



# **MINUTES**

OF THE

# **ORDINARY MEETING OF COUNCIL**

**HELD**

**TUESDAY 26 NOVEMBER 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 26 NOVEMBER 2013 AT 6.05 PM**

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**1. OPENING PRAYER**

**2. PRESENT**

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

**IN ATTENDANCE**

Mr David Laughler - Chief Executive Officer  
Mrs Neroli Dickens – Director Works & Services/Deputy Chief Executive Officer  
Mr James Rowe – Director Corporate and Community Services  
Mrs Sophie Henderson – Community Services Executive Manager  
Mrs Naomi Hunter, Tourism and Marketing Manager

Ms Pamela Hose – Department of Local Government  
Ms Kylie Sinclair – Department of Local Government

1 x Members of the Katherine Community

Mrs Heather Kirk – Minute Taker

**3. APOLOGIES AND LEAVE OF ABSENCE**

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

**MOVED:**

That the apologies of Alderman Creighton be accepted and that leave be granted.

**CARRIED:**

**4. CONFIRMATION OF PREVIOUS MINUTES**

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

**MOVED:** Higgins/Ganley

That the Minutes of the Ordinary Council Meeting held on the 22 October 2013 be confirmed as a true and accurate record.

**CARRIED:** 6/0

**5. DISCLOSURE OF CONFLICT OF INTEREST**

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

Alderman Clark raised a conflict of interest in relation to 11.5

**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

- The NT Minister for Alcohol Policy has signed off on Katherine Alcohol Management Plan. The challenge of getting some funding to do the administrative side of things lies ahead. There will be objectives and stages and the Mayor will keep everyone updated.

**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 OCTOBER 2013**

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

MOVED: Clark/Phillips

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

CARRIED: 6/0

### **11.2 MONTHLY WORKS AND SERVICES DEPARTMENT REPORT FOR THE MONTH OF OCTOBER 2013**

File: Local Governance / Council Meetings / Works and Services Department Reports

MOVED: Ganley/Higgins

That the report of the Works and Services Department for the month of October 2013 be received and noted.

CARRIED: 6/0

- Alderman Phillips was pleased to hear there was some publicity on savage dog attacks, as he had various queries from the public. The Mayor agreed that there are still too many stray dogs.
- Alderman Rose queried the cycle path sweeping which says nil, as there is still a lot of glass in the areas. The CEO confirmed that Works Department have been tied up with Ryan Park and also trying a new unit to pick the glass up. The cost of contracting this work out is unsustainable and we are looking at getting a piece of equipment Council can use. Alderman Rose confirmed that this sounded like a good idea. The Mayor stated that to get all the glass off the pathways would be a problem as as fast as you clean it up more glass appears.
- Alderman Rose queried a Council smart phone app to report problems. The CEO confirmed that the software has been upgraded and Council can subscribe to it for a payment, not as a free service. The cost of this service is considered too expensive and Council is looking to use other avenues. There is access by email for people who wish to register their concerns, or on Council website, or they can phone.

### **11.3 MONTHLY FINANCIAL REPORT – OCTOBER 2013**

File: Local Governance / Council Meetings / Finance Manager Reports

MOVED: Ganley/Clark

That the Financial Report for the month of October 2013 prepared by the Corporate Services Executive Manager be received and adopted.

CARRIED: 6/0

- Alderman Higgins queried the payment to Stuart Hotel for beer. The CEO confirmed that this was for farewell drinks for the Works Manager.

#### **11.4 FACILITY HIRE CHARGES – KATHERINE TENNIS CLUB**

File: Property Management / Hire / Sportsgrounds – Property Hire - Tennis

MOVED: Higgins/Ganley

##### **That Council:**

1. Decline the request from the Katherine Tennis Club Inc. for fees relief; and
2. Set a required hire fee that reflects an appropriate level of contribution for exclusive use of these facilities.

