



MINUTES

**Ordinary Council Meeting
Tuesday, 29 October 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, 29 OCTOBER 2019 AT 5:30PM**

- PRESENT:** Lord Mayor Kon Vatskalis, Alderman Andrew Arthur, Alderman Jimmy Bouhoris, Alderman Justine Glover, Alderman Gary Haslett, Alderman Robin Knox, Alderman George Lambrinidis, Alderman Simon Niblock, Alderman Mick Palmer, Alderman Peter Pangquee, Alderman Rebecca Want de Rowe, Alderman Emma Young
- OFFICERS:** Scott Waters (Chief Executive Officer), Joshua Sattler (General Manager Innovation Growth & Development Services), Polly Banks (General Manager Community & Regulatory Services), Melissa Reiter (General Manager Government Relations & External Affairs), Ron Grinsell (General Manager Engineering & City Services)
- Russell Holden (Executive Finance Manager), Vanessa Green (Executive Manager Governance Strategy and Performance), Drosso Lelekis (Executive Manager Technical Services) Chris Kelly (Executive Manager Corporate Services) Matt Grassmayr (Executive Manager Leisure and Regulatory Services) Josie Matthiesson (Manager Marketing and Communications) Tess Cooper (Regulatory Operations Supervisor), Brian Sellers (Acting Manager City Planning), Caitlyn Moulds (Acting Coordinator Governance) Fiona van der Weide (Governance and Legislation Advisor)
- APOLOGY:** Alderman Sherry Cullen
- MEDIA:** NT News - Will Zwar and ABC News - 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 5.34 pm.

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RECOMMENDATIONS

THAT the apology from Member Alderman Cullen, be received.

Alderman Andrew Arthur entered the meeting at 5:36pm

4.2 Leave of Absence Granted

4.2 LEAVE OF ABSENCE GRANTED

RESOLUTION ORD495/19

Moved: Alderman Justine Glover

Seconded: Alderman Rebecca Want de Rowe

- A. THAT it be noted Alderman Sheery Cullen is an apology due to a Leave of Absence previously granted for the period 29 August to 12 November 2019.

CARRIED 12/0

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD496/19

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Peter Pangquee

- A. THAT a Leave of Absence be granted for Alderman Peter Pangquee for the period 6 November to 8 November 2019.
- B. THAT a Leave of Absence be granted for Alderman Emma Young for the period 8 November to 11 November 2019.
- C. THAT a Leave of Absence be granted for Alderman Gary Haslett for the period 7 November to 8 November 2019.
- D. THAT a Leave of Absence be granted for the Lord Mayor for the period 6 November to 8 November 2019.

- E. THAT a Leave of Absence be granted for Alderman Jimmy Bouhoris for the period 29 November to 2 December 2019.
- F. THAT a Leave of Absence be granted for Alderman Robin Knox for the period 4 to 20 November 2019.
- G. THAT a Leave of Absence be granted for Alderman George Lambrindis for the period 23 to 28 November 2019.

CARRIED 12/0

5 ELECTRONIC MEETING ATTENDANCE

5.1 Electronic Meeting Attendance Granted

Nil

5.2 Electronic Meeting Attendance Requested

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

RESOLUTION ORD497/19

Moved: Alderman Robin Knox

Seconded: Alderman George Lambrinidis

THAT Council note that pursuant to Section 61 (4) of the Local Government Act and Decision No. 21\0009 – 15/04/12, the following members request Electronic Meeting Attendance:

- A. Alderman Robin Knox to attend all Council Meetings and Briefing Sessions for the period of 4 to 20 November 2019.
- B. Alderman George Lambrinidis to attend all Council Meetings and Briefing Sessions for the period of 23 to 28 November 2019.

CARRIED 12/0

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6.1 Declaration of Interest by Members

The Lord Mayor declared a conflict of interest at item 14.1 Darwin Cenotaph Renewal as he is a member of the board of the Darwin RSL.

6.2 Declaration of Interest by Staff

Nil.

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD498/19

Moved: Alderman Robin Knox
 Seconded: Alderman George Lambrinidis

That the minutes of the Ordinary Council Meeting held on 15 October 2019 be confirmed.

CARRIED 12/0

8 MOVING OF CONFIDENTIAL ITEMS

Nil

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

Nil

RESOLUTION ORD499/19

Moved: Alderman Gary Haslett
 Seconded: Alderman Emma Young

24.1 Unsolicited Proposal

This item is considered 'Confidential' pursuant to Section 65(2) of the Local Government Act and 8(c)(i) of the Local Government (Administration) Regulations, which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

CARRIED 12/0

13 NOTICES OF MOTION

Nil

14 OFFICERS REPORTS

14.1 DARWIN CENOTAPH RENEWAL

SUMMARY

The purpose of this report is to present an updated Stage 1 Cenotaph Renewal concept design from Darwin RSL for Council's endorsement and provision of delegated authority to the Chief Executive Officer to approve the design for construction purposes.

