CITY OF PALMERSTON

Minutes of Council Meeting
held in Council Chambers
Civic Plaza, Palmerston
on Tuesday 2 August 2016 at 6.31pm.

Mayor Ian Abbott
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.

1 PRESENT

Elected Members:  His Worship the Mayor Ian Abbott (Chair)
                   Alderman Andrew Byrne
                   Alderman Athina Pascoe-Bell
                   Alderman Paul Bunker
                   Alderman Sue McKinnon

Staff:            Ricki Bruhn, Chief Executive Officer
                   Mark Spangler, Director of Technical Services
                   Ben Dornier, Director of Corporate and Community Services
                   Gerard Rosse, Manager Planning and Environment Services
                   Alyce Breed, Minute Secretary

Gallery:          Sharon Sykes, Top End Health Service
                   Glen Brady, Department of Infrastructure
                   Lauren Roberts, NT News
                   1 member of the public

2 APOLOGIES

Deputy Mayor Seranna Shutt – Apology and Alderman Geoff Carter – On Council Business

ACCEPTANCE OF APOLOGIES AND LEAVE OF ABSENCE

Moved:  Alderman Pascoe-Bell
Seconded:  Alderman McKinnon

THAT the apology received from Deputy Mayor Shutt and Alderman Carter be received and granted.

CARRIED 8/2173 – 02/08/2016
CONFIRMATION OF MINUTES

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

1. THAT the minutes of the Council Meeting held Tuesday, 19 July 2016 pages 8636 to 8644, be confirmed.

2. THAT the Confidential minutes of the Council Meeting held Tuesday, 19 July 2016 pages 245 to 251, be confirmed.

3. THAT the minutes of the Special Council Meeting held Tuesday, 26 July 2016 pages 8647 to 8653, be confirmed.

CARRIED 8/2174 – 02/08/2016

MAYOR'S REPORT

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell


CARRIED 8/2175 – 02/08/2016

REPORT OF DELEGATES

Nil.

QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

PETITIONS

Nil.

DEPUTATIONS/PRESENTATIONS

9.1 Palmerston Regional Hospital Commissioning Report
Presentation by Sharon Sykes, General Manager Operational Commissioning of Palmerston Regional Hospital, Top End Health Service and Glen Brady, Project Director of Building Services, Department of Infrastructure.
CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

10.1 Rates Concession 2016/2017

Moved: Alderman Pascoe-Bell
Seconded: Alderman McKinnon

1. THAT Council grant a Rates Concession under Part 11.8 Local Government Act under the following conditions:
   - Concession is granted to the value of rates above the set minimum rate;
   - Concession is set to the value of 25%;
   - Concession is only available for owner-occupied residential properties, excluding Marlow Lagoon;
   - Concession is not available for land released in the financial year 2015/16 and 2016/17;
   - Granting of the concession is tied to the property owner and is removed if property is transferred or sold;
   - Concession is granted for the financial year 2016/17;
   - Concession is only available to residents that provide appropriate validation of their residential address as an owner/occupier;
   - Concession applications have to be received by Council before the first instalment due date.

MOTION LOST

DIVISION

Alderman Pascoe-Bell called a division – as a consequence the result of the above motion was set aside. Upon dividing, 2 members voted in the affirmative, 3 member voted in the negative.

Members Voting in the Affirmative
Alderman Pascoe-Bell
Alderman McKinnon

Members Voting in the Negative
Mayor Abbott
Alderman Byrne
Alderman Bunker

The Chair declared the motion LOST

11 COMMITTEE RECOMMENDATIONS

11.1 Governance and Organisation
Nil.

11.2 Economic Development and Infrastructure
Nil.

11.3 Community Culture and Environment
Nil.
12 INFORMATION AGENDA

12.1 Items for Exclusion
Nil.

12.2 Receipt of Information Reports

Moved: Alderman McKinnon
Seconded: Alderman Byrne

THAT the information items contained within the Information Agenda, be received.

CARRIED 8/2176 – 02/08/2016

The Chair invited the Chief Executive Officer, Director of Technical Services and Director of Corporate and Community Services to provide a verbal update on the outstanding matters contained within the Action Report.

Officers provided a verbal report to the meeting and answered questions from the Elected Members.

13 DEBATE AGENDA

13.1 Officer Reports

13.1.1 Regional Capitals Australia Annual Membership 2016/17 8/0949

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

1. THAT Council receives Report Number 8/0949.

CARRIED 8/2177 – 02/08/2016

Moved: Alderman McKinnon
Seconded: Alderman Pascoe-Bell

2. THAT Council renew its membership to Regional Capitals Australia for 2016/2017 financial year.

CARRIED 8/2178 – 02/08/2016
13.1.2 Draft Palmerston Community Infrastructure Plan – Endorsement for Public Consultation

Moved: Alderman Bunker
Seconded: Alderman McKinnon

1. THAT Council receives Report Number 8/0951.
2. THAT the draft Palmerston Community Infrastructure Plan be endorsed, for the purpose of undertaking public consultation on the draft document.

