



# Coomalie Community Government Council

Meeting date: **Tuesday, 19 July 2011** Started: **6:00 PM** Ended: **10:15 PM**

Location: Council Chambers, 141 Cameron Road, Batchelor NT 0845

Purpose/Notes: Regular scheduled meeting

Chaired by: Clr. Andrew Turner

Minutes rec. by: John Hughes

## Attendance:

Present: Clr. Robert Bright, Clr. Sue Bulmer, Clr. Darryl Butler, Clr. Linda Douglas, Clr. Tommy Fawcett, John Hughes, Clr. Bruce Jones, Clr. Deb Koch, Clr. Andrew Turner

Regrets: Clr. Trevor Sullivan

Absent: Senior Administration Officer, Melissa Kerr

Late:

## Guests:

(none)

## Meeting Documents:

(no documents)

## Meeting Minutes:

### 1. Standing Agenda Items

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#### 1.1. Apologies and Leave of Absence

An apology from Clr Trevor Sullivan was conveyed to Council by the CEO

**Status:** Completed

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##### 1.1.1. Apologies and Leave of Absence

That the apology of Clr Trevor Sullivan be noted and that leave of absence be granted.

**Resolution #:** 19/07/2011/001

**Moved by:** Clr. Linda Douglas

**Seconded by:** Clr. Sue Bulmer

**Status:**

Carried

**Vote:**

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#### 1.2. Declaration of Conflict of Interest

Having considered the Agenda and Business Documents, Councillors are requested to declare any possible, actual or perceivable conflicts of interest at this time.

\*\*\*\* NIL noted \*\*\*\*

**Status:** Completed

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#### 1.3. Confirmation of Minutes

The minutes of the following Ordinary General Meeting(s) of Coomalie Community Government Council are to be reviewed and confirmed:

\* Meeting held on 28 June 2011

**Documents:**

- Minutes 28 06 2011 PUBLIC2.pdf



**Status:** Completed

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### **1.3.1. Confirmation of Minutes**

That the minutes of the Ordinary General Meeting held on 28 June 2011 be confirmed as circulated

**Resolution #:** 19/07/2011/002

**Moved by:** Clr. Deb Koch

**Seconded by:** Clr. Robert Bright

**Status:**

Carried

**Vote:**

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### **1.3.2. Matters Arising from the Minutes**

It has been requested by the Department of Local Government that the direction given to the CEO regarding Local Government Electoral Reforms at item 3.3.1 of the minutes of the Ordinary General Meeting of Council held on 28 June 2011 be formalised by way of Council resolution.

This suggested resolution appears below.

**Status:** Completed

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### **1.3.3. Local Government Electoral Reforms**

Council has reviewed and noted Professor Reilly's report and recommendations concerning Local Government Electoral Reforms for the Northern Territory; and Council is of the view that the suggested changes will have no significant bearing on Coomalie Community Government Council election processes; and Council does not object to the implementation of the changes proposed in Professor Reilly's report.

**Resolution #:** 19/07/2011/003

**Moved by:** Clr. Darryl Butler

**Seconded by:** Clr. Robert Bright

**Status:** Carried

**Vote:** Clr Jones and Clr Bulmer against

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## **1.4. Correspondence**

The correspondence registers for the period from 23 June 2011 to 12 July 2011 are to be reviewed and confirmed.

### **Documents:**

- Correspondence Inward Scan.pdf
- correspondence outwards.pdf
- Incoming Email Public.pdf
- Outgoing Email Public.pdf

**Status:** Completed

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### **1.4.1. Late Item - Letter to the Editor NT News 18/7/11**

See attached

### **Documents:**

- NT News Letter 18 Jul 2011.pdf

**Status:** Completed

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### **1.4.2. Confirmation of Correspondence Inwards**

That Council notes and receives the incoming correspondence as detailed in the correspondence inwards register and as circulated.



