

## CITY OF PALMERSTON

**Minutes of Council Meeting  
held in Council Chambers  
Civic Plaza, Palmerston  
on Tuesday 20 February 2018 at 6.38pm.**

*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. The minutes of this Council Meeting will be made available on the Council 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: | Mark Blackburn, Official Manager   |
| Staff:           | Luccio Cercarelli, Chief Executive Officer<br>Chris Kelly, Director Corporate Services<br>Malcolm Jones, Acting Director City Growth and Operations<br>Jan Peters, Director Community Services<br>Kylie Hendry, Minute Secretary |
| Gallery:         | Lauren Roberts, NT News<br>5 members of the public   |

## **2 APOLOGIES**

Nil.

## **3 CONFIRMATION OF MINUTES**

1. THAT the minutes of the Council Meeting held Tuesday, 6 February 2018 pages 9489 to 9496, be confirmed.
2. THAT the Confidential minutes of the Council Meeting held Tuesday, 6 February 2018 pages 363 to 365, be confirmed.

CARRIED 8/3020 – 20/02/2018

Initials: \_\_\_\_\_



**4 OFFICIAL MANAGER'S REPORT**

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M8-9

THAT Report Number M8-9 entitled Official Manager's Report be received and noted.

CARRIED 8/3021 - 20/02/2018

**5 REPORT OF DELEGATES**

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Nil.

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

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Nil.

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

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Nil.

**8 PETITIONS**

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Nil.

**9 DEPUTATIONS/PRESENTATIONS**

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Nil.

**10 CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN**

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Nil.

**11 COMMITTEE RECOMMENDATIONS**

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**11.1 Governance and Organisation**

Nil.

**11.2 Economic Development and Infrastructure**

Nil.

**11.3 Community Culture and Environment**

Nil.

Initials: \_\_\_\_\_

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## 11.4 Risk Management and Audit

THAT the minutes from the Risk Management and Audit Committee meeting held on 8 February 2018, be received and noted and that Council adopts the recommendations made by the Committee and accordingly resolves as follows:

### 11.4.1 Review of Terms of Reference RMA/0127

THAT the Committee recommends to Council the amended Draft Terms of Reference of the Committee by the next Council meeting.

### 11.4.2 Appointment of External Auditor for 2017/18 – 2019/20 RMA/0129

THAT the Committee recommends to Council the appointment of audit firm Merit Partners as Council's external auditor for a period of two years with an option to extend for a third.

### 11.4.3 External Audit Management Letter 30 June 2017 RMA/0130

1. THAT the Committee recommend the Chief Executive Officer amend and send the letter in Attachment B entitled Proposed Management Response to UHY Haines Norton to include at Section 7 Creditor Bank Details "***in writing or by email to a previously agreed address for that organisation to ensure that the change request is genuine. This will ensure that an audit trail is created***" and send as Council's response to the issues raised in the External Audit Management Letter.
2. THAT the Action Report be updated to include each item raised in the External Audit Management Letter with a target completion date.

### 11.4.4 Other Business RMA/0132

THAT the Committee recommends to Council the renewal of the appointment of the independent chair Mr Iain Summers for a period of 12 months from 30 May 2018.

### 11.4.5 Other Business RMA/0133

THAT the Committee recommends to Council that a revised work plan for the Risk Management and Audit Committee be presented to the next Council meeting reflecting the change in meeting schedule.

CARRIED 8/3022 – 20/02/2018

Initials: \_\_\_\_\_



## 12 INFORMATION AGENDA

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### 12.1 Items for Exclusion

Nil.

### 12.2 Receipt of Information Reports

Nil.

### 12.3 Officer Reports

Nil.

## 13 DEBATE AGENDA

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### 13.1 Officer Reports

#### 13.1.1 Review of Policy FIN18 – Grants, Donations, Scholarships and Sponsorships 8/1406

1. THAT Report Number 8/1406 Review of Policy FIN18 Grants, Donations, Scholarships and Sponsorships be received and noted.
2. THAT Council approve the amended Policy FIN18 Grants, Donations, Scholarships and Sponsorships being **Attachment A** to Report number 8/1406 entitled Review of Policy FIN18 Grants, Donations, Scholarships and Sponsorships.