Lord Mayor Kon Vatskalis departed the meeting at 5:40 pm due to a Declaration of Interest.

Deputy Lord Mayor, Alderman Simon Niblock assumed the role of the Chair.

RESOLUTION ORD500/19

Moved: Alderman Rebecca Want de Rowe

Seconded: Alderman Emma Young

1. THAT the report be received and noted.
2. THAT Council endorse the updated Stage 1 Cenotaph Renewal concept at **Attachment 1**.
3. THAT pursuant to Section 32 (2) of the Local Government Act, Council hereby delegates the Chief Executive Officer to approve the detailed design of Stage 1 of the works for the purposes of construction.

CARRIED 11/0

Lord Mayor Kon Vatskalis re-joined the meeting at 5:46 pm and resumed the role of Chair.

14.2 REQUEST FOR PERMANENT CLOSURE - WALKWAY 179: ABBOTT CRESCENT TO OSBOURNE CRESCENT, MALAK

SUMMARY

The purpose of this report is to request that Council consider the permanent closure of Walkway 179 (Abbott Crescent to Osbourne Crescent, Malak).

RESOLUTION ORD501/19

Moved: Alderman Mick Palmer

Seconded: Alderman Emma Young

1. THAT the report be received and noted.
2. THAT Council agree to the permanent closure of Walkway 179 (Abbott Crescent to Osbourne Crescent, Malak) as this walkway is not an essential thoroughfare to facilities, with two alternate routes closer to facilities than the walkway.

CARRIED 12/0

14.3 CITY OF DARWIN SUBMISSION: NTG CLIMATE CHANGE RESPONSE

SUMMARY

The purpose of this report is to seek Council endorsement on a submission to the Northern Territory Government Climate Change Response.

RESOLUTION ORD502/19

Moved: Alderman Robin Knox

Seconded: Alderman Justine Glover

1. THAT the report be received and noted.
2. THAT Council endorse the draft submission to the Northern Territory Government regarding its Draft Climate Change Response provided in **Attachment 1** to this report, with the following administrative amendments:
 - I. 1st key action – add the word *some* before *international practice*
 - II. Add key action – convert all public transport to electronic
 - III. Change *zero net emissions* to *net zero emissions* throughout the submission.

CARRIED 12/0

14.4 BIKE PLAN - IMPLEMENTATION PLAN REVIEW

SUMMARY

The purpose of this report is to provide a revised Darwin Bike Plan – Implementation Plan 2019/20 for endorsement.

RESOLUTION ORD503/19

Moved: Alderman Robin Knox

Seconded: Alderman Andrew Arthur

1. THAT the report be received and noted;
2. That Council endorse the suggested projects outlined in the report, to be amended as follows:
 - a. Project 4b, Ross Smith Avenue Path and Crossing Modifications totalling \$112,831 be amended to an allocated cost of \$ 52,831; and
 - b. A new project 4(d) totalling \$60,000 be included in the Bike Plan Implementation Plan to provide for miscellaneous works across City of Darwin's shared path network (as assessed against the Shared Path & Bicycle Lane Technical Notes)
3. That Council move to greater prioritising of users of shared paths and the incorporation of raised crossings to improve safety.
4. That **Attachment 1** be updated accordingly.

CARRIED 8/4

14.5 CONCURRENT DEVELOPMENT APPLICATION - LOT 9988 (69) PROGRESS DRIVE, NIGHTCLIFF

SUMMARY

The purpose of this report is to refer to Council for comment the following development application, Concurrent Application - Rezone from Zone C (Commercial) to Specific Use SD49. Comprising of High Density Residential, office, shop, medical clinic, education establishment, restaurant and 57 x 2 bedroom & 23 x 3 bedroom multiple dwellings in 2 x 9 storey buildings, which include 2 above ground parking levels in each building - PA2019/0199.

RESOLUTION ORD504/19

Moved: Alderman Emma Young
Seconded: Alderman Rebecca Want de Rowe

1. THAT the report be received and noted.
2. THAT Council endorse the submission to the Department of Infrastructure, Planning and Logistics within **Attachment 1** to Report entitled: Concurrent Development Application - Lot 9988 (69) Progress Drive, Nightcliff.

CARRIED 12/0

14.6 NORTHERN TERRITORY PLANNING COMMISSION - DESIGNING BETTER DISCUSSION PAPER

SUMMARY

The purpose of this report is to provide Council with a draft response letter for the Northern Territory Planning Commission's Designing Better Discussion Paper.