CARRIED: 6/0

- Alderman Ganley asked about the letter from the Tennis Club. She stated that she felt historical fee of \$300 was too low. She asked if the record was accurate where the initial lease agreement was for \$711 and then went up in May and now it is \$2000, and also if this is accurate what are the reasons for the increases. She thinks it is acceptable to increase hire for Tennis Club but is not sure about \$2000. She finds it interesting that we require the lessee to pay power and water service charges – she thought this was normally a landlord's responsibility. She asked if any other sporting groups pay for water for the grounds.
- The CEO replied that the history of the agreement was that this was a lease as opposed to a facility hire. The original sum was \$2000 per annum plus outgoings. This was on the basis that they were not paying rates. It was a standard facility lease arrangement. During the last year or so when the lease lapsed there have been ad hoc discussions between Council and the Club. During workshops there were discussions around structuring a facility hire which contains the component of a lease arrangement which will give the Club exclusive use. The club were adamant that they want the equivalent of the lease so Council went back to original fee of \$2000. The CEO confirmed they wanted exclusive use of the grounds, so were not interested in a facility hire, which does not give them the exclusive component. A lease requires legal fees to be met by the Club and Council was trying to find a more economical way around this. The question is what is a reasonable and equitable hire fee that the club could be asked to pay and balancing this against the difference in use component compared to other like users. We are exposing ourselves to the potential that another group can come back and query this. The Mayor asked with exclusive use of the facility do they have the choice if they can sub-lease or hire it out. Alderman Ganley confirmed that this would only be with permission of Council – this is in the agreement. The CEO would need to clarify this.
- Alderman Phillips has some difficulties with this. The majority of sporting groups have gone to other facilities when Council facilities do not suit them. He gave the example of Netball who moved from Council facilities several years ago. He is concerned with the way groups are penalised. The Tennis Club has been going since the 1950s and have utilised various courts. He feels Council is punishing them and does not believe they should be penalised because they have a specialised set up and the tennis courts cannot be used by other groups.
- Alderman Clark thinks we need to carefully consider charging a fee to a club who is down on its luck, until they build themselves up again. She thinks that the fee structure should be looked at again for the clubs that are struggling. She is concerned that Council may be the reason clubs have to close.
- Alderman Higgins feels it comes down to the fact that the fees and charges do not cover the maintenance required in any way. The facilities are maintained at great expense to the rate payer. He does not see any reason why there should be any changes to the fee structure which was already agreed. He also stated that if you ask any club they would all say they are struggling. He does not want to set any precedents.

- Alderman Phillips stated that most of the people in the clubs are rate payers. He brought up the BMX club which is also a specialised facility and cannot be used by other clubs. This was a facility built between the Army and Council.
- Alderman Rose does not know of any club which is not subsidised. Everyone needs to pay their fair share. If the tennis club was to fail Council would still have a cost of maintenance and upkeep of the grounds. The BMX grounds is not being utilised and falling into disrepair and being used for various illegal means such as camping. He asked about the fence the Tennis Club wish to be erected and asked what risk this would be to Council – is this a safety issue. The CEO confirmed that Council is looking separately at fencing off that area as there are a small number of people who use the area to do donuts therefore it needs to be fenced off. The tennis club have asked for gates to be installed in order to take vehicles into the grounds. All of this work is unbudgeted.
- Alderman Rose asked about the repairs to BMX grounds. The CEO confirmed that most things can be addressed. Concerning Indigenous camping, if we move them, they just move to a different facility. Short of putting on Night Patrols ourselves it would be a huge cost. The Police do patrols as well. Evenings and out of hours are the worst times for Council.
- Alderman Phillips asked if this was a fence repair job. The CEO stated that fences could be repaired every day of the week but some illegal campers carry wire cutters.
- Alderman Rose stated that the Tennis Club look after the facility and carry out maintenance. He asked about item 6.22 – property insurance – referred to clause 4.3.3 – he cannot find this. The Mayor confirmed that they would find out which this refers to.
- The CEO thinks this is a misprint and refers to 4.5.3.
- Alderman Rose stated that if the club are having hard times and we should consider giving them some relief for one year – perhaps \$500 – to give them a chance to reorganise and get further membership.
- Alderman Ganley thinks that we need to go back and re-read the recommendation as she does not think the word relief should be used anywhere as this would set a precedent. She asked about the requirement for the tennis club to pay the water service charge. The CEO confirmed that commercial lease arrangements include all outgoings. This was part of the original agreement. All that is being suggested is that the wording component in the previous lease would be changed to reflect a hire arrangement.
- Alderman Phillips did not imagine the water bill would be high.
- Alderman Ganley confirmed annual access to water is \$300 before usage is charged. The average water bill is \$700 per quarter.
- The Mayor re-read the recommendation and asked if this meant that we went back to the \$2000 fee which was set in 2009. Rental would therefore be less than \$38 per week. The CEO advised that the difference in facility hire arrangements between this group and any other club is the exclusive use of the facility. It would be his recommendation that Council considers something that would be greater than a hire imposed on a group for an occasional hire and the rate quoted of \$2000. It is Council's discretion what to charge but the challenge would be to not having other groups coming back asking for a reduction. The rate needs to be reflective of what is a reasonable return, somewhere between and greater than the current fixed term hire and the notional sum of \$2000.
- Alderman Ganley queried what the fixed term hire was. She brought up the community centre on east side which has a lease for exclusive use which was less than the figure we are talking about now. They also sub-let this building.
- Alderman Higgins stated that a discussion could take place without setting a figure.

