

CITY OF PALMERSTON

**Minutes of Council Meeting
held in Council Chambers
Civic Plaza, Palmerston
on Tuesday 15 November 2016 at 6.30pm.**

Acting Mayor Seranna Shutt
Chair

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.

Audio Disclaimer

An audio recording of this meeting is being made for minute taking purposes as authorised by City of Palmerston Policy MEE3 Recording of Meetings, available on Council's Website.

Acknowledgement of Traditional Ownership

I respectfully acknowledge the past and present Traditional Custodians of this land on which we are meeting, the Larrakia people. It is a privilege to be standing on Larrakia country.

1 PRESENT

Elected Members:	Acting Mayor Seranna Shutt (Chair) Alderman Athina Pascoe-Bell Alderman Andrew Byrne Alderman Paul Bunker Alderman Sue McKinnon
Staff:	Ricki Bruhn, Chief Executive Officer Ben Dornier, Director of Corporate and Community Services Mark Spangler, Director of Technical Services Maxie Smith, Minute Secretary Jan Peters, Community Development Manager Sharon Tollard, Library Services Manager Gerard Rosse, Manager Planning and Environment Services
Gallery:	13 members of the public

2 APOLOGIES

Mayor Abbott – Leave of Absence

ACCEPTANCE OF APOLOGIES AND LEAVE OF ABSENCE

Moved: Alderman Pascoe-Bell
Seconded: Alderman McKinnon

THAT the leave of absence received from Mayor Abbott be received and granted.

CARRIED 8/2324 – 15/11/2016

3 CONFIRMATION OF MINUTES

Moved: Alderman Pascoe-Bell
Seconded: Alderman McKinnon

1. THAT the minutes of the Council Meeting held Tuesday, 1 November 2016 pages 8718 to 8780, be confirmed subject to the name of Bardy Bayram from One Mile Brewery being included in the gallery and only 1 member of the public being present in the gallery.

CARRIED 8/2325 – 15/11/2016

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

2. THAT the Confidential minutes of the Council Meeting held Tuesday, 1 November 2016 pages 264 to 265, be confirmed.

CARRIED 8/2326 – 15/11/2016

4 MAYOR'S REPORT

M8-32

Moved: Alderman Pascoe-Bell
Seconded: Alderman McKinnon

THAT Council receives Report Number M8-32.

CARRIED 8/2327 – 15/11/2016

5 REPORT OF DELEGATES

Nil.

6 QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS BEEN GIVEN

6.1 Liquor Licence Application – Lot 2710 (3) Mansfield Street, Palmerston

In response to the Question raised by Alderman Pascoe-Bell “Why was this liquor application brought to the Council Table after the exhibition period had closed?” – The Chief Executive Officer provided the following response:

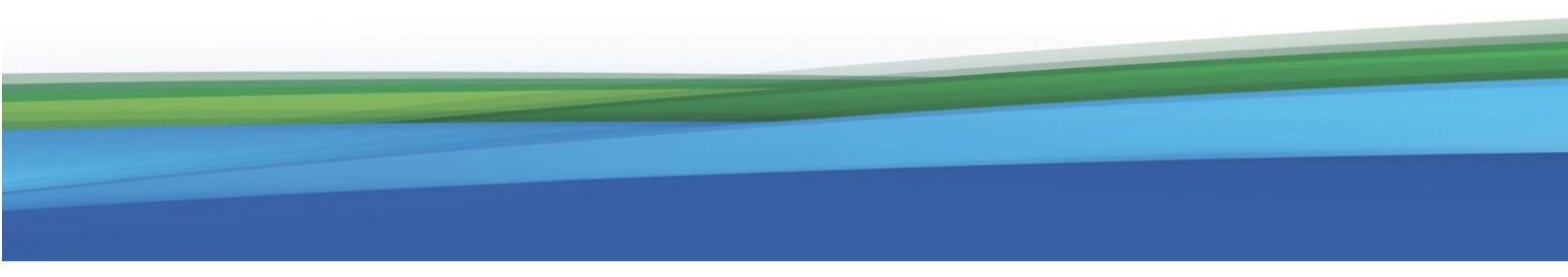
“This particular application was forwarded to council by Licensing NT late in the application process. As a result, Licensing has granted council a “reasonable time” in which to make its response. A written response stating that council had no comment was made on 14 November 2016.”