RESOLUTION ORD505/19

Moved: Alderman Emma Young
Seconded: Alderman Simon Niblock

1. THAT the report be received and noted.
2. THAT Council endorse the submission to the Northern Territory Planning Commission within **Attachment 1** to Report entitled: Northern Territory Planning Commission – Designing Better Discussion Paper.

CARRIED 12/0

14.7 CAT CONTAINMENT POLICY

SUMMARY

The purpose of this report is to present amendments to the Policy No. 001, Animal Management – General, to include a policy statement regarding cat containment. This policy amendment supports the objectives in Council's Dog and Cat Management Strategy 2018 – 2022 and compliance with the Darwin City Council (Animal Management) By-laws.

RESOLUTION ORD506/19

Moved: Alderman Simon Niblock
Seconded: Alderman Rebecca Want de Rowe

1. THAT the report be received and noted.
2. THAT Council endorse the revised Policy No. 001, Animal Management - General as contained at **Attachment 1** to the Report entitled Cat Containment Policy.
3. THAT Council endorse the Cat Containment Compliance and Enforcement Campaign as contained at **Attachment 3** to the Report entitled Cat Containment Policy.

CARRIED 12/0

14.8 CITY OF DARWIN CUSTOMER SERVICE STANDARDS

SUMMARY

The purpose of this report is for Council to endorse the City of Darwin Customer Service Standards, **Attachment 1**.

RESOLUTION ORD507/19

Moved: Alderman Rebecca Want de Rowe
Seconded: Alderman Emma Young

1. THAT the report be received and noted.
2. THAT Council endorse the City of Darwin Customer Service Standards, **Attachment 1**.

CARRIED 11/1

15 RECEIVE & NOTE REPORTS

15.1 MUNICIPAL PLAN 2019/20 - MONTHLY PERFORMANCE REPORT SEPTEMBER 2019

SUMMARY

The purpose of this report is to provide Council with the Municipal Plan 2019/20 Monthly Performance Report for September 2019.

RESOLUTION ORD508/19

Moved: Alderman Mick Palmer
Seconded: Alderman Emma Young

1. THAT the report Municipal Plan 2019/20 – Monthly Performance Report September 2019 be received and noted.

CARRIED 12/0

15.2 MINUTES OF YOUTH ADVISORY COMMITTEE - 17 SEPTEMBER 2019**SUMMARY**

The purpose of this report is to present the minutes of the Youth Advisory Committee held 17 September 2019.

RESOLUTION ORD509/19

Moved: Alderman George Lambrinidis

Seconded: Alderman Robin Knox

1. THAT the report entitled Minutes of Youth Advisory Committee 17 September 2019 be received and noted.

CARRIED 12/0

15.3 MONTHLY FINANCIAL REPORT - SEPTEMBER 2019**SUMMARY**

The purpose of this report is to provide a comparison of income and expenditure against the budget for the period ended 30 September 2019 in accordance with the Local Government (Accounting) Regulations 2008.

RESOLUTION ORD510/19

Moved: Alderman Emma Young

Seconded: Alderman George Lambrinidis

1. THAT the report entitled Monthly Financial Report – September 2019 be received and noted.

CARRIED 12/0

16 REPORTS OF REPRESENTATIVES**16 REPORTS OF REPRESENTATIVES****RESOLUTION ORD511/19**

Moved: Alderman Emma Young

Seconded: Alderman Justine Glover

THAT the following Reports of Representatives be received and noted.

CARRIED 12/0

16.1 Animal Management in Rural & Remote Indigenous Communities Animal Management Conference

Alderman Robin Knox reported on her attendance at the Animal Management in Rural & Remote Indigenous Communities Animal Management Conference with Alderman Simon Niblock and City of Darwin officers and commended the City of Darwin officers on their presentation delivered at the conference.

17 QUESTIONS BY MEMBERS**17.1 SIGN MORATORIUM****RESOLUTION ORD512/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Peter Pangquee reported a sign on Pheonix Street and Progress Drive in Nightcliff through *See Click, Fix*, as the sign was illegal. Alderman Pangquee received a response from Council that it will not be actioned due to the sign moratorium . Alderman Pangquee queried if this is correct.

The Chief Executive Officer responded and advised that he had lifted the hold on actioning signs today 29 October 2019 and that the matter reported via See, Click, Fix will be attended to. Further, the Chief Executive Officer advised that other signs which were incorrectly installed during that period of the moratorium will be addressed.

