



MINUTES
OF THE
ORDINARY MEETING
OF COUNCIL

HELD

TUESDAY 28 MAY 2013

AT

6.00 pm

Council Chambers Civic Centre
Stuart Highway, Katherine

MINUTES OF THE ORDINARY MEETING OF KATHERINE TOWN COUNCIL HELD AT THE KATHERINE CIVIC CENTRE TUESDAY 28 MAY 2013 AT 6.20 PM

1. OPENING PRAYER

2. PRESENT

Mayor Fay Miller
Alderman Lis Clark
Alderman Steven Rose
Alderman Adrian Creighton
Alderman Rob Phillips
Alderman Kate Ganley
Alderman Donald Higgins

IN ATTENDANCE Mr David Laugher - Chief Executive Officer
Mrs Sophie Henderson – Administration Manager
Mrs Neroli Dickens – Manager Assets and Infrastructure
Mrs Alice Anastacio – Finance Manager
Mrs Heather Kirk – Administration and Executive Support Officer
Mr James Rowe – Economic Development Manager
Mr Warwick Jack - Works Manager
32 x Members of the Katherine Community
2 x Members of the Media

3. APOLOGIES AND LEAVE OF ABSENCE

File: Local Governance / Council Meetings / Elected Members Leave of Absence and Apologies

Nil

4. CONFIRMATION OF PREVIOUS MINUTES

File: Local Governance / Council Meetings / Confirmation of Previous Minutes

MOVED: Clark/Phillips

That the Minutes of the Ordinary Council Meeting held on the 23 April 2013 be confirmed as a true and accurate record.

That the Confidential Minutes of the Ordinary Council Meeting held on the 23 April 2013 be confirmed as a true and accurate record

CARRIED: 7/0

5. DISCLOSURE OF CONFLICT OF INTEREST

File: Local Governance / Council Meetings / Elected Member Disclosure of Interest and Declared Interest

Mayor Miller advised that she spoke to Alderman Rose about declaring a conflict of interest with regard to Item 11.8 – Ryan Park – Katherine Community Market. She advised that the Local Government Association of the Northern Territory had instructed that a conflict of interest was present, and she would leave it up to the community members to decide.

Alderman Rose advised he spoke to the CEO of the Local Government Association of the Northern Territory for advice. He was advised if he left the market and his wife resigned from the Market Committee, there was no conflict of interest. He did not wish to declare a conflict of interest.

6. BUSINESS ARISING FROM PREVIOUS MINUTES

File: Local Governance / Council Meetings / Business Arising from Previous Minutes

Nil

7. MAYORAL BUSINESS TO BE CONSIDERED

File: Local Governance / Council Meetings / Mayoral Business to be considered

Nil

8. CORRESPONDENCE AND DOCUMENTS TO BE TABLED

File: Local Governance / Council Meetings / Correspondence and Documents Tabled

Nil

9. QUESTIONS

File: Local Governance / Council Meetings / Questions

9.1 With Notice

Nil

9.2 Without Notice

Nil

10. NOTICE OF MOTION

Nil

11. REPORT OF OFFICERS

11.1 MONTHLY REPORT OF THE CHIEF EXECUTIVE OFFICER FOR THE MONTH OF APRIL 2013

File: Local Governance / Council Meetings / Chief Executive Officer Reports

MOVED: Clark/Higgins

That the report of the Chief Executive Officer for the month of April 2013 be received and noted.

CARRIED: 7/0

11.2 MONTHLY REPORT OF THE WORKS MANAGER FOR THE MONTH OF APRIL 2013

File: Local Governance / Council Meetings / Works Manager Reports

MOVED: Phillips/Creighton

That the report of the Works Manager for the month of April 2013 be received and noted.

CARRIED: 7/0

11.3 MONTHLY FINANCE REPORT – APRIL 2013

File: Local Governance / Council Meetings / Finance Manager Reports

MOVED: Clark/Creighton

That the Finance Report for the month of April 2013 prepared by the Finance Manager be received and adopted.