6.2 Multi-Storey Car Park

In response to the Questions raised by Alderman Pascoe-Bell:

6.2.1 “What control will Council have over the rules governing body corporation regulation?”

6.2.2 “What will Council’s voting powers be in body corporate decisions?”



6.2 Multi-Storey Car Park (continued)

6.2.3 "How will Council's proportion of the Body Corporate be calculated?"

6.2.4 "How will Council know if the asking price for the multi-storey car park is value for money in the current market conditions, given that we are not testing the market?"

6.2.5 "At what point will Council be asked to consider and make a decision on the offer?"

6.2.6 "During the development process, the developer will most likely have the ability to change the scope of the development. Whilst Council may be under contract and the number of car parks fixed in the contract, what provisions will be put in place to:

6.2.6.1 "Prevent the developer from reducing the number of car parks he is required to supply under the NT Planning Scheme?"

6.2.6.2 "Allow City of Palmerston to renegotiate the contract value if such a reduction in parking is approved by the Development Consent Authority?"

6.2.6.3 "Allow City of Palmerston to renegotiate if variations of the overall development is approved by the Development Consent Authority after contracts have been exchanged?"

- The Chief Executive Officer provided the following responses:

6.2.1 It is expected there will be three body corporates at the site. One for the carpark, one for the commercial development and one for the residential component. The rules governing body corporates are defined in the Unit Titles Act.

6.2.2 As the only owner within the body corporate, council will have sole voting rights within the relevant body corporate.

6.2.3 Council will own the entire portion of the body corporate. Where body corporate responsibilities overlap, it is expected there will be agreements in place between the individual body corporates.

6.2.4 Council has obtained an independent valuation on the land, on the integrated carpark and on a similar independent carpark. The developer has stated his asking price for the carpark which council can assess against the construction and land value. This is the method by which it is expected council will assess value for money.

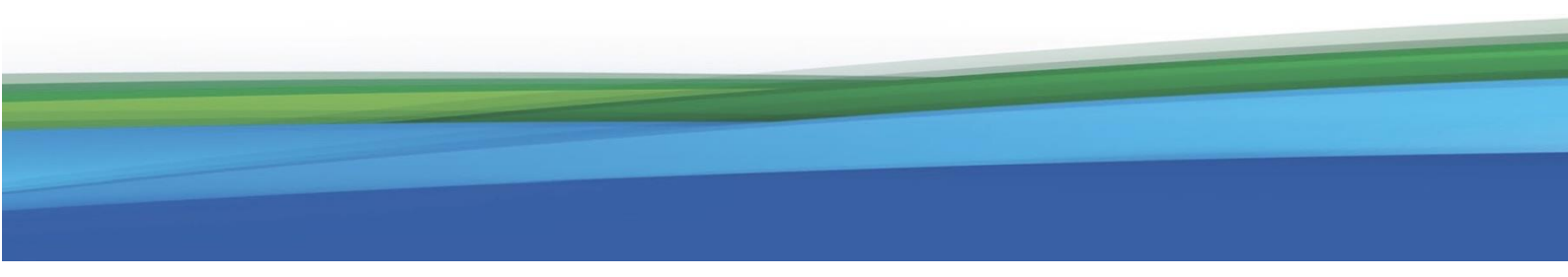
6.2.5 Council may make a decision on the offer at any time. The earlier the decision is made, the more it will be conditional. The developer is asking that council make a decision now.