CARRIED 8/2179 – 02/08/2016

13.1.3 Liquor Licence Application – Lot 5694 (1) Mannikan Court, Bakewell – New Liquor Licence (restaurant) – OKA Malaysian Chinese Cuisine

Moved: Alderman Byrne
Seconded: Alderman Bunker

1. THAT Council receives Report Number 8/0952.
2. THAT Attachment B to Report Number 8/0952 be endorsed.

CARRIED 8/2180 – 02/08/2016

13.1.4 Liquor Licence Application (Variation to existing Liquor Licence) – Lot 5976 (10) Temple Terrace, Palmerston – Cazalys Club

Moved: Alderman Byrne
Seconded: Alderman Bunker

1. THAT Council receives Report Number 8/0953.
2. THAT Attachment B to Report Number 8/0953 be endorsed.

CARRIED 8/2181 – 02/08/2016

13.1.5 Development Application – Lot 12777 (15) Seafury Court, Zuccoli – Subdivision to create 11 lots

Moved: Alderman Bunker
Seconded: Alderman McKinnon

1. THAT Council receives Report Number 8/0954.

CARRIED 8/2182 – 02/08/2016
13.1.5 Development Application – Lot 12777 (15) Seafury Court, Zuccoli – Subdivision to create 11 lots (continued) 8/0954

Moved: Alderman Bunker
Seconded: Alderman McKinnon

2. THAT Attachment A to Report Number 8/0954 be endorsed subject to the inclusion of a condition precedent requiring the applicant to demonstrate how the existing storm water management system will operate under the boundary arrangements of the subdivision.

CARRIED 8/2183 – 02/08/2016

14 CORRESPONDENCE

Nil.

15 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

16 PUBLIC QUESTION TIME

A member of the public asked questions regarding the notice provided for Special Council meetings. The Chair provided a response to those questions.

17 OTHER BUSINESS

17.1 Alderman Byrne

Alderman Byrne provided an overview of the Smart City Forum held by OpenGov on Friday 29 July 2016 at Rydges Palmerston, and expressed his enthusiasm to the future development of a digital strategy.

18 CONFIDENTIAL REPORTS

Moved: Alderman Pascoe-Bell
Seconded: Alderman Byrne

18.1 Financial Hardship Application Assessment 107440 8/0955

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, Acting Director of Technical 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, discuss and consider the report and associated documents in relation to confidential agenda item 18.1 Financial Hardship Application Assessment 107440 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 2 August 2016, in relation to confidential item number 18.1 Financial Hardship Application Assessment 107440, 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 Assessment 102017

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, Acting Director of Technical 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, discuss and consider the report and associated documents in relation to confidential agenda item 18.2 Financial Hardship Application Assessment 102017 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 2 August 2016, in relation to confidential item number 18.2 Financial Hardship Application Assessment 102017, 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.

CARRIED 8/2184 – 02/08/2016

The meeting moved into the Confidential Session at 7:52pm.

18.3 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:

Financial Hardship Application Assessment 107440

1. THAT Council receives Report Number 8/0955.

2. THAT Council approves remission of interest for the period 1 July 2016 to 30 June 2017 for assessment 107440 under the conditions of the rates concession policy FIN17.

3. THAT the resolutions only come back to the open session.
18.3 Moving decisions from the Confidential Session into the Open Session (continued)

Financial Hardship Application Assessment 102017 8/0956

1. THAT Council receives Report Number 8/0956.

2. THAT Council approves remission of interest for the period 1 July 2016 to 30 June 2017 for assessment 102017 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 7.59pm
1. PRESENT

Elected Members:  Deputy Mayor Sue McKinnon (Chair)
                   Alderman Paul Bunker
                   Alderman Seranna Shutt
                   Alderman Geoff Carter
                   Alderman Andrew Byrne
                   Alderman Heather Malone

Staff:  Mark Spangler, Acting Chief Executive Officer
        Jan Peters, Acting Director of Corporate and Community Services
        Emily Fanning, Minute Secretary

Gallery: Nil

2. APOLOGIES

Mayor Abbott - Apology

ACCEPTANCE OF APOLOGIES AND LEAVE OF ABSENCE

Moved:  Alderman Carter
Seconded:  Alderman Bunker

THAT the apology received from Mayor Abbott be received and granted.

CARRIED 8/1574–16/06/2015

3. DEPUTATIONS / PRESENTATIONS

Nil
4. COMMITTEE RECOMMENDATIONS

THIS SECTION OF THE MINUTES, REPORT AND ASSOCIATED DOCUMENTATION IS TO REMAIN CONFIDENTIAL AND NOT AVAILABLE FOR PUBLIC INSPECTION UNTIL AUTHORISED BY THE CHIEF EXECUTIVE OFFICER AS PER RESOLUTION NUMBER 8/1573-16/06/2015.