. CARRIED 12/0

17.2 DEAD TREE DICK WARD DRIVE**RESOLUTION ORD513/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Robin Knox queried when the dead trees along Dick Ward Drive will be replaced.

The General Manager Engineering and City Services took the question on notice.

CARRIED 12/0

17.3 TRAFFIC LIGHTS CORNER OF CAVENAGH AND BENNETT STREET**RESOLUTION ORD514/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Robin Knox queried if the traffic lights on the corner of Cavenagh Street and Bennett Street have been reset as there are now long wait times during non-peak hours.

The General Manager Engineering and City Services took the question on notice.

CARRIED 12/0

17.4 ROADWORKS ON GARRAMILLA BOULEVARD**RESOLUTION ORD515/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Jimmy Bouhoris queried how the roadworks on Garramilla Boulevard are progressing as members of the public have made observations.

The Chief Executive Officer took this question on notice, due to needing to clarify what land is under Council control or Northern Territory Government control.

CARRIED 12/0

17.5 TRAFFIC MANAGEMENT PLAN ON CASTLEREIGH STREET**RESOLUTION ORD516/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Jimmy Bouhoris queried the traffic management study on Castlereigh Street, Leanyer.

The General Manager Engineering and City Services took the question on notice.

CARRIED 12/0

17.6 ACTIVATE DARWIN PROGRES UPDATE**RESOLUTION ORD517/19**

Moved: Alderman Emma Young
Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Simon Niblock queried how the project Activate Darwin is progressing.

The Chief Executive Officer advised that he and the General Manager External Affairs & Government Relations are scheduled to meet with the new Chair of the Board on 30 October 2019 and following this meeting an update will be provided to Elected Members. The Chief Executive Officer will also invite the Chair of Activate Darwin to present directly to Elected Members.

CARRIED 12/0

17.7 CENTRAL BUSINESS DISTRICT PARKING STUDY**RESOLUTION ORD518/19**

Moved: Alderman Emma Young

Seconded: Alderman Jimmy Bouhoris

THAT the following Questions by Members be received and noted.

Alderman Simon Niblock queried progress with the Central Business District Parking Study.

The Chief Executive Officer advised that the report is still before the Northern Territory Government Cabinet. The Chief Executive Officer of the Department of Infrastructure, Planning, and Logistics is keeping Council informed on the progress while it is before Cabinet, and providing advice to ensure the interests of the City of Darwin are protected. The time frames for when it will be released is still unknown. This document belongs to the Northern Territory Government.

CARRIED 12/0

18 GENERAL BUSINESS

18.1 YOUTH ACTION GROUP

RESOLUTION ORD519/19

Moved: Alderman Simon Niblock

Seconded: Alderman Gary Haslett

THAT Council receive the audio visual presentation from the Manunda Youth Action Group, noting the request's for assistance and that Engineering and City Services refer to the upcoming budget variation.

The General Manager Engineering and City Services noted the presentation.

CARRIED 12/0

18.2 GOVERNANCE PROCEDURES

RESOLUTION ORD520/19

Moved: Alderman Simon Niblock

Seconded: Alderman Gary Haslett

Alderman Niblock move the following

THAT the open minutes of 30 July be corrected and uploaded to the City of Darwin website by the close of business 30 October 2019 to reflect the correct location, mover and seconder.

THAT a report outlining Council's process of checking, correcting and publishing Council minutes be circulated to Elected Members at the first Ordinary Meeting in November 2019.

CARRIED 12/0

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

RESOLUTION ORD521/19

Moved: Alderman George Lambrinidis

Seconded: Alderman Justine Glover

THAT the next Ordinary Meeting of Council be held on Tuesday, 12 November 2019, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers, Level 1, Civic Centre,

Harry Chan Avenue, Darwin.

CARRIED 12/0

20 CLOSURE OF MEETING TO THE PUBLIC

RESOLUTION ORD522/19

Moved: Alderman Gary Haslett
Seconded: Alderman Emma 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.

CARRIED 12/0

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 PAYMENTS LISTING REPORT - SEPTEMBER 2019

This matter is considered to be confidential under Section 65(2) - 8(a), 8(b) and 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 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, information about the personal circumstances of a resident or ratepayer and information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.

26.2 Chief Executive Officer Performance Appraisal

This matter is considered to be confidential under Section 65(2) - 8(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 Darwin City Deal - Status of the Milkwood Trees - Cavenagh Street Site

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

26.4 Darwin Velodrome Funding

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 ORD523/19

Moved: Alderman Gary Haslett

Seconded: Alderman Emma Young

That in accordance with By-Law 163(d), the meeting be adjourned at 7:05 pm for 30 minutes to enable the Council to have a break.

CARRIED 12/0

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 November 2019.

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CHAIR