CARRIED: 7/0

11.4 MINUTES OF THE ART AND CULTURAL COMMITTEE MEETING HELD ON THURSDAY 18 APRIL 2013

File: Community Relations / Committees / Art and Cultural Committee / 2013

MOVED: Clark/Phillips

That the Minutes of the meeting held on Thursday 18 April 2013 be received and noted.

CARRIED: 7/0

11.5 MINUTES OF THE LAMBERT FAMILY ART AND CRAFT TRUST MEETING HELD ON THURSDAY 18 APRIL 2013

File: Community Relations / Committees / Lambert Family Art & Craft Trust /Lambert Family Trust Meeting 2013

MOVED: Phillips/Higgins

That the Minutes of the meeting held on Thursday 18 April 2013 be received and noted.

CARRIED: 7/0

11.6 MUNICIPAL PLAN – QUARTERLY REVIEW

File: Governance / Compliance / Municipal Plan

MOVED: Creighton/Clark

That Council notes the status of the quarterly review of the Municipal Plan for 2012/2013 as at the 31 March 2013.

CARRIED: 7/0

11.7 WASTE VEGETABLE OIL COLLECTION – BIODIESEL INITIATIVE

File: Waste Management / Recycling – Waste Oil

MOVED: Phillips/Clark

That Council support the proposal from Fryerfuels Pty Ltd to situate a 1000L waste vegetable oil collection pod at the Waste Transfer Station, for the purpose of facilitating Biodiesel production within the Northern Territory.

CARRIED: 7/0

11.8 RYAN PARK – KATHERINE COMMUNITY MARKET

File: Property Management / Hire / Ryan Park – Property Hire – Community Market

MOVED: Phillips/Clark

That it be recommended to Council:

1. That Katherine Town Council determines to consolidate all regular market activity at the Lindsay Street Complex with immediate effect, and that any current and future venue hire agreements reflect this decision; OR
2. That Katherine Town Council determines to support the continuation of the Katherine Community Market in Ryan Park, subject to a commitment by KCMC to comply with (and fully fund such compliance) all such terms and conditions determined by this Council.

MOTION LOST: 2/5

AMENDED MOTION

MOVED: Rose/Creighton

Katherine Community Market be allowed to continue to operate at Ryan Park whilst the “Terms and Conditions” are set out in consultation with Katherine Community Market and Council. Once completed to be ratified by Council resolution, with a time limit of 6 months.

CARRIED: 5/2

11.9 KATHERINE TOWN COUNCIL – FRAUD PROTECTION POLICY

File: Government Relations / Legislation / Local Government Regulations

MOVED: Rose/Ganley

Alderman Rose requested this item be laid on the table until a later date.

LOST: 4/2

MOVED: Higgins /Phillips

That Council endorse the attached Katherine Town Council Fraud Protection Policy.

CARRIED: 6/1

11.10 BORROWING POLICY

File: Local Governance / Compliance

MOVED: Phillips/Higgins

That Council adopts the Katherine Town Council Borrowing Policy.

CARRIED: 7/0

11.11 TENDER 13/02 – SWEEPING OF THE KATHERINE TOWN COUNCIL URBAN AND INDUSTRIAL STRETS INCLUDING KERBSIDE WEED ERADICATION

File: Tenders / Works / Road Sweeping – Urban and Industrial Streets

MOVED: Clark/Phillips

That Auspray Pty Ltd be awarded Tender 13/02 *Sweeping of Urban and Industrial Streets including Kerbside Weed Eradication* at their submitted tender price of \$93,240.87 GST exclusive.

CARRIED: 7/0

11.12 TENDER 13/06 – CLEANING OF KATHERINE CIVIC CENTRE

File: Tenders / Works / Cleaning of Katherine Civic Centre

MOVED: Higgins/Clark

That Sterling Property Services be awarded Tender 13/06 *Cleaning of Katherine Civic Centre* for the amount of \$28,124.10 GST exclusive.