CARRIED 8/3023 – 20/02/2018

#### 13.1.2 Community Benefit Scheme – January 2018 8/1407

THAT Report Number 8/1407 entitled Community Benefit Scheme – January 2018 be received and noted.

CARRIED 8/3024 – 20/02/2018

#### 13.1.3 Financial Report for the Month of January 2018 8/1408

THAT Report Number 8/1408 Financial Report for the Month of January 2018 be received and noted.

CARRIED 8/3025 – 20/02/2018

#### 13.1.4 Independent Review of Council's Rating Policy 8/1409

THAT Report Number 8/1409 entitled Independent Review of Council's Rating Policy be received and noted.

CARRIED 8/3026 – 20/02/2018

Initials: \_\_\_\_\_

13.1.5 Council's Submission to the Northern Territory Government's Revenue Discussion Paper 8/1410

1. THAT Report Number 8/1410 entitled Council's Submission to the Northern Territory Government's Revenue Discussion Paper be received and noted.
2. THAT Council endorse the submission being **Attachment C** to Report Number 8/1410 entitled Response to the Northern Territory Government's Revenue Discussion Paper to be sent to the Northern Territory Government Department of Treasury and Finance.

CARRIED 8/3027 – 20/02/2018

13.1.6 Call for Nominations – Local Government Authority Accounting Advisory Committee 8/1419

1. THAT Report Number 8/1419 entitled Call for Nominations – Local Government Accounting Advisory Committee be received and noted.
2. THAT Council nominate the Manager of Finance as the Local Government Association of the Northern Territory representative to the Local Government Authority Committee.

CARRIED 8/3028 – 20/02/2018

13.1.7 Hog's Breath Café – Alfresco Dining 8/1414

1. THAT Council receives Report Number 8/1414 entitled Hog's Breath Café – Alfresco Dining be received and noted.
2. THAT Council rescind outstanding alfresco fees issued to Hog's Breath Café being for the Class 2 permit from the period of 1 July 2017 on the basis of a Class 1 permit being issued.
3. That Council review its Alfresco permit fees and charges as part of the 2018/2019 budget deliberations.

CARRIED 8/3029 – 20/02/2018

Initials: \_\_\_\_\_

13.1.8 Adoption of Reviewed Council Policies 8/1415

1. THAT Report Number 8/1415 entitled Adoption of Reviewed Council Policies be received and noted.
2. THAT Council rescinds the following policies:
  - AD02 Media Policy
  - EM01 Elected Members Policy
  - EM05 Political Involvement in Council Events Policy
  - MEE01 Access to Council and Committee Meetings and Confidential Minutes Policy
  - FIN19 Financial Reserve Policy
3. THAT Council adopts the reviewed Policy numbered AD02 Media being **Attachment A** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
4. THAT Council adopts the reviewed Policy numbered EM01 Elected Members being **Attachment B** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
5. THAT Council adopts the reviewed Policy numbered EM05 Political Involvement in Council Events being **Attachment C** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
6. THAT Council adopts the reviewed Policy numbered MEE01 Access to Council and Committee Meetings and Confidential Minutes being **Attachment D** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
7. THAT Council adopts the reviewed Policy numbered AD06 Open Data being **Attachment E** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
8. THAT Council adopts the reviewed Policy numbered FIN19 Financial Reserve being **Attachment F** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
9. THAT Council adopts the reviewed Policy numbered FIN29 Security Payments being **Attachment G** of Report Number 8/1415 entitled Adoption of Reviewed Council Policies.
10. THAT Council write to submitters thanking them for their submission and advising them of Council's response to this submission.

CARRIED 8/3030 – 20/02/2018

Initials: \_\_\_\_\_



**13.1.9 Local Government Authority of the Northern Territory Call for Policy and Action Motions 8/1416**

1. THAT Report Number 8/1416 entitled Local Government Association of the Northern Territory Call for Policy and Action Motions be received and noted.
2. THAT Council writes and informs the Local Government Association of the Northern Territory that the new Council will consider actions and policies for the November Annual General Meeting.