**Resolution #:** 19/07/2011/004

**Moved by:** Clr. Linda Douglas

**Seconded by:** Clr. Deb Koch

**Status:** Carried

**Vote:**

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#### **1.4.3. Confirmation of Correspondence Outwards**

That Council notes and confirms the correspondence outwards as detailed in the outgoing correspondence register and as circulated

**Resolution #:** 19/07/2011/005

**Moved by:** Clr. Linda Douglas

**Seconded by:** Clr. Deb Koch

**Status:** Carried

**Vote:**

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#### **1.4.4. Letter in NT News**

That Council does not respond in the NT News to the letter to the editor regarding Council and the CEO published on 18th July 2011.

**Resolution #:** 19/07/2011/006

**Moved by:** Clr. Bruce Jones

**Seconded by:** Clr. Sue Bulmer

**Status:** Carried

**Vote:** unanimous

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#### **1.4.5. Letter to the Editor NT News 18th of July 2011**

That Council develops a communication response to the underlying issues raised in the letter to the editor and that Councillor Butler prepares a draft communication for consideration by Council

**Resolution #:** 19/07/2011/007

**Moved by:** Clr. Darryl Butler

**Seconded by:** Clr. Deb Koch

**Status:** Carried

**Vote:** Clrs Jones and Bulmer against

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### **1.5. Financial Statements**

The Financial Report contains:

- Financial Report
- Monthly and Year to Date Operating Results Summary
- Monthly and Year to Date Operating Results Detail
- Balance Sheet
- Grant Report
- Reconciliation Report
- Payments Register

#### **Documents:**

- 032010 March Minutes Confidential.pdf
- Balance Sheet.pdf
- Clr Bulmer Query.pdf
- Clr Jones Queries.pdf
- Financial Report.pdf
- Financial Results Detailed.pdf
- Financial Results Summary.pdf
- Grants Report.pdf
- Payment Register June 2011.pdf



- Rent Summary CEO.pdf
- WIP and Assets 10-11.pdf

**Status:** Completed

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### **1.5.1. Confirmation of Financial Statements**

That Council receives and notes the Financial Statements for the month ended 30 June 2011 and confirms the payments as detailed in the payments register.

**Resolution #:** 19/07/2011/008

**Moved by:** Clr. Robert Bright

**Seconded by:** Clr. Tommy Fawcett

**Status:** Carried

**Vote:**

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### **1.5.2. Question on Notice regarding the CEO's Delegated Authority**

At the Ordinary General Meeting held on 28 June 2011 (refer minutes for item 1.5.3. Matters Arising from Financial Statements), Councillor Bulmer questioned the CEO as to his authority to authorise the purchase of a vehicle for Council without laying the quotations before Council for approval to commit to the purchase.

Councillor Bulmer cited "the Local Government Act" which the CEO understands her to mean Part 13 of the Local Government (Accounting) Regulations.

Specifically, the CEO understood Councillor Bulmer to be citing the following provision of the regulations:

28 Quotations

(1) Subject to the council's policies, a council need not obtain quotations for the provision of supplies if the cost of the supplies is \$10 000 or less.

(2) If a council proposes to obtain supplies at a cost of more than \$10 000 but not more than \$100 000, the council must obtain written quotations from at least 3 possible suppliers and the council must choose a supplier from amongst those submitting written quotations.

(3) If it is not practicable to obtain quotations from 3 possible suppliers under subregulation (2), the council must obtain as many as practicable and must record in writing its reasons for not obtaining this the 3 quotations.

Councillor Bulmer was of the view that notwithstanding the CEO's delegated purchasing authority, the regulations required the CEO to present quotations for the vehicle purchase to Council for endorsement prior to issue of the purchase order.

The CEO explained to Councillor Bulmer that his delegated authority to make such a purchase was conferred when Council adopted its purchasing policy in April 2010 and that accordingly provided:

\* the purchase was for less than \$50,000;

\* the value of the purchase was included in the budget; and

\* the purchase was carried out in accordance with the purchasing policy

then he could properly commit to the purchase without further reference to Council.

No other Councillor challenged the CEO's explanation and no resolution or motion was put before / considered by council in relation to this matter at the meeting.