## **11.5 OPERATION OF THE KATHERINE AQUATIC CENTRE**

File: Legal Documents / Lease / Katherine Swimming Pool

Alderman Clark declared a conflict of interest as she is on the YMCA Board. She left the room.

MOVED: Phillips/Ganley

That Council:

1. Notes the Memorandum of Understanding that applies for the balance of this financial year; and
2. Directs the Chief Executive Officer to seek a formal exemption (from the procurement and tendering provisions) from the Chief Executive Officer of the Department of Local Government for:
  - i. The 2013-2014 financial year; and
  - ii. A twelve year (lease) period from 1 July 2014 to 30 June 2026.

CARRIED: 5/0

- Alderman Higgins does not agree Alderman Clark has a conflict of interest. He thinks that she should participate. The CEO confirmed that the decision is an individual one which is a matter for the Alderman to make. His advice to Alderman Clark was that as chair of the organisation where Council is discussing a contract between 2 entities it is better that she is not be seen to participate in debate either here or at the YMCA.
- Alderman Phillips asked about the 12 year lease and confirmed he is happy to go down this line. The CEO clarified the report was in 2 parts. The first a memorandum which covers the balance for this year and also covers procurement legislation. Council is asked to consider if they want to go down the path to enter into a similar agreement for a further 12 years – this is not specified in the MOU. The second part seeks to make an application for exemption to enter into a 12 year agreement.
- Alderman Rose queried the 12 years as this seems like an unusual figure and thinks this is a long time if problems arise. The Mayor advised that the previous lease expired and was subject to a Ministerial exemption. The CEO advised that this is not a lease but is simply seeking an exemption. The MOU is the guiding document and will need to be reviewed at least bi-annually. Performance concerns can be addressed at these reviews.
- Alderman Ganley noted in the MOU the operating hours, and hopes Council can work with YMCA in the future to ensure pool operating hours reflect the needs of the community as the pool is not open before 11am and between October and February it would be beneficial if the pool was open before 11am on some days.

Alderman Clark rejoined the meeting.

## **11.6 LAND UNDER ROADS – OCTOBER 2013**

File: Finance / Standards / Australian Accounting Standards

MOVED: Higgins/Ganley

That Council continues not to recognize land under roads that it acquired before 30 June 2008 as an asset.

CARRIED: 6/0

**11.7 2012/2013 ANNUAL REPORT INCORPORATING THE AUDITED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2013**

File: Local Governance / Compliance / Annual Report

MOVED: Phillips/Clark

That the 2012/2013 Annual Report and Audited Financial statements having been prepared in accordance with the Local Government Act 2008 and Local Government (Accounting) Regulations be received and noted.