CARRIED 8/3031 – 20/02/2018

**13.1.10 Disability Permit Parking – Palmerston City Centre 8/1417**

1. THAT Report Number 8/1417 entitled Disability Permit Parking – Palmerston City Centre be received and noted.
2. THAT Council approve vehicles displaying a valid disability permit be permitted to park in Council managed on and off-street parking for twice the maximum time zone free of charge without penalty and that Policy Number REG03 City Centre Parking be updated to reflect this amendment.

CARRIED 8/3032 – 20/02/2018

**13.1.11 Proposed Lease of Part of Lot 9543 8/1418**

1. THAT Report Number 8/1418 entitled Proposed Lease of Part of Lot 9543 be received and noted.
2. THAT pursuant to Section 26(2) of the Local Government Act, Council authorises the affixing of the common seal to all documents associated with the lease of that part of Lot 9543 which includes a single-story building with a lettable area of approximately 274 square metres with a yard contained within a fenced area in the plan in Schedule 3 of the proposed lease and this be attested by the signatures of the Official Manager and Chief Executive Officer.

CARRIED 8/3033 – 20/02/2018

Initials: \_\_\_\_\_

13.1.12 Strategic Initiatives 8/1421

1. THAT Report Number 8/1421 entitled Strategic Initiatives is received and noted.
2. THAT Council endorses the installation of a Photovoltaic System on the City of Palmerston Library in 2017/18, to be funded from the Strategic Initiatives Reserve to a value of \$200,000 (GST exclusive).
3. THAT Council endorses the development of a City of Palmerston Smart Cities Strategy and program to inform future implementation options add a basis to such estimated funding opportunities, and that:
  - i. This work be funded from the Strategic Initiatives Reserve to the value of \$80,000 (GST exclusive).
  - ii. A further report on the outcomes be presented to Council in June 2018.
4. THAT Council endorses the development of a strategy and program for street and public lighting transition to Smart LED lighting including a funding model to be funded from the Strategic Initiatives Reserve to a value of \$60,000 (GST exclusive), with a further report on the outcomes to Council in May 2018.

CARRIED 8/3034 – 20/02/2018

13.1.13 Planning for a Vibrant Future 8/1420

1. THAT Report Number 8/1420 entitled Northern Territory Government “Planning for a Vibrant Future” be received and noted.
2. THAT Council endorse the submission to the Northern Territory Government discussion document “Planning for a Vibrant Future” being **Attachment B** to Report Number 8/1420 entitled Northern Territory Government “Planning for a Vibrant Future”.

CARRIED 8/3035 – 20/02/2018

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**14** CORRESPONDENCE

Nil.

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**15** RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

Initials: \_\_\_\_\_

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## 16 PUBLIC QUESTION TIME

*The Official Manager provided an opportunity for members of the gallery to ask questions.*

**Q: Ian Abbott of Farrar asked "In relation to the Photovoltaic System on the City of Palmerston Library, has a provider been established or will it go out to tender?"**

The Official Manager asked the Chief Executive Officer to respond to the question, who provided the following response – The supply and installation of the Photovoltaic System on the City of Palmerston Library will go out to tender as per the Local Government Act.

## 17 OTHER BUSINESS

### 17.1 Chinese New Year

THAT the Official Manager thanks the Chung Wah Society and the Lion Dance Troup for the Blessing of the Council Chambers.

CARRIED 8/3036 – 20/02/2018

## 18 CONFIDENTIAL REPORTS

### 18.1 Report Number 8/1412

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, Acting Director City Growth and Operations, Director of Community Services, Director of Corporate 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 in relation to confidential agenda item 18.1 Report Number 8/1412 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 report from the Confidential Council Meeting held on 20 February 2018, in relation to item number 18.1 Report Number 8/1412 and associated documents remain confidential and not available for public inspection.