6.2.6 The scope of the project will be disclosed in the contract of sale. The developer will not be able to change the scope without Council consent or risk breaching the contract of sale.

6.2.6.1 This can be included in the contract of sale

6.2.6.2 This can be included in the contract of sale

6.2.6.3 This can be included in the contract of sale



7 QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS NOT BEEN GIVEN

Nil.

8 PETITIONS

Nil.

9 DEPUTATIONS/PRESENTATIONS

9.1 Palmerston State of the Children Report

Presentation by Catherine Phillips, Regional Programs Manager of The Smith Family, Cathy Bannister from Red Cross and Mal Galbraith from Fast.

10 CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

10.1 Liquor Licence Application – Lot 2710 (3) Mansfield Street Palmerston – New ‘Merchant’ Liquor Licence Application – One Mile Brewery

Moved: Alderman Pascoe-Bell

Seconded: Alderman McKinnon

THAT Council does not endorse Attachment A to Report Number 8/1012.

CARRIED 8/2328 – 15/11/2016

10.2 Repurposing of the former Business Incubator Facility, in Yarrawonga, for Palmerston Seniors Centre

Moved: Alderman Pascoe-Bell

Seconded: Alderman McKinnon

THAT a report is brought to Council on the feasibility and costs of repurposing the former Business Incubator facility in Yarrawonga, in comparison with other options, for the purpose of a Seniors Centre.

MOTION WITHDRAWN

11 COMMITTEE RECOMMENDATIONS

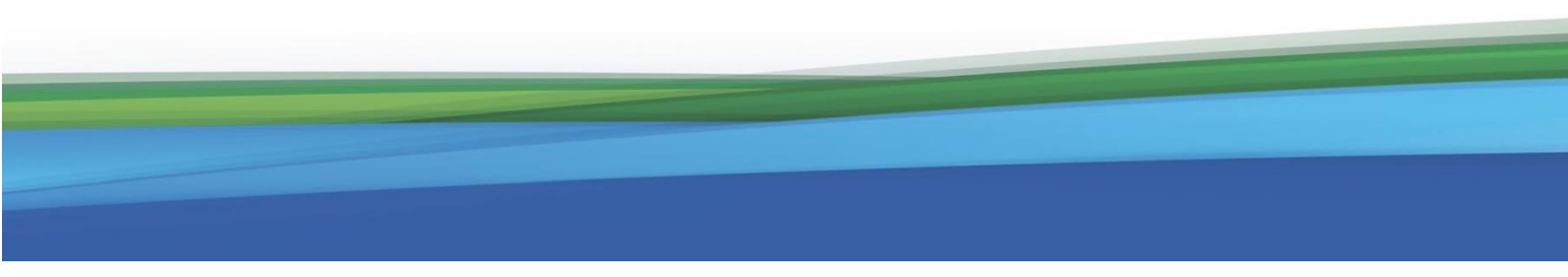
11.1 Governance and Organisation

Moved: Alderman Byrne

Seconded: Alderman Bunker

THAT the minutes from the Governance and Organisation Committee meeting held on 10 November 2016, be received and noted.

CARRIED 8/2329 – 15/11/2016



11.2 Economic Development and Infrastructure

Moved: Alderman Bunker

Seconded: Alderman McKinnon

THAT the minutes from the Economic Development and Infrastructure Committee meeting held on 10 November 2016, be received and noted and that Council adopts the recommendations made by the Committee, with the exception of item 11.2.3 and accordingly resolves as follows:-

11.2.1 TS2016/11 – Reseal Various Roads 2016-2017

1. THAT Council award contract TS2016/11 – Reseal Various Roads 2016-2017 to Downer EDI Pty Ltd for the amount of \$302,533.37 (GST exclusive).
2. THAT the Mayor and Chief Executive Officer are granted consent to sign and seal all required contract documentation for the contract TS2016/11 – Reseal Various Roads 2016-2017.

