is considered to be confidential under Section 65(2) - 8(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 prejudice the interests of council or some other person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON**ADJOURNMENT OF MEETING****RESOLUTION ORD394/19**

Moved: Alderman Simon Niblock

Seconded: Alderman Gary Haslett

That in accordance with By-Law 163(d), the meeting be adjourned at 6.31 pm for 5 minutes to enable the Council to have a break.

CARRIED 9/0

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 September 2019.

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CHAIR