CARRIED: 7/0

11.13 TENDER 13/07 – CLEANING OF KATHERINE PUBLIC LIBRARY

File: Tenders / Works / Cleaning of Katherine Public Library

MOVED: Clark/Rose

That Sterling Property Services be awarded Tender 13/07 *Cleaning of Katherine Public Library* for the amount of \$22,499.28 GST exclusive.

CARRIED: 7/0

11.14 TENDER 13/08 – CLEANING OF KATHERINE VISITORS INFORMATION CENTRE

File: Tenders / Works / Cleaning of Katherine Visitors Information Centre

MOVED: Higgins/Rose

That Sterling Property Services be awarded Tender 13/08 *Cleaning of Katherine Visitor Information Centre* for the amount of \$22,499.29 GST exclusive.

CARRIED: 7/0

12. REPORTS FROM REPRESENTATIVES ON COMMITTEES

File: Community Relations / Committees / Elected Member Representatives on Committees

The following meetings/activities were attended by the Elected Members:

Alderman Kate Ganley

Council Meeting
Elected Members Workshops
Saturday Markets - KTC Alderman Stall
Katherine Regional Arts Meeting

Alderman Steven Rose

Elected Members Workshops
Council Meeting
Farm and Garden Day
Chamber of Commerce Meeting
Opening of New Look Library
Katherine Region Update Night
Anzac Day Commemorations
Development Consent Authority Meeting

Alderman Adrian Creighton

Council Meeting
Elected Members Workshops
Meet and Greet Anzac Ghan Passengers
Anzac Day Commemorations

Alderman Rob Phillips

Council Meeting
Elected Members Workshops
Anzac Day Commemorations
O'Keefe House Committee Heritage Week

Alderman Higgins

Elected Members Workshop
Council Meeting
Anzac Day Commemorations
Saturday Markets - KTC Alderman Stall
Meet and Greet Anzac Ghan Passengers
Debutante Ball Practice
Farm and Garden Day
Development Consent Authority Meeting

Alderman Lis Clark

Open Forum
Council Meeting
Elected Members Workshops
Alderman Meeting
Saturday Markets - KTC Alderman Stall
YMCA Meeting and Training
New Look Library Opening
Art and Cultural Meeting
Meet and Greet Anzac Ghan passengers
Katherine Region Update Night
Anzac Day Commemorations

13. LATE AGENDA

13.1 MUNICIPAL PLAN 2013 TO 2018

File: Local Governance / Compliance / Municipal Plan

The Mayor requested the submissions be moved to a Workshop for later consideration and the Municipal Plan be adopted.

MOVED: Creighton/Clark

That Council adopts the Municipal Plan 1 July 2013 to 30 June 2018 including the 2013/2014 Budget, Revenue Policy, Long Term Financial Plan and Fees and Charges and matters contained in the Submissions be considered in a Workshop at a later date, with any cost adjustments being dealt with as a budget variation at that time.

CARRIED: 7/0

13.2 DECLARATION OF RATES

File: Finance / Rates / Declarations

MOVED: Higgins/Creighton

That Council makes the following declaration in regard to Rates and Charges for 2013/14:

Local Government Act 2008

KATHERINE TOWN COUNCIL

DECLARATION OF RATES AND CHARGES FOR 2013/2014

Katherine Town Council ("Council") makes the following declaration of rates pursuant to sections 155-157 of the Local Government Act ("Act").

1. That pursuant to section 149 of the Act, Katherine Town Council ("Council") adopts as the basis of the assessed value of all rateable land within the Municipality, the Unimproved Capital Value as it appears on the Valuation Roll prepared by the Valuer-General in accordance with the *Valuation of Land Act*.
2. That pursuant to Section 155 of the Act, Council hereby declares:
 - (a) the amount it intends to raise for general purposes by rates is **\$3,554,945.00**.
 - (b) those rates will be raised by application of the following differential valuation based-charges ("differential rates") to the assessed value of the rateable land listed opposite to those rates, with the following differential minimum charges ("minimum amounts") payable in the application of the differential rates as follows:

DIFFERENTIAL RATES ALLOTMENTS TO WHICH RATES APPLY AND MINIMUM AMOUNTS

- i) 0.133746% of the assessed value of every allotment of rateable land within that part of the municipality comprising of Pastoral Lease nos 525, 735 & 801, the minimum amount being \$711.00 multiplied by:
 - (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;whichever is the greater.