11.2.2 Goyder Square Review

1. THAT discussion take place with the Palmerston and Rural Markets Association regarding the relocation of food vans and overall layout.
2. THAT a detailed traffic management plan satisfactory to the Chief Executive Officer be provided by the Palmerston and Rural Markets Association as a condition of their market permit.
3. THAT planter beds in Goyder Square be repopulated with plants and re-established through the coming wet season.
4. THAT a proposal for additional features around garden beds in Goyder Square and Frances Mall be developed in conjunction with the investigation into additional shade in the Square for council consideration.

11.2.4 Grading Classification and installation of appropriate signage to the Escarpment Park Walking Track

1. THAT Council assign a grading classification of 4 and install appropriate signage to the Escarpment Park Walking Track in accordance with Australian Standard 2156.1-2001, Australian Standards Walking Tracks Part 1: Classification and Signage.

11.2.4 Grading Classification and installation of appropriate signage to the Escarpment Park Walking Track (continued)

2. THAT costs associated with signage to assign a grading classification of 4 to the Escarpment Park Walking Track be referred to the second budget review 2016/17.

11.2.5 Naming of a park in Stage 3, Zuccoli

THAT Council endorse the proposed name of the park located at the corner of Bloodwood Street and Windmill Street in the suburb of Zuccoli as Bloodwood Park.

11.2.6 Durack Seepage Water Capture

THAT Council undertake the design and documentation of a low flow capture system in Durack.

CARRIED 8/2330 – 15/11/2016

11.2.3 Naming of the Park on Lot 10011 Miller Court, Gunn

Moved: Alderman Bunker

Seconded: Alderman Byrne

THAT Council advise the Place Names Committee of the following park names in order of preference:

- i. Ironwood Park
- ii. Cycad Park
- iii. Stringybark Park

CARRIED 8/2331 – 15/11/2016

11.3 Community Culture and Environment

Moved: Alderman McKinnon

Seconded: Alderman Pascoe-Bell

THAT the minutes from the Community, Culture and Environment Committee meeting held on 2 November 2016, be received and noted and that Council adopts the recommendations made by the Committee, subject to recommendation 11.3.4 being excluded and accordingly resolves as follows:

11.3.1 Fishing Platforms – Durack Lakes

THAT Council reaffirms its commitment to recreational fishing in lakes 5, 6 and 10 Durack.

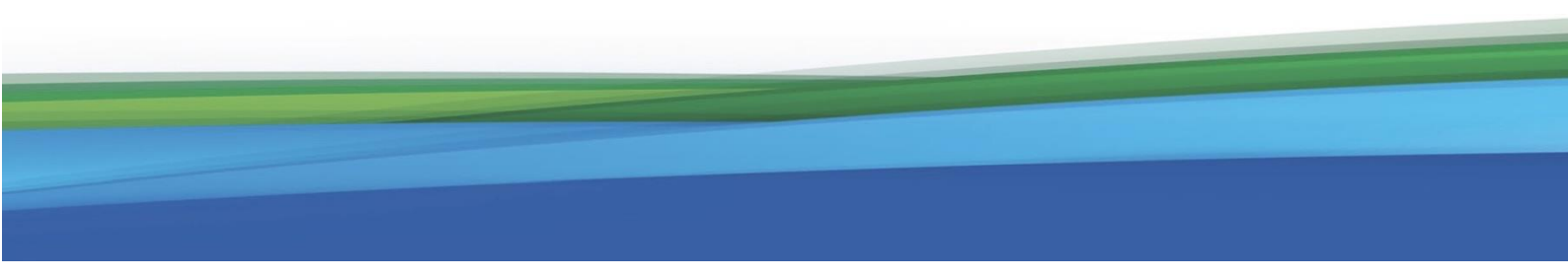
11.3.2 Jazz in the Square

THAT Council approve hosting “Live in the Square” as a ten (10) session program in 2017, with an overall budget of \$22,000.