5. OFFICER REPORTS

5.1 Berrimah Farm Development 8/06586

Moved: Alderman Bunker
Seconded: Alderman Byrne

1. THAT Council receives Report Number 8/0686.

2. THAT Council delegates authority to the Chief Executive Officer to forward a letter of support to Urbex Pty Ltd outlining the municipal functions the City of Palmerston is able to provide, including cost recovery, to service the Berrimah Farm Development.

CARRIED 8/1576–16/06/2015

5. MOVE TO OPEN

Moved: Alderman Shutt
Seconded: Alderman Carter

THAT the Council move into the open session.

CARRIED 8/1577–16/06/2015

The meeting moved to the Open Session at 8:24pm

________________________________________
(Chair)
ITEM NO.  17.2  Berrimah Farm Development

FROM:  Chief Executive Officer
REPORT NUMBER:  8/0686
MEETING DATE:  16 June 2015

Summary:
To provide information to Council following a meeting with Mr Andrew Bartington, Project Director, Urbex Pty Ltd and to determine Council’s level of interest in forwarding a letter of support to provide ‘Municipal Services’ for the proposed Berrimah Farm Development. Deputy Mayor McKinnon also attended this meeting in the absence of the Mayor.

Background:
Urbex Pty Ltd is one of three developers to be shortlisted by the NT Government to develop the area commonly referred to as Berrimah Farm. For this particular development, Urbex Pty Ltd are partnering with the DeLuca Group to deliver this project. It is anticipated the development will consist of predominantly residential uses, but be supported by commercial, recreation and open space uses. It is also likely that at least one school will be provided within the development.

Berrimah Farm is unique as the area is currently outside of any local government boundaries. It appears the NT Government is seeking to develop this area without local government involvement and has asked the three short-listed developers to document how they would provide regular local government municipal services to this development.

As the provision of municipal services are outside the expertise of Urbex Pty Ltd / DeLuca, they have approached the City of Palmerston to seek our interest in providing such services until a decision is made by the NT Government on which council area the development will be incorporated under.

As part of its review of constitutional arrangements, Council has requested the Minister for Local Government to review our existing municipal boundaries to incorporate the Berrimah Farm area within the City of Palmerston. A decision on this request for a review of boundaries is still pending.

The municipal services (functions) which have been identified by the NT Government as a minimum include:-

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<tr>
<th>Municipal Plan:</th>
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<tr>
<td>3. Environment &amp; Infrastructure</td>
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<tr>
<td>3.2 Assets and Infrastructure</td>
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<tr>
<td>3.2 We are committed to maintaining and developing community assets and infrastructure which meet the needs of our community</td>
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- Sanitation, garbage collection and street cleaning;
- Roads, footpaths, parking and traffic control;
- Public places (including parks and public toilets);
- Stormwater drainage;
- Street lighting;
- Animal Control

These are all core services currently provided by the City of Palmerston with the majority of these services (excluding animal control) delivered by our contractors. In addition to these services council also provides:

- Library facilities and activities;
- Recreation / Swimming Centre;
- Community Development programs;

As Berrimah Farm is approximately 7km from the Palmerston CBD and 14km from the Darwin CBD, we are perfectly placed to provide municipal services. The new Palmerston Regional Hospital and retail developments can also serve the new development.

**General:**

Council has worked closely with Urbex Pty Ltd on recent developments at Johnston Stage 2 and Zuccoli Stage 1 and has established a good working relationship with the company and their staff.

In terms of cost recovery for providing these services, staff will quantify the actual costs to service the development, taking into account the new infrastructure which will be subject to a defects liability period. An administration charge will also be applied to recover any other costs.

The three short-listed developers are required to lodge their final submissions with the NT Government by 17 July 2015. Urbex Pty Ltd / DeLuca are seeking a letter from the City of Palmerston which includes:

- Municipal services (functions) to be delivered;
- An outline of the delivery method for each municipal function to be provided, including the level of service;
- Details of costs that would be charged and how these will be reviewed.

Although this request is somewhat unusual, I believe Council should be supportive of providing a letter which indicates our abilities to provide the services requested and the fee structure to be applied.

There is a possibility that if the Urbex Pty Ltd / DeLuca submission is successful and the City of Palmerston provides the services for the development, the area could eventually be incorporated within the Palmerston Municipality to ensure continuity of services.
Financial Implications:

It is anticipated the charging of rates equivalent and an administration charge will recover the cost of providing municipal services for the developed area.

Legislation / Policy:

Nil

RECOMMENDATION

1. THAT Council receives Report Number 8/0686.

2. THAT Council delegates authority to the Chief Executive Officer to forward a letter of support to Urbex Pty Ltd outlining the municipal functions the City of Palmerston is able to provide, including cost recovery, to service the Berrimah Farm Development.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au.

Schedule of Attachments:

Nil