The CEO was directed to obtain confirmation from LGANT that:

1. Council can delegate purchasing authority to the CEO;

2. Council's purchasing policy as adopted is a valid example of such delegated authority in accordance with sections 32 and 102 of the Local Government Act (2008);



3. that the word "council" in the legislation is correctly interpreted in the circumstances described in this case to mean the Council or its duly authorised delegate.

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The response from Mr. Tony Tapsell of LGANT is attached.

**Documents:**

- Tapsell Emails.pdf

**Status:** Completed

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### **1.6. Chief Executive Officer's Report**

The Chief Executive Officer's Report is to be received and noted.

**Status:** Completed

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#### **1.6.1. Chief Executive Officer' S Report**

That Council receives and notes the Chief Executive Officer's report as presented.

**Resolution #:** 19/07/2011/009

**Moved by:** Clr. Deb Koch

**Seconded by:** Clr. Robert Bright

**Status:** Carried

**Vote:**

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#### **1.6.2. Budget and Strategic Plan**

Council notes that members of the Coomalie community are expressing grave concern that Council has not published a Budget or Strategic Plan for the 2011/2012 financial year.

Council requests that the Minister for Local Government urgently resolve the matter of Council is funding so that it can proceed to bring down a Budget.

**Resolution #:** 19/07/2011/010

**Moved by:** Clr. Darryl Butler

**Seconded by:** Clr. Robert Bright

**Status:** Carried

**Vote:**

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### **1.7. Engineer's and Works Manager's Report**

The Engineer's and Works Manager's Report is to be received and noted.

**Documents:**

- OPERATIONS MANAGER Report.pdf

**Status:** Completed

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#### **1.7.1. Engineer's and Works Manager's Report**

That Council receives and notes the Engineer's and Works Manager's Report as presented.

Resolution number:19/07/2011/011

Moved by:Clr. Linda Douglas

Seconded by:Clr. Sue Bulmer

Status:Carried

Vote:

**Status:** Completed

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## 1.8. Community Recreation Officer's Report

The Community Recreation Officer's Report is to be received and noted.

### Documents:

- Community Recreation Report.pdf
- Holiday Poster #1.pdf

**Status:** Completed

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### 1.8.1. Community Recreation Officer's Report

That Council receives and notes the Community Recreation Officer's Report as presented.

**Resolution #:** 19/07/2011/012

**Moved by:** Clr. Linda Douglas

**Seconded by:** Clr. Deb Koch

**Status:** Carried

**Vote:**

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## 1.9. Library Reports

The Community Library Reports for Adelaide River and Batchelor are to be received and noted.

### Documents:

- AR Library Report.pdf
- Batchelor Library Report.pdf

**Status:** Completed

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### 1.9.1. Library Reports

That Council receives and notes the Library Reports as presented.

Resolution number:19/07/2011/013

Moved by:Clr. Deb Koch

Seconded by:Clr. Darryl Butler

Vote: carried

**Status:** Completed

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## 1.10. Batchelor Swimming Pool Report

The Batchelor Swimming Pool Report is to be received and noted.

**Status:** Completed

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### 1.10.1. Batchelor Swimming Pool Report

That Council receives and notes the Batchelor Swimming Pool Report as presented.

**Resolution #:**

**Status:** Parked

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## 1.11. Dog Management Report

The Dog Management Report is to be received and noted.

**Status:** Completed

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### 1.11.1. Dog Management Report

That Council receives and notes the Dog Management Report as presented

**Resolution #:**

**Status:** Parked



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## 1.12. Gamba Grass & Weed Mitigation Project Report

The Gamba Grass & Weed Mitigation Project Report is to be received and noted.

**Status:** Parked

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## 2. Business Brought Forward From Previous Meetings

### 3. General Business

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#### 3.1. Lake Bennett Resort Development Approval

Please refer to the attached letter and Notice of Consent.

I have reviewed and taken advice from a qualified town planning consultant on the letter regarding the Notice of Consent for the development at Section 1253 (769) Chinner Road, Hundred of Howard – for the development around Lake Bennett. The letter is flawed to the extent that it makes an incorrect reference to Section 15 of the Planning Regulations instead of Section 14. This error is an administrative error and Council has requested that it be corrected for the public record. The error does not afford Council any additional rights or opportunity.