11.3.3 CDU Scholarships

THAT Council not approve the Charles Darwin University Foundation Scholarships Agreement 2017-2019.

CARRIED 8/2332 – 15/11/2016



11.3.4 Palmerston Scholarships

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

THAT Council instructs officers to review the FIN18 Grants, Donations, Scholarships and Sponsorships Policy to include the possibility of educational scholarship to members of the Palmerston community.

CARRIED 8/2333 – 15/11/2016

12 INFORMATION AGENDA

12.1 Items for Exclusion

12.3.1 Action Report 8/1016

12.2 Receipt of Information Reports

Moved: Alderman Pascoe-Bell
Seconded: Alderman McKinnon

THAT the information items contained within the Information Agenda, with the exception of Item 12.3.1, be received.

CARRIED 8/2334 – 15/11/2016

12.3.1 Action Report 8/1016

Moved: Alderman Pascoe-Bell
Seconded: Alderman Bunker

THAT Council receives Report Number 8/1016.

CARRIED 8/2335 – 15/11/2016

13 DEBATE AGENDA

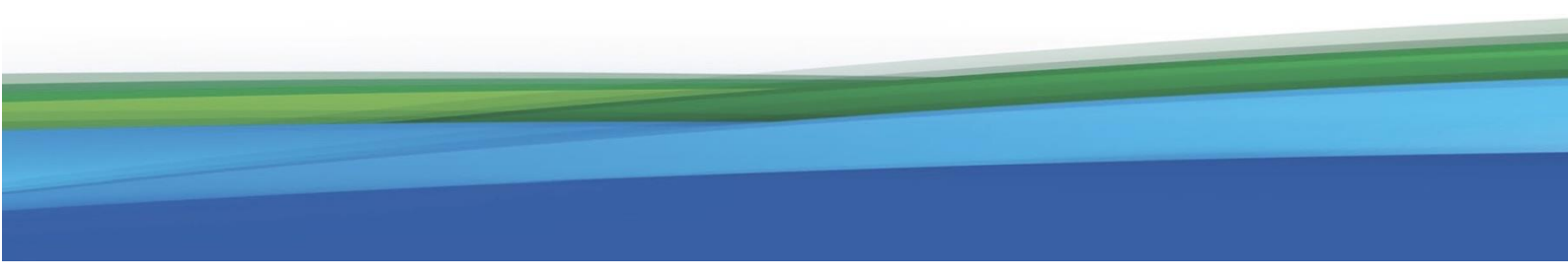
13.1 Officer Reports

13.1.1 Inclusion for 2016/2017 Fees and Charges 8/1017

Moved: Alderman Byrne
Seconded: Alderman Pascoe-Bell

THAT Council receives Report Number 8/1017.

CARRIED 8/2336 – 15/11/2016



13.1.2 Council Offices and Library Closure – Christmas and New Year 2016 8/1018

Moved: Alderman McKinnon

Seconded: Alderman Bunker

1. THAT Council receives Report Number 8/1018.
2. THAT Council approves the altered Palmerston Library customer service hours for Friday 23 December 2016 from the current customer service hours of 12pm to 8pm to the proposed 10am to 5pm.
3. THAT Council approves the closure of the Palmerston Library for the Christmas period from and inclusive of Saturday 24 December, re-opening Wednesday 28 December 2016.
4. THAT Council approves the closure of the Palmerston Library for the New Year's period from and inclusive of Saturday 31 December 2016, re-opening Tuesday 3 January 2017.

CARRIED 8/2337 – 15/11/2016

13.1.3 Palmerston Cricket Club Inc. Rate Concession 8/1019

Moved: Alderman Bunker

Seconded: Alderman Byrne

1. THAT Council receives Report Number 8/1019.
2. THAT Council approves a rate concession of 100% for the Palmerston Cricket Club Inc and a remission of interest accrued for the financial year 2016/2017.