Initials: \_\_\_\_\_

## 18.2 Report Number 8/1413

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, Acting Director City Growth and Operations, Director of Community Services, Director of Corporate 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 in relation to confidential agenda item 18.2 Report Number 8/1413 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 report from the Confidential Council Meeting held on 20 February 2018, in relation to item number 18.2 Report Number 8/1413 and associated documents remain confidential and not available for public inspection.

## 18.3 Report Number 8/1411

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, Acting Director of City Growth and Operations, Director of Community Services, Director of Corporate 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 in relation to confidential agenda item 18.3 Report Number 8/1411 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 report from the Confidential Council Meeting held on 20 February 2018, in relation to item number 18.3 Report Number 8/1411 the report and associated documents remain confidential and not available for public inspection.

Initials: \_\_\_\_\_

## 18.4 Report Number 8/1422

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 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 in relation to confidential agenda item 18.4 Report Number 8/1422 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:
  - (iv) prejudice the interest of the council or some other person;

- (d) information subject to an obligation of confidentiality at law, or in equity;

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

2. THAT Council orders that the minutes from the Confidential Council Meeting held on 20 February 2018, in relation to item number 18.4 Report Number 8/1422 the report and associated documents remain confidential and not available for public inspection.

CARRIED 8/3037 - 20/02/2018

The meeting moved into the Confidential Session at 7:42pm.

Initials: \_\_\_\_\_

## 18.5 Moving decisions from the Confidential Session into the Open Session

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

### 4.1 Bunnings Lot 9148, Pierssene Road Yarrawonga – Update on Proposed Changes to the Road Reserve 8/1412

1. THAT Report Number 8/1412 entitled Bunnings Lot 9148, Pierssene Road Yarrawonga – Update on Proposed Changes to the Road Reserve be received and noted.
2. THAT Council accepts the offer of \$200 per square metre from Bunnings Properties Pty Ltd (Bunnings) for the sale and purchase of land and road reserve as detailed in Report Number 8/1373 Bunnings, Lot 9148, Pierssene Road, Yarrawonga – Proposed Changes to Road Reserve subject to the following conditions:
  - a. THAT Bunnings make payment to Council for the difference in land parcel transfer at the rate of \$200 per square metre.
  - b. THAT Bunnings be the owners of Lot 9148 prior to the finalisation.
  - c. THAT Bunnings be responsible for all associated costs with this proposal.
  - d. THAT Ministerial approval is granted for the road closure of a portion of Pierssene Road as previously approved by Council.
3. THAT Council delegate to the CEO the authority to finalise the total area of land to be sold and purchased in respect to Bunnings Lot 9148, Pierssene Road Yarrawonga and road reserve.
4. THAT pursuant to Section 26 (2) of the Local Government Act, Council authorises the affixing of the common seal to all documents associated with the offer of Land Transfer and sale of Lot 9148, Pierssene Road, Yarrawonga between Bunnings Properties Pty Ltd and City of Palmerston and that this be attested by the signatures of the Official Manager (or Mayor) and Chief Executive Officer.
5. THAT the decisions only relating to report number 8/1412 be moved into open.

Initials: \_\_\_\_\_

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4.3 Deed of Consent and Right of Entry in Favour of National Australia Bank over Leased Lot 9542 8/1411

1. THAT Report Number 8/1411 entitled Deed of Consent and Right of Entry in Favour of National Australia Bank over Leased Lot 9542 be received and noted.
2. That Council note that independent legal advice was provided by Roussos Legal Advisory and JKW Law that identified no impediments preventing Council from consenting to the Deed of Consent and Right of Entry in Favour of National Australia Bank.
3. THAT Council approve the conditions of the Deed of Consent and Right of Entry – Lessor in favour of the National Australia Bank.
4. THAT pursuant to Section 26(2) of the Local Government Act, Council authorises the affixing of the common seal to all documents associated with the Deed of Consent and Right of Entry in favour of National Australia Bank over Lot 9542 and this be attested by the signatures of the Official Manager and Chief Executive Officer.
5. THAT this Decision be moved into the Open Session.

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**19** CLOSURE

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Meeting closed at 8.04pm

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Mark Blackburn  
Official Manager  
Date:

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