- ii) 0.137746% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone A (Agriculture) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (c) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (d) The number 1;
- whichever is the greater.
- iii) 0.154328% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone WM (Water Management) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- iv) 0.275565% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone R (Rural) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- v) 0.321448% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone RL (Rural Living) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.

- vi) 1.510769% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone CL (Community Living), SK2 (Specific Use), SK3 (Specific Use) or CP (Community Purposes) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- vii) 1.060677% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone SD (Single Dwelling Residential), MD (Multiple Dwelling Residential), MR (Medium Density Residential) or SK1 (Specific Use) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- viii) 1.797162% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone CV (Caravan Parks) or TC (Tourist Commercial) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- ix) 1.789389% of the assessed value of that part of the municipality comprising Lots 3, 4, 5, 6, 7, 8, 9, 12, 13, 19, 20, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37, 47, 48, 49, 50, 51, 58, 61, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 270, 271, 385, 386, 387, 388, 389, 390, 509, 512, 513, 514, 518, 1369, 1868, 1869, 1870, 1871, 1872, 1881, 1882, 1883, 1884, 1885, 2017, 2577, 2918, 2921, 2951, 3046, 3047, 3133, 3134, 3158, 3166, 3167, 3174, 3175, 3208 and 3239 the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.

- x) 2.182276% of the assessed value of that part of the municipality comprising Lots 2016, 2017, 3114, 3115, 3116 and 3117 the minimum being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- xi) 1.354403% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone C (Commercial) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- xii) 3.154208% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone SC (Service Commercial) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- xiii) 1.486743% of the assessed value of that part of the municipality comprising Lots 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 446, 447, 454, 519, 520, 521, 522, 529, 1342, 2419, 2517 and 2931, the minimum being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;
- whichever is the greater.
- xiv) 1.084349% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone LI (Light industry) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:
- (a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or
 - (b) The number 1;

whichever is the greater.

xv) 1.130690% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone GI (General Industry) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:

(a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or

(b) The number 1;

whichever is the greater.

xvi) 1.033858% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone FD (Future Development) or RW (Railway) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:

(a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or

(b) The number 1;

whichever is the greater.

xvii) 1.564925% of the assessed value of every allotment of rateable land within that part of the municipality comprising Zone OR (Organised Recreation) of the *NT Planning Scheme*, the minimum amount being \$711.00 multiplied by:

(a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or

(b) The number 1;

whichever is the greater.

xviii) 0.137746% of the assessed value of every allotment of rateable land within the rest of Municipality (including the area not covered by the *NT Planning Scheme*), the minimum amount being \$711.00 multiplied by:

(a) The number of separate parts or units that are adapted for separate occupation or use (pursuant to Section 148(4) of the Act) on each allotment of land; or

(b) The number 1;

whichever is the greater.

3. Waste Management Charges

Pursuant to Section 157 of the Act Council declares the following charges in respect of the waste management service it provides for the benefit of all residential land within the municipality and the occupiers of such land.

For the purposes of interpretation:

- “residential dwelling” means a dwelling house, flat or other substantially self contained residential unit or building on residential land used or capable of being used for residential purposes and includes a unit within the meaning of the *Unit Titles Act*.
- “residential land” means land used or capable of being used for residential purposes.

3.1 A charge of \$229.00 per annum per residential dwelling in respect of the waste management service provided for the benefit of, or which Council is willing and able to provide for the benefit of, each residential dwelling within the municipality other than a residential dwelling as described in paragraphs 3.2 and 3.3 and the occupiers of such land.