CARRIED 8/2338 – 15/11/2016

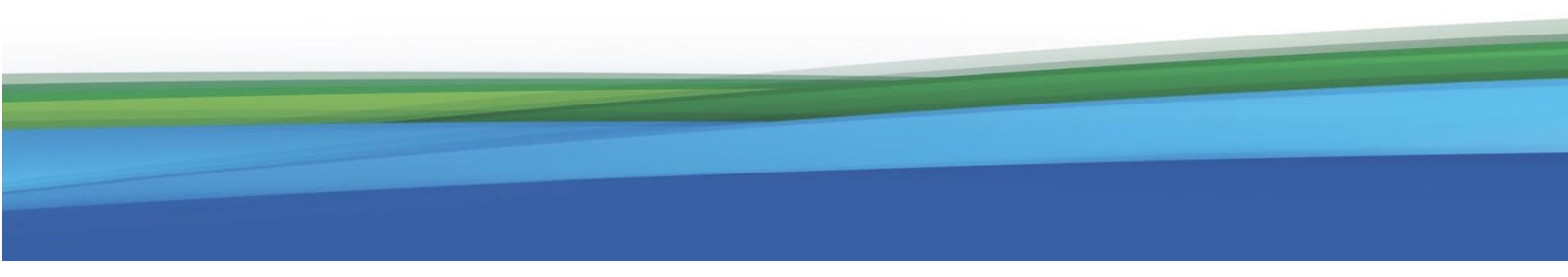
13.1.4 Financial Report for the Month of October 2016 8/1022

Moved: Alderman McKinnon

Seconded: Alderman Pascoe-Bell

THAT Council receives Report Number 8/1022.

CARRIED 8/2339 – 15/11/2016



13.1.5 Funding received under the Australian Government Black Spot Program 2016-17 8/1025

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

1. THAT Council receives and notes Report Number 8/1025.
2. THAT Council includes the following two (2) projects funded under the Black Spot Program 2016-17 in its 2016-17 Capital Works Program:
 - Intersection of Temple Terrace and Essington Avenue - alter the location of holdline on side road to improve sightline and provide a left turn lane \$20,000.
 - Intersection of Temple Terrace and Tilston Avenue - alter the location of holdline on side road to improve sightline and provide a left turn lane \$20,000.

CARRIED 8/2340 – 15/11/2016

13.1.6 2016 Compliance Review Report Update 8/1027

Moved: Alderman McKinnon
Seconded: Alderman Bunker

THAT Council receives Report Number 8/1027.

CARRIED 8/2341 – 15/11/2016

13.1.7 Shakespeare in the Park 8/1028

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

1. THAT Council receives Report Number 8/1028.

CARRIED 8/2342 – 15/11/2016

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

2. THAT Council approve two performances of Shakespeare at Sanctuary Lakes at a cost of \$26,500.

CARRIED 8/2343 – 15/11/2016

13.1.8 Car Parking Financial Models 8/1030

THAT Council receives Report Number 8/1030.

REPORT WITHDRAWN



14 CORRESPONDENCE

Nil.

15 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

16 PUBLIC QUESTION TIME

Mike North asked a question in regards to Item 11.3.1 – Fishing Platforms Durack Lakes – if there were any objections lodged and if so how many, how much the NT Government is contributing and how much Council will spend on the project.

The Chair took the question on notice.

17 OTHER BUSINESS

17.1 Alderman Byrne

Requested a usage report on Community Centres within Palmerston – information will be provided at an upcoming workshop to discuss all community facilities.

17.2 Deputy Mayor Shutt

Requested that WorkSafe be contacted to ensure the CBD block currently fenced and under construction is up to standard due to the large amount of water sitting on site.