The section labeled Right of Appeal indicates that there is no right of appeal by a third party for this permit. Therefore, Council cannot appeal the Minister's decision.

Below is detailed an assessment of the Planning Act and Planning Regulations relating to this site and determination.

Section 117 of the Planning Act applies to this determination, which addresses "Appeals by third parties in respect of development applications". The Minister's letter notes section 117(4) of the Planning Act and regulation 15 of the Planning Regulations apply to this application. Section 117(4) relates to this particular determination, which states:

(4) The Regulations may specify other circumstances under which there is no right of appeal under this section, including by reference to the type of development in conjunction with:

- (a) the zone of the land on which the development is to take place;
- (b) the zone of land adjacent to the land on which the development is to take place; or
- (c) the zone of land referred to in both paragraph (a) and (b).

This section refers to "The Regulations". While the letter from the Minister quotes section 15 of the Planning Regulations as applicable to this determination, section 15 of the Planning Regulations actually refers to the Jabiru Town Plan. It appears that it is actually section 14, which refers to the NT Planning Scheme, which is applicable to this site. Section 14 reads as follows:

14 NT Planning Scheme – when no right of third party appeal

(1) This regulation specifies circumstances under which there is no right of appeal under section 117 of the Act against a determination of the consent authority relating to development on land to which the NT Planning Scheme applies.

(2) There is no right of appeal if the determination relates to the subdivision or consolidation of land.

(3) There is no right of appeal if the determination relates to any of the following proposed developments on land to which a planning control provision applies:

- (a) a single dwelling or multiple dwelling not exceeding 2 storeys above ground level;
- (b) setbacks for a single dwelling;
- (c) any other type of development on land in a residential zone if it complies with all the planning control provisions relating to the development;
- (d) any other type of development on land that is not in a residential zone, or for which no zone is specified, unless the land:
  - (i) is adjacent to land in a residential zone; or
  - (ii) is directly opposite land in a residential zone and is on the other side of a road with a reserve of 18 m or less in width.

Under section 3(d), there is no right of appeal if the determination relates to proposed development on land that is not in a residential zone, unless the land is adjacent to or directly opposite land that is in a residential zone. The Specific Use Zone for Lake Bennett is not considered a residential zone and the land surrounding



the Specific Use Zone is unzoned. Therefore, there is no right of appeal for this site.

- John Hughes CEO 13 July 2011

**Documents:**

- LBR Development Permit.pdf
- LBR Notice of Consent.pdf

**Status:** Completed

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**3.1.1. Lake Bennett Resort Development Approval**

The CEO was directed to draft a letter to the Minister for consideration by Council at the next ordinary general meeting.

**Status:** Completed

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**3.2. Tourism Development Committee Report**

Councillor Bulmer provided the attached report and information.

Councillor Bulmer advises that these documents were transmitted to Council prior to 28 June 2011 OGM, but it appears these documents may have been misplaced by Council staff, preventing the tabling of them at the June OGM.

**Documents:**

- DOC140711-005.pdf

**Status:** Completed

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**3.2.1. Items from Batchelor Tourism Development Committee received 18/7/11**

The attached items were received from BTDC on 18 July 2011 and are provided for the information of Councillors.

**Documents:**

- BTDC 12-18 month Action Plan.pdf
- BTDC Agenda 2 August 2011.pdf
- BTDC Minutes - 5 July 2011.pdf

**Status:** Completed

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**4. Confidential Items and Conclusion**

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**4.1. Confidential Session**

Council moves into closed session to deal with confidential items at this time.

**Status:** Completed

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#### **4.5. Conclusion of Confidential Session**

**Status:** Completed

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#### **4.6. Next Meeting**

The next ordinary meeting of Coomalie Community Government Council will be held at \*\*\*\*\* on 16th August 2011 at 6.00pm.

**Status:** Completed

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#### **4.7. Conclusion**

The President declared the meeting closed at 8.50pm

**Status:** Completed

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