The waste management service shall consist of:

- a roadside collection service of one garbage collection service per week with a maximum of one 240 litre mobile garbage bin per garbage collection visit; and
- unlimited access by the occupiers of residential land within the municipality to the Council’s Waste Management Facility (Dump) solely for the deposit of waste generated from such residential dwelling.

3.2 For each allotment of land within the Municipality, being residential land on which there is no residential dwelling and to which Council is willing and able to provide a weekly roadside collection service and is not a business enterprise, a charge of \$81.00 per allotment of land in respect of the waste management service provided for the benefit of such residential land and the occupiers of such land.

The waste management service shall consist of unlimited access to Council’s Waste Management Facility (Dump) solely for the deposit of waste generated from such residential land.

3.3 For each allotment of land within the Municipality being residential land to which Council is either not willing or not able to provide a weekly roadside collection service and is not a business enterprise, a charge of \$81.00 per allotment of land in respect of the waste management service provided for the benefit of such residential land and the occupiers of such land.

The waste management service shall consist of unlimited access to Council’s Waste Management Facility (Dump) solely for the deposit of waste generated from such residential land.

4. Instalments

That pursuant to Section 161 of the Act the Council determines that rates and charges shall, for the financial year ending 30 June 2013, be due and payable by four approximately equal instalments on 30/09/12, 30/11/12, 31/01/13, 31/03/13 and otherwise in accordance with the provisions of Chapter 11 of the Act.

5. Interest on unpaid rates

- (a) That pursuant to Section 162 of the Act, if rates and charges are not paid by the due date, interest accrues on the amount of the outstanding instalment on a daily basis from the date on which the missed instalment is due and payable, until the date payment is made in full, and the amount of the instalment together with any interest shall be rounded to the nearest dollar.
- (b) That pursuant to Section 162(3) of the Act, Council determines that the relevant interest rate is fixed at 17.00% per annum.

6. Recovery of Outstanding Rates and Charges

A ratepayer who fails to pay rates and charges on the due date for payment may be sued for recovery of the principal amount of the rates and charges, interest accrued on late payment and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges.

7. Prompt Payment Draw

That pursuant to section 160 of the Act, Council determines that the benefit to be given for the prompt payment of rates and charges to encourage the early payment for the financial year ending 30 June 2013 shall be the conduct of an Early Bird Draw whereby Council shall refund to the ratepayer selected from the draw the amount paid on account of rates and charges for the financial year ending 30 June 2013 or \$500.00 whichever is the lesser, subject to the following conditions:

- (a) That the total amount of all rates and charges levied for the financial year ending 30 June 2013 in respect of any parcel of rateable land together with arrears (if any) be paid in full on or before 30 September 2013.
- (b) Government agencies, Council Elected Members and employees are excluded from the draw.
- (c) The results of the draw shall be published in the Katherine Times and the winning ratepayer shall be notified by post.

CARRIED: 5/2

Alderman Clark requested her vote against be noted.

14. GENERAL BUSINESS

- Alderman Rose raised the concept of Latitude 12 and how it worked well for Arnhem Shire Council and if Council had considered adopting a similar process.

15. PETITIONS

Nil

16. CONFIDENTIAL ITEMS

MOVED: Creighton/Ganley

That standing orders be suspended to allow Council to consider a confidential matter in Committee.

Meeting closed to the public. All members of the public left the Chambers.

16.1 OUTSTANDING RATES – REGISTRATION OF OVERRIDING STATUTORY CHARGE

MOVED: Clark/Ganley

That the Mayor and Chief Executive Officer be authorised to affix the common seal on the Registration of Overriding Statutory Charge on various properties.

CARRIED: 7/0

MOVED: Higgins/Phillips

That Council resume the meeting.

CARRIED: 7/0

17. MEETING CLOSED

The meeting was closed at 8.10pm

Fay Miller
MAYOR OF KATHERINE