That pursuant to Section 199 of the Local Government Act 2008, the 2012/2013 Annual Report be forwarded to the Minister and published on Council's website.

CARRIED: 6/0

- Alderman Ganley asked about page 139 on the agenda papers - an increase in other staff expenses between the 2 financial years. She confirmed the CEO had clarified this was due to recruitment costs and asked for a further breakdown. The CEO confirmed some of the breakdown could be provided. He referred Council to the bottom line of the total operating costs between 2012-2013 which reflected the recruitment which Council had agreed to.

**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**

Elected Member Workshops

Council Meeting

Advised that KRA are holding a classical music ensemble on Friday at GYRRAC.

**Alderman Steven Rose**

Elected Member Workshops

Council Meeting

Development Consent Authority Meeting

Chamber of Commerce Meeting

Inaugural Customer Service Awards – Vivian from the VIC won an award.

**Alderman Rob Phillips**

Council Meeting

Elected Member Workshop

National Police Remembrance Day – 27 September

Special Meeting of the YMCA

**Alderman Donald Higgins**

Elected Member Workshops

Council Meeting

Development Consent Authority Meeting

**Alderman Lis Clark**

Elected Member Workshops

Council Meeting

YMCA Meetings x 4

Wriggle and Rhyme Launch

Alderman Stall – Saturday Markets

ANZAC Commemorative Teleconference – currently there are no applications. The Government is funding \$250,000 for the Territory to submit anything to do with World War 1.

### **13. LATE AGENDA**

#### **13.1 ALCOHOL CONSUMPTION – LOW LEVEL**

File: Government Relations Legislation / Alcohol - Drugs - Petrol sniffing

The CEO advised that this would go forward urgently to the Licencing commission which will come back as a proposal at which stage everyone will have an opportunity to comment. This is an opportunity for Council to put forward their preliminary view.

MOVED: Clark/Ganley

That Council

1. Determine to remove the excision that currently exists at the Low Level which allows people to consume alcohol there.

CARRIED: 6/0

- Alderman Higgins advised that when the original decision by Council was taken he was an Alderman. He advised that the Low Level was deliberately left to be an alcohol consumption zone because the community wanted the Low Level to be left as it was so that they could have a drink while having a BBQ. He advised that after the CEO's clarification above is happy to go to a vote. He thinks that the community still wants to go to a facility where they can drink.
- Alderman Phillips is happy to support this. He feels drinking has been totally abused.
- Alderman Rose agreed with Alderman Higgins and asked where else is there for families to go to have a social drink. Stated that there are laws around town but the Police are unable to enforce all of these.
- The Mayor advised that she has received many phone calls from the Low Level Caravan Park concerning vandalism, trashing and fighting which is fuelled by alcohol. We need to consider the people that live there. As far as functions go, people would still be able to apply for an alcohol licence. This would give the Police some powers which they currently do not have.
- Alderman Higgins disagreed – the Police have the same powers in town and this does not seem to make a difference.

#### **13.2 CONSENT TO DECLARE CYPRUS STREET A ROAD**

File: Roads Civil and Traffic Works/Planning/Cyprus Street

MOVED: Higgins/Ganley

That Council:

1. Endorse the consent to declare Cyprus Street as a Road as requested by the Department of Lands, Planning and the Environment, and agree to the transfer of title in fee simple to Council's assets.

CARRIED: 6/0

**14. GENERAL BUSINESS**

- Alderman Phillips advised that Derek Sweetman passed away last week. He was one of Council's first Aldermen. He asked if Council could acknowledge him. The Mayor agreed.
- The Mayor visited Alderman Creighton yesterday. He is very ill but would still like to have a chat with everyone.
- The Mayor attended the BROLGA awards in Alice Springs. She advised of Katherine Region Winners.

**15. PETITIONS**

Nil

**16. CONFIDENTIAL ITEMS**

Nil

**17. MEETING CLOSED**

The meeting was closed at 7.25pm

Fay Miller  
**MAYOR OF KATHERINE**