18 CONFIDENTIAL REPORTS

Moved: Alderman McKinnon
Seconded: Alderman Pascoe Bell

18.1 Financial Hardship Application – 107940

8/1020

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.1 Financial Hardship Application – 107940 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:
 - (b) information about the personal circumstances of a resident or ratepayer;

18.1 Financial Hardship Application – 107940 (continued)

8/1020

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.1 Financial Hardship Application – 107940 the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

18.2 Financial Hardship Application – 102837

8/1021

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.2 Financial Hardship Application – 102837 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

(b) information about the personal circumstances of a resident or ratepayer;

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.2 Financial Hardship Application – 102837 the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

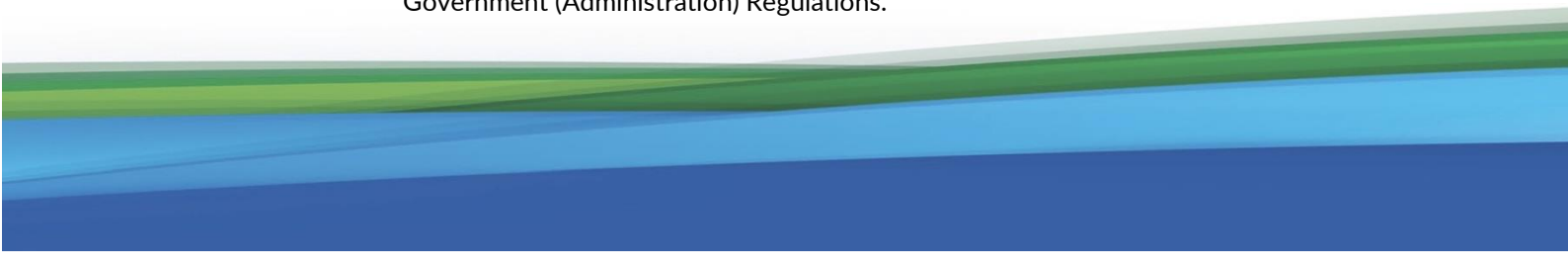
18.3 Financial Hardship Application - 107038

8/1023

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.3 Financial Hardship Application – 107038 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

(b) information about the personal circumstances of a resident or ratepayer;

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.



18.3 Financial Hardship Application – 107038 (continued)

8/1023

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.3 Financial Hardship Application – 107038 the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

18.4 Power to Sell Land – Assessments 100113 and 107951

8/1024

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.4 Power to Sell Land – Assessments 100113 and 107951 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

(b) information about the personal circumstances of a resident or ratepayer;

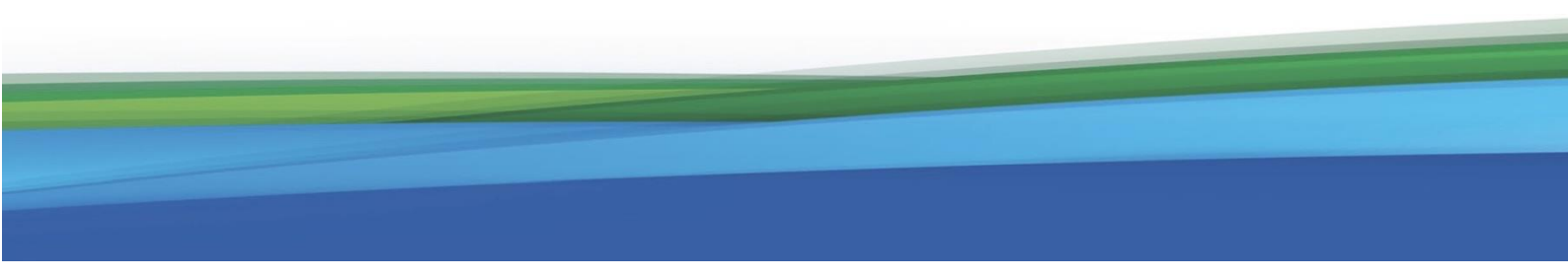
This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.4 Power to Sell Land – Assessments 100113 and 107951 the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

18.5 Multistorey Carpark – Update

8/1029

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.5 Multistorey Carpark – Update and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:



18.5 Multistorey Carpark – Update (continued)

8/1029

(c) information that would, if publicly disclosed, be likely to:

- (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or

This item is considered confidential pursuant to Regulation 8 (c)(i) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.5 Multistorey Carpark – Update the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

18.6 Sale of Part Lot 9609

8/1031

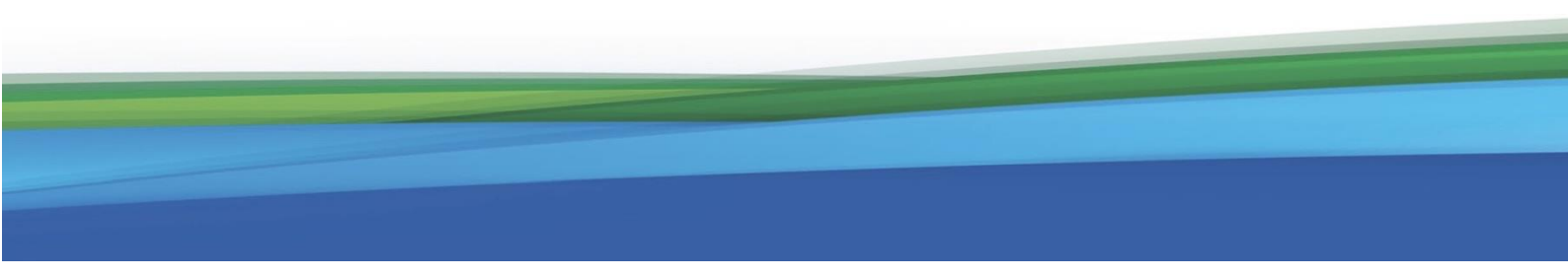
1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.6 Sale of Part Lot 9609 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

(c) information that would, if publicly disclosed, be likely to:

- (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or

This item is considered confidential pursuant to Regulation 8 (c)(i) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.6 Sale of Part Lot 9609 the report and associated documents remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.



18.7 Sale of Yarrawonga Land Lot 9542 – Governance and Organisation Committee Recommendation

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Corporate and Community Services, Director of Technical Services, Manager Planning and Environment Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive and discuss the presentation in relation to confidential agenda item 18.7 Sale of Yarrawonga Land Lot 9542 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing involves:

(c) information that would, if publicly disclosed, be likely to:

- (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or

This item is considered confidential pursuant to Regulation 8 (c)(i) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 15 November 2016, in relation to confidential item number 18.7 Sale of Yarrawonga Land Lot 9542 remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

CARRIED 8/2344 – 15/11/2016

The meeting moved into the Confidential Session at 8:05pm.

18.8 Moving Decisions from the Confidential Session into the Open Session

In accordance with the resolutions of Council, the following decisions from the Confidential Session are moved into the Open Session:

4.1 Financial Hardship Application - 107940

8/1020

1. THAT Council receives Report Number 8/1020.
2. THAT Council approves remission of interest for the period 20 October 2016 to 30 June 2017 for assessment 107940 under the conditions of the rates concession policy FIN17.
3. THAT the resolutions only come back to the open session.

18.8 Moving Decisions from the Confidential Session into the Open Session (continued)

4.2 Financial Hardship Application - 102837 8/1021

1. THAT Council receives Report Number 8/1021.
2. THAT Council approves remission of interest for the period 7 September 2016 to 30 June 2017 for assessment 102837 under the conditions of the rates concession policy FIN17.
3. THAT the resolutions only come back to the open session.

4.3 Financial Hardship Application - 107038 8/1023

1. THAT Council receives Report Number 8/1023.
2. THAT Council approves remission of interest for the period 17 October 2016 to 30 June 2017 for assessment 107038 under the conditions of the rates concession policy FIN17.
3. THAT the resolutions only come back to the open session.

19 CLOSURE

Meeting closed at 9.00pm

